



REPUBLIC OF LIBERIA

National Telecommunications

Policy and Strategy

Telecom Sector Policy Document

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TELECOMMUNICATIONS SECTOR POLICY

1. Preamble

This document presents the Government of Liberia's (GoL) policy for the telecommunications sector. It reflects the GoL's vision for the evolution of the sector and describes the main policy steps towards achieving that vision. The creation of this policy and the adoption of the Government's vision with clearly defined, time-bound goals and objectives are critical ingredients to rebuilding the Liberian communications infrastructure and opening the market to broad competition, investment, and innovation. A new and modern communications infrastructure will contribute to reintegrating and revitalizing Liberian communities, particularly in the countryside, and speed the path towards economic growth and a return of private investment to the region. The first step to creating this new modern infrastructure is to set clear and understandable ICT policy goals for the country.

Specifically, this policy puts forward the following:

- GoL's vision for the telecommunications sector, which reflects both the goal towards universal access and increased economic development opportunities for the citizens of Liberia;
- Proposals to liberalize the telecommunications sector as a means to improve and increase telecommunications services, as well as to develop an open and competitive market;
- The creation and establishment of an independent regulator who will report directly to the Head of State within the GoL. The GoL understands the critical role the regulator and the regulatory agency plays in enforcing rules between market players is key for a successful competitive market.
- The basic principles required for regulation in an open market structure;

2. Objectives and Vision

This Policy establishes the framework for the evolution of the Liberian telecommunications sector, and the transformation of Liberia toward an information-based economy and society. The policy is based upon the following objectives and vision for the major elements of this framework:

A. Objectives

The objectives of this policy are the following:

- To promote the development of the Liberian telecommunications infrastructure and markets;
- To promote market liberalization, private sector expansion, and fair and effective competition throughout the telecommunications sector;
- To create and establish an independent Regulatory Agency responsible for telecommunications and spectrum regulation;
- To promote universal access to telecommunications services throughout Liberia;
- To support education, economic, and social development within Liberia
- To ensure flexibility and adaptability and ease of access to radio spectrum resources in response to technological advances, and economic, social and markets factors.

B. Vision

To guide future telecommunications, Information and Communication Technologies (ICT), and regulatory policy the Government has established the following vision for the future telecommunications sector in Liberia:

- All segments of society should have access to telecommunications to improve their lives, working conditions and economic well-being.
- Telecommunications and other information and communications technologies (ICTs) should be readily available in education, health care, human resource development, and in all business sectors.
- ICT should be utilized as a key enabler of development across all economic sectors
- ICT expertise should be built up in education and business, so that Liberian children and workers become more productive, more in touch with global trends, more competitive, and better paid.
- ICTs should serve as a competitive advantage, making Liberia more competitive internationally and more attractive to inward and domestic private and public investment.
- Prices for telecommunications and ICTs should be reasonable, affordable, and related to costs.
- High quality services and responsive customer service should be promoted by government regulation and a priority of all private business operations.
- Regulation of the sector should be transparent, open and competitively neutral.
- The use of innovative wireless technologies will stimulate growth through the expansion of public and commercial services.

Consultative approaches to long-term spectrum planning involving Government and the private sector will be promoted and utilized to balance the interests and needs of users of radio spectrum resources.

C. Sector Evolution

It is the GoL's position that the telecommunications sector of Liberia shall be encouraged to expand in all directions. This includes growth in the manufacture, importation, and sale of hardware and software, and the provision of all forms of telecommunications services as well as information services at the wholesale and the retail levels. Penetration of basic and advanced communications services should increase, with the ultimate goal that all citizens should have reasonable access to a wide range of communications and information services in the near future. The telecommunications industry should be a vibrant, private sector led, competitive marketplace, with multiple providers offering a variety of services. It is the goal of the Government to move towards World Trade Organization (WTO) ascension and acceptance of the WTO Reference Paper on Regulatory Principles, Domestic and private investment in telecommunications operators shall be encouraged, including equity participation by labor, customers, and institutions. Telecommunications businesses should be profitable, but service prices must also be reasonable and affordable. Wherever possible, local community organizations, and cooperative and public ventures should be able to participate in the development of the market.

D. National Economic Development and Opportunity

The telecommunications sector should also contribute to the overall development of the Liberian economy, as a vital input to production, distribution, sharing of market information, and national and international communication. Liberia will participate increasingly in the global information economy, by employing advanced communications technologies throughout its major industries and government offices. Telecommunications will contribute to improving efficiency, reducing costs, and expanding the scope and quality of products and services in all industry sectors. In particular, small and medium enterprises will be encouraged to go into business, using telecommunications to introduce new services to the Liberian economy, and to create employment opportunities in the information industries. To this end, the GoL believes that education and training in telecommunications at all levels must be promoted throughout the country, both for new students entering the work force, and for workers seeking retraining or career advancement.

