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LEGAL NOTICE NO. 34 OF 2001

Lesotho Telecommunications Authority Regulations 2001

In exercise of the powers conferred on me by section 64 of the Lesotho Telecommunications Authority Act 2000, I,

‘Nyane Mphafi

Minister of-Communications make the following Regulations-

CHAPTER 1 - INTRODUCTION
PART I
PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Lesotho Telecommunications Authority Regulations 2001 and shall come into operation on a date determined by the Minister by notice in the Gazette.

(2) Different dates may be determined under sub-regulation (1) in respect of different provisions of the Regulations and different areas of the Kingdom of Lesotho.

Applicability

2. (1) Unless otherwise stated, the Authority may not entertain or process any pleadings, applications, papers or filings of any kind not submitted in accordance with these Regulations.

(2) In cases of conflict between these Regulations and the Act the provisions of the Act shall prevail.

Interpretation

3. (1) For purposes of these Regulations, any word or phrase to which a meaning has been assigned in the Act has such meaning.

(2) In these Regulations, unless the context otherwise requires—

“**applicant**” means any person who has applied to the Authority for a licence under the Act;

“**application**” means the filing with the Authority of a request for a licence under the Act;

“**Authority**” means the Lesotho telecommunications Authority established by section 4 of the Act;

“**Board**” means the Board of the Authority established by section 5 of the Act;

“Chief Executive” means the office of the Chief Executive of the Authority appointed under section 13 of the Act;

“confidential” means any information, in whatever format, including but not limited to paper, disc, Compact Disc Read-Only Memory (CDROM) or any other electronic or storage retrieval format, which the Authority, upon specific request of any person participating in a proceeding before the Authority, deems to be confidential or any business information designated by a person as confidential when submitting or filing any information to the Authority;

“rate” means any rate, fee schedule or charge;

“Regulations” means the Lesotho Telecommunications Authority regulations promulgated by the Minister pursuant to section 64 of the Act;

“Rules” means the EVA Administrative Rules of Practice, Procedure, and Service Provision, 2000 established by the Board;

“telecommunication(s) system” means any system or series of telecommunication facilities or radio, optical or other electromagnetic apparatus or any similar technical system used for the purpose of telecommunication, whether or not such telecommunication is subject to rearrangement, composition or other processes by any means in the course of their transmission, emission or reception;

“telecommunication(s) services operator” means any person or entity that operates telecommunication service, facilities and/or switched access service for compensation;

“telecommunication(s) services provider” means any person or entity that provides or offers to provide telecommunications service, facilities and/or switched access service for compensation;

“the Act” means the Lesotho Telecommunications Authority Act 2000..

Familiarity with Regulations

4. All persons participating in any proceedings or initiating any proceedings before the Authority are deemed to be familiar with those portions of the Regulations that are pertinent to such proceedings.

CHAPTER II- ORGANIZATIONAL AND FINANCIAL PROCESSES

PART 2

Organizational procedures**Recusal by member of the Board**

5. (1) A Board member shall recuse himself or herself from the deliberations on a matter, if he or she is aware or becomes aware that the deliberated matter affects him or her or the spouse of such a member; directly or indirectly.

(2) A copy of the decision contemplated in sub-regulation (1) and the reasons for the decision shall be submitted to the chairperson of the Board.

Request for recusal

6. (1) A member of the public may, at any time, file in good faith a timely and sufficient affidavit setting forth any alleged conflicting interest of any Board member.

(2) Subject to section 11 of the Act, a Board member; upon receipt of an affidavit contemplated in sub-regulation 1-

(a) shall recuse himself or herself, if the allegations are corroborated; or

(b) may dismiss the request as untruthful without any merit, and state the reasons for his or her decision..

(3) In the case of sub-regulation (2) (b), a copy of the request contemplated in sub-regulation (1) and the reasons for the decision shall be submitted to the Minister if it is the chairperson who is affected by the request.

(4) If the Minister does not agree with the decision and reasons contemplated in sub-regulation (3), he or she may request the Authority to put the matter decided upon for review in the manner and at the place as he or she may direct.

(5) If the Minister directs the matter to be reviewed, the parties shall be notified accordingly.

Principles of financial Operations

7. (1) In accordance with section 19(4) of the Act, the Authority shall prescribe the charges payable in respect of the provision of telecommunications services to ensure its revenues are sufficient to produce on the fair value of its assets a reasonable return measured by taking its net operating income as a percentage of the fair value of its fixed assets in operation plus an appropriate allowance for its working capital.

(2) For the purposes of this regulation “net operating income” means the amount of income remaining after subtracting from the total operating revenues all charges which in accordance with generally acceptable counting principles are chargeable to revenue accounts, including appropriate provisions for depreciation of assets, adequate maintenance and taxes, but before deducting interest and other charges on borrowing or taking into account non-operating income and expenditure.

(3) In determining what constitutes a reasonable return, all pertinent economic and financial considerations shall be taken into account, which include, but are not limited to. the need for net operating income in an amount sufficient-

- (a) to meet interest payments on loans;
- (b) to provide for repayments to be made each year in respect of loans incurred by the Authority to the extent to which such repayments exceed the year’s provision for depreciation charged to revenue accounts;
- (c) to provide a reasonable proportion of the funds needed for expanding the Authority’s activities and improving its services; and
- (d) to provide for reserves for replacement, expansion or other purposes to the extent to which the Authority deems it necessary to establish such reserves.

Financial procedures

8. (1) Subject to regulation 21(1), the Board shall review and approve
- (a) the annual financial statements, reports of the external auditors

and the management letter;

- (b) the periodic financial statements and management reports;
- (c) the annual capital and revenue budgets;
- (d) the accounting policies adopted, or any changes made or contemplated;
- (e) the effectiveness of the annual audit, ensuring emphasis is placed on areas requiring special attention;
- (f) the significant transactions which are not a normal part of the Authority's business;
- (g) the effectiveness of the internal control functions and systems;
- (h) the effectiveness of the management information systems;
- (i) the effectiveness of the Financial Rules of the Authority including approval of new rules; and
- (j) the fixing of the audit fees.

(2) The Chief Executive shall be responsible for the overall organization and running of the Authority under the direction and guidance of the Board contemplated in sub-regulation (1).

(3) The Chief Executive shall be responsible for the accounting and administration functions, internal controls and systems, preparation of the budgets, periodic and annual management reports and annual financial statements.

Financial year

9. The financial year of the Authority commences on 1 April of each year and ends on 31 March of the succeeding year; except for the first operating period which is from date of the establishment of the Authority through 31 March of the following year.

Annual Budget

10. (1) The annual budget for the Authority shall express, in quantitative and financial terms, the management action plans for the Authority for the next financial year.

(2) The action plans contemplated in sub-regulation (1), shall be designed to ensure that the skills and resources of the Authority are used effectively towards the achievement of the longer-term objectives of the Authority, as set out in the Act

(3) The Chief Executive shall be responsible