E. Social and Cultural Enrichment

The Liberian telecommunications sector policy shall emphasize the development and enhancement of Liberian society and culture at all levels. The educational system, from primary through university curriculum, shall incorporate awareness and applications of ICTs, to prepare students to participate fully in the information age. Information services shall emphasize the development of national and regional content that is relevant to the people of the country, and allows for individual and group cultural

expression. Citizens shall also have access to all information and procedures necessary to participate fully in their government and society. They must be afforded access to useful information on health care, nourishment, child rearing, and other public services. All services must be designed and available in a manner that is sensitive to the unique needs and concerns of peoples of different genders, races, religions, age groups, and physical abilities. To this end, the GoL sees the country's telecommunications infrastructure and services as fundamental elements for development in the country.

3. Liberia's Information Infrastructure and Convergence

This Policy addresses the role of telecommunications in the development of the Liberia economy and society, and the convergence of telecommunications with other information technologies toward the evolution of a Liberia Information Infrastructure (LII). The GoL will ensure that telecommunications infrastructure development takes into account the integration of all related technologies, as described below.

A. Communications and Information Services.

The core of the Information Infrastructure includes wireless and fixed transmission networks, satellite services, and related public and private communications services, including both voice and data applications. The GoL recognizes that telecommunications infrastructure investments are essential elements of an economy and are indispensable to sustainable growth. The GoL will encourage diverse growth and development of infrastructure capable to support these and other services as well as a wide range of options for business and consumer users to be offered through a private market, and on a competitive basis to the greatest extent possible.

The Government of Liberia recognizes that the development of an information society and expanded e-government services are critical for efficiently improving its service to the citizenry, and that substantial investments are necessary to provide the needed telecommunications infrastructure to achieve these and other social and economic development objectives. Information and Communication Technologies (ICTs) present formidable new opportunities for social and economic integration. Achieving the promise of ICTs will require vision, cooperation between government and business, and action to create the environment and mechanisms necessary for ICTs to flourish, especially in rural areas.

B. The Internet and Internet Protocol (IP)-based Technologies and Services.

The development of the Internet and IP-based applications represent one of the most dramatic changes in the communications industry, and must be a centerpiece of Liberia's Information Infrastructure. IP-based

networks have become an important engine for growth in the world economy. It is essential that policies be designed to promote access to Internet services that is as widespread, competitive, and affordable as possible.

The convergence of telecommunications, cable, Internet services, and broadcasting networks demands the development of a policy that promotes technological neutrality in regulation irrespective of the platform. IP Telephony and other IP-based applications will speed up the process of convergence of communications and technologies and help Liberian operators to evolve their networks to expand availability and use of a broader range of modern communications. These developments shall be encouraged and supported by the National Transitional Government of Liberia (NTGL).

C. Information Technology, Software, and Equipment.

The LII also incorporates the computer hardware and software fields, and related technologies. The GoL shall act to encourage the development of domestic markets for the production of both hardware and software, while also encouraging competitive imports of these items. Advanced information technology equipment should be available to all businesses and schools, with adequate technical support, access to needed upgrades, and training in their use. All of these industries depend upon a fully developed telecommunications infrastructure to realize their potential, and policies in all areas should be coordinated.

D. Human Resources, Intellectual Capital.

The role of citizens in the nation's Information Infrastructure is paramount, and Liberia policy shall promote the greatest possible participation of the population in the information society. The Government's education, training, employment, trade, and other public service and investment initiatives shall consistently incorporate an emphasis on human resource capacity building with respect to all forms of telecommunications and information technologies, with a particular goal of fostering employment opportunities in technology fields, small business creation, and knowledge expansion for all citizens. In this respect, special emphasis will be placed upon enhancing opportunities and addressing unique needs of women, where their education and access to ICTs have been unequal in the past. Similar support shall be provided to the needs of other disadvantaged groups, including the elderly, handicapped individuals, indigenous populations, and those displaced and suffering due to armed conflict. The Government will also take measures to promote and protect intellectual property, including creative works, software, and private business information produced by Liberia citizens.

E. Electronic Commerce.

The GoL recognizes that Information technologies and the Internet are transforming opportunities to conduct commerce, creating new efficiencies and industry segments, especially for small and medium enterprises. The GoL will seek to establish coordinated policies encouraging the growth of electronic commerce, including such laws and regulations as will promote fair, competitive, and trustworthy evolution of telecommunications-based business practices.

F. Electronic Government.

The Government has a crucial role to play in the establishment of the information society, by incorporating advanced technologies in its internal operations, and in the services provided to citizens. E-government refers to the use of ICT to improve the efficiency, effectiveness, transparency and accountability of government. E-government provides greater access to information, facilitates more accessible government services, and makes government more accountable and responsive to citizens. The GoL will pursue an active agenda of incorporating advanced ICT capabilities, applications, and services in its operations, and establishing modern E-government platforms to the widest extent possible. Telecommunications Policy will support and enhance these objectives.

4. Institutional Organization

A. Sector Organization

The telecommunications sector in Liberia shall be organized according to the following structure:

- The Ministry of Post and Telecommunications (MPT) shall be responsible for determining broad sector policy and development strategy, in conformance with the goals and laws of the Government of Liberia. The Ministry will play a key role in promoting the harmonization of telecom policies and regulatory frameworks within regional, sub-regional economic integration arrangements, such as ECOWAS;
- An independent regulator, The Liberian Telecommunications Authority (LTA), shall be created and established, This office will be an independent agency responsible for regulating the telecommunications sector, issuing licenses, monitoring the sector, and otherwise implementing this Policy. It will report directly to the Head of State in the new Liberian government. It shall be independent of the Ministry in connection with its decision making powers and ongoing administration of the government's telecommunications policy agenda.

- Private operators, subject to licensing or registration issued by the newly created LTA, will provide all public and private telecommunications services.
- Private investment in the sector will be increased by way of privatization in the longer term of the incumbent fixed line provider, LTC, and the facilitation of a public-private consortium to build a national telecommunications backbone. Increased investment by existing private operators, including mobile and Internet service providers, will be encouraged.

B. Liberian Telecommunications Authority (LTA).

Establishing a regulatory entity is a key factor in the liberalization of telecom services. The role of the regulator as a referee in enforcing rules between market players is the key to a successful competitive market. The effectiveness of the regulatory institution depends largely on its independence, i.e., the performance of regulatory functions should be independent of the supply of the service and policy making function.

The Communications Regulator shall be as professional and efficient in its functions as the private companies that it regulates. The Government shall establish, as soon as possible, appropriate legislation and/or other legal mechanisms to establish this Liberian Telecommunications Authority (LTA) and to determine the scope of its functions, organization, and responsibilities. The LTA, shall be “self-financing” that is, funded and sustained through recurring license fees payable from licenses and fees established by the regulator from time to time and made public on an annual basis. The annual budget of the regulator shall be subject to review by the legislature and its expenditures shall be subject to an independent, non-governmental audit on a regular basis.

C. Regulatory Responsibilities

The LTA is responsible for regulating and monitoring the development of the telecommunications sector, and for ensuring that competition in the market is as open, fair, and effective as possible. The specific responsibilities of the LTA include the following, which are further described in greater detail elsewhere in this Policy:

- Licensing of operators
- Enforcing license conditions and operator compliance
- Promoting network and service expansion, and universal access
- Spectrum management and licensing
- Standardization and type approval
- Consumer protection
- Technical and economic regulation, including quality of service and tariff regulation

- Competition regulation, including interconnection
- Promoting investment in the sector
- Monitoring sector development

All of the LTA's procedures for issuing rulings or decisions will be entirely transparent, and will allow the affected operators, customers, and other interested parties the opportunity to contribute their views in a public forum as well as the right under the law to seek reconsideration of any regulatory decision. The LTA will take account of all relevant interventions when making rules, taking decisions, and ruling on contested issues. Regulatory decisions will be made in a timely and public manner, setting forth the detailed reasons and analysis behind each ruling. Any party that disagrees with a LTA decision will have the right to petition for reconsideration, consistent with the regulatory principles of the Law and this Policy. The LTA will establish procedures and criteria for such applications for review to ensure that frivolous appeals are avoided. The LTA shall rule expeditiously on reconsideration petitions. All decisions will be published and available for review.

5. Market Structure, Liberalization, and Competition

Consistent with the objectives and mission of this policy, it is the intention of the Government to improve and promote the widest possible development and availability of telecommunications services in Liberia. Services shall be provided in an open, market-oriented environment, which allows private sector companies maximum flexibility to develop the sector in response to consumer demand and public needs. Traditional limitations or barriers to market entry will be reduced or eliminated in favor of a liberalized environment allowing the forces of the market and technology to determine the most effective means to provide services to end users. The primary role of the LTA, will be to facilitate fair and effective competition in all market segments, while supporting the expansion of the industry leading to universal access to telecommunications services.

A. Liberalization

It is the policy of the Government to promote development and service availability by fully liberalizing the telecommunications market. The goal is to have an open, technologically neutral, and competitive market, including basic domestic voice, international voice, and Internet with no barriers to entry. Operators should feel free to use whatever technology deem appropriate to serve their customers, including voice-over-data and voice-over-IP technologies.

Prior to issuing any new licenses, the regulator shall assess the existing financial performance of each of the existing Operators and determine the status of their buildouts, and expansion outside of Greater Monrovia.

MOBILE TELEPHONE SERVICES

The market for mobile telephone services shall be open to competition with restrictions only on the number of licenses (based on specific criteria that shall include spectrum availability, potential market size, among other indicators). The GOL shall encourage and issue incentives to any Operator interested in building and establishing new mobile systems in remote or rural areas of Liberia.

The LTA may also issue licenses to qualified providers of global satellite mobile services (GMPCS) to offer such services within Liberia, and to interconnect with other licensed operators.

DATA TRANSMISSION, LEASED CIRCUITS, AND PRIVATE NETWORKS

The market for data transmission and leased circuits shall be fully open to competition, with few, if any, restrictions and no license requirements. The LTA shall require class licenses for all service providers for purpose of monitoring the sector.

The LTA shall take immediate steps to remove entry barriers and restrictions on the provision of dedicated private telecommunications networks and services, for both wholesale and retail customers. These include backbone transmission capacity, two-way leased circuits for closed user group voice and data transmission, one-way distribution networks for cable television or other services, local access line connections for competitive networks, and access to the Internet and Internet-based services. Companies wishing to provide any or all of these networks and services will be encouraged to enter these markets with a minimum of regulatory burdens. The LTA will issue registrations for these types of networks and services, and will not unreasonably restrict their availability, subject to requirements that companies proposing to construct new facilities-based networks must conform to obligations for shared access to rights of way and support structures.

Any providers of these dedicated transmission services, which are found to hold Significant Market Power, shall be subject to price regulation and constraints on anti-competitive behavior, as determined by the regulator. Moreover, should owners or operators of private networks and data transmission or other dedicated services wish to enter the market for switched voice telephone services, they must adhere to the same licensing requirements as other switched service providers.

INTERNET SERVICES

As with data services, the market for retail Internet services shall be fully open to competition, with no restrictions and no license requirements. The LTA shall only require Class licenses of service providers for purposes of monitoring the sector. Where providers of Internet services wish to interconnect with the public telephone network, for example to offer public voice-over-Internet services which connect to

the national telephone network, they must obtain appropriate license authorization for the service in question (e.g., domestic, international).

There shall be no regulatory restrictions upon the applications and services that Internet service subscribers may utilize through Internet connections, other than those which may be explicitly prohibited by law. Internet access services and applications (including private voice-over-IP applications) may be re-sold to the public without restriction or regulation, for example through public Internet Cafés or Telecenters.

B. Cross-ownership

Cross-ownership occurs when a Mobile operator or other network owner also owns or operates telecommunications services in other market segments (such as Fixed-line, broadcasting, cable TV, Internet, etc.). In keeping with the principles of encouraging open markets and supporting the trends of industry convergence, owners of telecommunications networks and facilities shall generally not be prevented from offering multiple and diverse services to their customers over those networks, nor shall they be unduly restricted from obtaining further ownership interest in other telecommunications or information service networks and operations. This policy shall be subject, however, to specific requirements governing fair competition practices, as identified elsewhere in this Policy. Operators that are deemed to have significant market power by the LTA or that have control over bottleneck facilities may be subject to structural and behavioral regulation to ensure that competition in other markets is not adversely affected. The LTA shall establish clear guidelines for the determination of significant market power, and how operators who meet the criteria will be regulated. Subject to these criteria, undue restrictions shall not be placed on operators' establishment of affiliates and subsidiaries.

Telecommunications operators that do not have control of scarce resources or do not possess significant market power will not be restricted from cross-ownership of multiple networks or services in various market segments.

C. Privatization

Consistent with the objectives and vision for the telecommunications sector in Liberia, private ownership will play a crucial role in the development of the sector by increasing investment in network expansion while ensuring universal access to affordable and technologically advanced services. Privatization of the fixed line sector, by expansion of existing mobile licenses, sale of a new fixed line license, the sale of Liberia Telecommunications Corp. or other means, is one of the most important decisions towards improving the communications capacity in the country. Private ownership and public-private organizations can also play an important role in the provision of those

telecommunications services that benefit from efficiencies of scale or joint ownership. The privatization of the fixed line sector and the establishment of entities to ensure efficiencies of scale within the telecom sector shall be conducted in a transparent and non-discriminatory manner.

6. Regulation

A. Licensing

To encourage maximum participation in the sector, the LTA's licensing regime will be simple, open, non-discriminatory, transparent and light handed. There will be two types of authorizations to provide telecommunication services and to establish and operate telecommunications networks:

- (1) Individual Licenses for mobile and fixed telephone services, and other networks and services, which require access to scarce resources.
- (2) Class Licenses for public use telecommunications services, except Mobile and Fixed telephone services; and

There will be no restriction on the number of Class Licenses issued by LTA. There will generally be no limitation on the number of licenses issued except in the case where the use of scarce resources such as frequencies is associated with the license.

Conditions attached to licenses and registrations may include the following:

- Requirements related to the effective and efficient use of scarce resources such as radio frequencies, numbers and rights-of-way;
- Universal service obligations;
- Obligations related to interconnection of networks and interoperability of services;
- Obligation to provide leased lines where excess capacity is available, on a cost-recovery basis
- Obligation to maintain network integrity, interoperability of services, data protection, and avoidance of harmful interference;
- Obligation to provide certain information to the regulator for regulatory and statistical purposes, and to make public certain non-proprietary information;
- Measures to prevent anti-competitive behavior ;
- Obligations related to consumer protection (such as billing, disputes settlement, change of access, tariffs, and other conditions);
- Quality of service standards;
- Restrictions for customer privacy protection and fraud prevention;

- Obligations to provide customer data base information for a universal directory;
- Provision of emergency services; and
- Special arrangements for disabled persons

The LTA shall have the authority to monitor and enforce operator compliance with license conditions, and to impose such penalties as may be appropriate for non-compliance, including fines, non-renewal, and revocation of licenses for repeated non-compliance.

Where license fees are required, the LTA may establish fees that are reasonable in relation to the cost of administration and regulation of the licensed services, and to the value of the license in the market. Any fees for class licenses shall be no greater than the administrative cost associated with the registering and monitoring of operators providing registered services. All fees will be published. The LTA shall not impose unreasonably high license fees that may deter market entry or limit operators' ability to invest in the rapid development of services. The processes and other specific terms and conditions of licensing shall be defined by the LTA in a licensing decree.

Prior to the adoption and passage of a new Liberian telecommunication's law, the regulator shall issue transitional licenses to all Operators. Once the law has been passed and signed into law, the transitional licenses shall convert to permanent licenses, with specific protection to the rights and obligations contained in this policy document. These licenses shall establish the foundation for recovery of charges, be suitable for a post-conflict environment, and designed to meet the dual goals of immediate improvement in service delivery as well as securing operators' rights and obligations. They shall be contain defensible fees structures and be equitable in their assignments. All immediate requirements shall be addressed without imposing any greater obligations than necessary to meet immediate requirements.

SPECTRUM ASSIGNMENTS AND RADIO FREQUENCY AUTHORIZATION

Assignment of frequencies shall not confer a monopoly on the use of such frequencies on the holder of an authorization or permit. The GoL shall seek to ensure that all spectrum users have a reasonable expectation of continued use of their assigned spectrum.

The LTA shall use international best practice approaches to achieving frequency utilization efficiencies. One example of such measures involves the sharing of spectrum among services in particular allocations and geographic locations.

Access to spectrum can be dramatically improved by granting licensed operators and users the maximum possible autonomy in determining the highest valued use of the radio frequency spectrum authorized for their use.

B. Spectrum Policy and Management

Radio frequency spectrum shall be recognized as a strategic national public resource. In keeping with this goal, the LTA shall have the responsibility to set the foundation for approaches that shall ensure effective spectrum allocation, planning, utilization, and management of the radio spectrum resource. Core objectives of the regulator in connection with spectrum management shall be the following:

- To effectively plan and manage the allocation, assignment, and use of radio spectrum so that it is available, accessible to users, and utilized efficiently where non-radio alternatives cannot be reasonably deployed.
- To support and promote well balanced national spectrum plans and regulations accommodating the needs of the public and private sector by widely consulting with all interested parties and the general public.
- To optimize the value of scarce radio spectrum resources and ensure its efficient use through the utilization of market-based mechanisms including international tenders.
- To charge user fees for services that provide identifiable recipients with direct benefits beyond those received by the general public thereby promoting an equitable approach to financing government and regulatory programs.
- To plan and manage the utilization of radio spectrum resources in conformance with global technical standards and in accordance with the Telecommunications Law of Liberia.
- To ensure Liberian interests are protected when harmonizing and coordinating Liberian spectrum policies and regulations with neighboring countries, international organizations and with treaty obligations, including the ITU.

The preceding objectives provide the basis for specific Spectrum Policy Guidelines for Planning, Allocation, Assignment and Licensing, and International Commitments.

PLANNING

The LTA shall be primarily responsible for all aspects of spectrum planning and supports the process of making adequate allocations of spectrum for various existing and new services. The LTA will consult the public, interested parties, organizations and affected parties on the implications of change in the future uses and resulting allocation of radio spectrum resources

The LTA shall conduct systematic review processes involving consultation with the public and other interested parties for the purposes of providing on a regular basis a forecast of spectrum resources and the associated timeframes for making additional spectrum available for the benefit of all Liberians.

Flexibility enables spectrum users to make fundamental choices about how they will use spectrum, taking into account market forces such as demand, availability of technology and competition. The LTA shall strive to avoid rules that restrict spectrum use to particular services or applications, so long as the user

operates within the technical parameters applicable to the particular radio frequency band and does not produce interference harmful to other users. In doing so, however, flexible radio frequency authorizations will need to be reconciled with licenses authorized for telecommunications services.

FREQUENCY ALLOCATION

The LTA shall develop and adopt such rules, procedures and standards that are necessary to promote equitable sharing of spectrum among services and users in an environment free from harmful interference.

The LTA shall ensure a high priority to public safety and security in the access and use of radio frequency spectrum and will endeavor to ensure commercial service providers are not compromised.

NATIONAL REGISTER OF RADIO FREQUENCY AUTHORIZATIONS

The GOL shall only reallocate radio frequency assignments if there is a compelling requirement to do so and only after public consultation on the implementation of new allocations or sub-allocations and assignments. If reallocation is necessary provisions will be necessary to grant a reasonable time to reallocate at their own cost.

Radio frequency authorizations shall be granted to applicants on the basis of a first come, first served basis, except where there is more demand for radio frequency assignments in a given frequency band than the available supply for use or where there is a need to pursue certain telecommunications policy objectives. The LTA shall avoid creating artificial shortages of spectrum by withholding assignments and where demand does or is likely to exceed supply use competitive licensing processes including comparative review and auctions, where applicable.

User charges for services will be charged to users who derive direct benefit from those services beyond those received by the general public. User fees will be charged to all users of radio spectrum in sufficient amounts to fund spectrum management activities including international commitments on a sustainable basis. The LTA shall publish on an annual basis the budget and schedule of fees related to spectrum management.

Spectrum usage charges for use of spectrum where there is sufficient demand for radio frequency spectrum will ensure there is a fair economic return to the public as well as encourage spectrum efficiency.

INTERNATIONAL COMMITMENTS

As a member of the ITU, Liberia will adhere to traditional ITU regulations and allocations as well as implementing international best practices in spectrum management. The ITU develops an extensive set of recommendations for radio system characteristics and spectrum use.

C. Competition Policy and Enforcement

A comprehensive framework for ensuring fair competition is critical to effective market development, and a cornerstone of this Policy. This framework consists of all the policies, procedures, regulations, rules, and the necessary administrative structure related to the non-discriminatory allocation and administration of scarce resources, licensing, interconnection, equal access, dispute resolution, and access to information. The objective shall be the establishment of fair, transparent, and non-discriminatory competition and regulatory treatment throughout the marketplace.

- **Interconnection.** Companies licensed to operate public telecommunications networks and to provide public telecommunication services will be obligated to provide interconnection for purposes of transmitting traffic between subscribers of different networks. The LTA will establish and administer an interconnection regime, which will be non-discriminatory and transparent, and will promote fair and effective competition for all operators. Operators will be free to negotiate interconnection agreements among themselves on such terms and conditions as they may choose. The LTA will facilitate such negotiations, and will encourage operators to achieve agreement in a timely manner, intervening only where such negotiations fail.
- **Equal Access.** To the greatest extent possible, customers shall be afforded equal access to all competing service providers in a market, meaning that any customer should have the opportunity to choose among the services of all competing providers, without cost penalties or unduly burdensome technical barriers. Operators of dominant or bottleneck networks will be required to facilitate such equal access by any technical modifications that may be necessary. All competitors will share the costs of providing equal access on a non-discriminatory basis.
- **Dispute resolution.** Within the LTA there will be established a capacity to resolve disputes between and among competing operators in all matters, especially those related to negotiation of interconnection arrangements. If information on local costs is insufficient, international benchmarks can be used. Liberia will also avail itself of best practices from other countries. If capacity is lacking, the regulators will feel free to discuss this issue with other regulators or expert advisors. All rulings on competitive disputes will be transparent and non-discriminatory, and will be resolved in the shortest time possible.

D. Regulation of Bottleneck Facilities and Scarc Resources

RIGHTS OF WAY

To ensure fair competition, to minimize cost and public inconvenience, and to protect the environment, access to public rights-of-way, towers, telephone poles, underground conduits, and other physical support structures will be shared among operators to the greatest extent possible. The owner of a shared facility will be responsible for its maintenance and for the connection and engineering of other occupiers' equipment. Fees for use of such shared facilities will be subject to approval by the regulator.

The LTA shall have jurisdiction and authority to ensure that Operators have reasonable and timely access to necessary public rights of way, subject to appropriate local safeguards and jurisdiction, and Operator liability for costs and damage. Shared use and related costs will be allocated equitably among all Operators occupying a facility. The LTA shall facilitate and review negotiations concerning the terms and conditions, including cost allocation, for such shared uses. The LTA shall also establish requirements to allow competing operators to co-locate their equipment on each other's premises, under similar terms and conditions.

The LTA will be also responsible for ensuring that access to satellite transmissions through Intelsat or any other global or regional satellite system is transparent and non-discriminatory.

NUMBERING PLAN

The LTA shall expedite the updating and introduction of a new, competitively neutral, national numbering scheme for all telephone operators, subject to a feasible implementation plan. The LTA will further promote the introduction of number portability in Liberia, to the extent this is technically and economically feasible. All service operators that are allocated blocs of telephone numbers must contribute to the maintenance of a universal directory database, which will be maintained by an authorized private sector organization, under the LTA's supervision, on a shared, non-discriminatory basis, and available to all telephone operators and customers at reasonable cost. The regulator will ensure that there is an independent manager of numbering resources, operating under the auspices of the LTA, whose costs are supported by fees from those who use numbers.

NUMBERING OF SIMCARDS

The LTA shall expedite the introduction of a national numbering scheme for SIM cards issued by all telephone operators, subject to a feasible implementation plan. The objective of the plan is to provide the LTA and the GoL the ability to confirm the revenues of telephone operators for licensing and tax purposes.

7. Universal Access Policy

A. Universal Access to Telecommunications

Universal access and universal service policy (universality policy) is a key instrument to the development of the telecommunications sector and to promote social and economic development for all groups and geographic areas in Liberia. The Government considers universal access to information and communication to be a fundamental right of every citizen and a priority objective national policy. The Government recognizes that demands of equity and access to marginalized groups and communities, may in some cases be inadequately addressed by market forces alone, and therefore affirmative policies and initiatives shall be pursued to ensure such access.

For purposes of this Policy, universal “access” to telecommunications is defined as the availability, through broad geographic coverage, of community-based communication services that include voice, data services, access to the Internet, local relevant content, community radio and Government services, which are available in reasonably accessible locations which are appropriate for each group within a community, and which affordable and of high quality and reliability. It also includes signal coverage of mobile and broadcast networks throughout remote regions.

The Government will promote universal access or community access especially in primary and secondary schools and universities, community health facilities and hospitals, telecenters and any other public or private community centers.

The LTA shall develop specific indicators of access, consistent with international experience and precedent in this area, and shall identify appropriate targets for moving toward universal access nationwide within a reasonable time frame. It shall periodically evaluate the progress of the industry toward achieving these targets, and shall adopt such policies and mechanisms as may be necessary to ensure their achievement. This work shall be coordinated with other government Ministries and agencies, international donors and NGOs, and private industry groups.

Universal Access requires that all citizens in all parts of the country shall be able to use and benefit from these diverse services and capabilities, which must be available at reasonably accessible locations, for affordable prices. The longer-term goal is for Universal Service that provides each household in the country with direct connection to the national telecommunications network and services. The Government shall periodically evaluate the progress of the industry toward achieving these targets, and shall adopt such policies and mechanisms as may be necessary to ensure their achievement.

B. Obligations and Responsibilities of Licensed Operators

In accordance with the above objectives, the LTA may establish specific obligations and responsibilities for all licensed telecommunications operators in Liberia, to ensure that movement toward universal access goals is a common pursuit of all participants in the market. The nature and the degree of each type of operator's obligations may vary, except that competing operators in the same market may not be subject to different levels of obligations to support universal access that would result in discriminatory treatment of one competitor versus another. Network operators will be obligated to interconnect their networks with any service provider that establishes service in areas served by those operator networks, and shall not impose discriminatory or unduly burdensome terms and conditions for such interconnection.

C. Telecenters or Community Access Points

The Government shall encourage and support the establishment of Community Access Points (CAPs) or Multi-Purpose Community Telecenters (MCTs) in rural or peri-urban areas of the country, as an initial means of providing universal access to telecommunication services in these areas. Such projects may be supported by public, donor, and/or industry funds, but should aim to be private-sector driven, and locally owned and operated. Existing community centers and other local organizations and small businesses may also be recognized as MCTs under this Policy. Also, rural post offices may be appropriate locations to establish telecenters.

Where such CAPs or MCTs are proposed, the LTA may issue specific authorizations for their operation, may assign frequencies as necessary, and may regulate MCTs service quality, availability, and tariffs. However, the LTA may also forebear from MCT regulation in areas where similar services are available on a competitive basis, or otherwise where it deems that regulatory intervention is not necessary to promote the public interest. The LTA shall also ensure, through tariff regulations, that national network operators, including fixed network, mobile, and satellite service providers, shall provide access capacity and interconnection to MCTs, and will charge tariffs that are reasonable and affordable for the MCT operators. These may include establishment of discounted community tariffs for telephone and Internet access services for public service customers in rural areas, such as telecenters and schools. These network access services must be of sufficient quality and capacity to allow the MCTs to provide effective voice

and data services to community users. Where MCTs construct their own local network capacity, the LTA's interconnection regulations shall apply to interconnection between these networks and adjacent, backbone networks. MCT services should be coordinated, to the extent possible, with the needs and services of other public institutions in the community, including schools, libraries, hospitals, health clinics, emergency and security organizations, and other government offices.

D. Funding of Universal Access

The primary source of funding for Universal Access objectives should always be commercial, private-sector investments to the greatest extent possible, in a competitive, market-oriented environment. However, the Government may establish policies and mechanisms to promote and support private sector investment and financing that expands Universal Access, including creation of a Universal Access Fund. Any such Fund must be competitively neutral and shall not impede private sector development in the telecommunications sector. Contributions to the Fund may be included as a license obligation of licensed telecommunications operators, but shall not impose excessive financial burdens upon them. Any operator that is required to contribute to the Fund must be able to compete for Fund disbursements as well, following transparent and equitable procedures. Fund resources may also be augmented from outside sources, including public, private, and donor contributions. Any funds thus collected must be disbursed according to strict criteria, which ensure that they are used solely in support of Universal Access objectives, and do not displace or disadvantage any private industry investment initiatives.

8. Consumer Protection

A. Quality of Service

The LTA shall be responsible for ensuring protection of the rights and interests of consumers of telecommunications services, and shall establish policies, procedures, regulations, and reporting requirements in support of this responsibility. Areas of priority for consumer protection shall include:

The telecommunications services of licensed operators must be of adequate quality to meet the needs of users, consistent with international technical standards. Licensed and authorized operators will be required to submit periodic reports on their performance, and the LTA will be empowered to verify these reports through independent investigation.

Technical standards to be covered by service quality provisions may include the bandwidth and signal quality of transmission networks; connect failure rates and measures of network congestion; incidence of customer outages and average repair times; and such other indicators as the LTA may establish. The LTA may establish specific requirements for compensation and recourse where required standards are not met.

The LTA shall also establish policies to require that operators and service providers respond appropriately to customer complaints and inquiries, and provide reasonable and convenient access to customer service representatives.

B. Fraud Prevention, Privacy Protection

The LTA shall be responsible for protecting consumers of telecommunications services from unfair and deceptive marketing practices, and from unwarranted use of private customer information. The LTA shall establish regulations for monitoring and preventing such behavior, including penalties for operators who violate these standards. It shall also establish formal complaint review procedures, and shall require all licensed and authorized telecommunications operators and service providers to establish their own procedures for responding to customer complaints.

The LTA shall also take initiatives to work with Internet Service Providers, software distributors, and others in the information technology field to coordinate efforts to reduce and eliminate fraud, data and identity theft, unauthorized and malicious electronic communications, and other harmful activities utilizing the Internet and other information and communication technologies.

C. Public Participation and Access to Information

The MPT and the LTA shall promote public participation and ensure that the public has adequate access to sector information. The LTA's regulatory proceedings shall be open to the public and all interested parties shall be allowed to participate in the process. The MPT's Policy Unit and the LTA are responsible to publish up to date industry information (based on operators reports and ongoing monitoring activities) and make available any reports on the status of the industry. This information shall be made available in the form of annual reports on the status of the industry and quarterly or semi-annual newsletters informing the public on the status of the sector, including sector developments and planned activities.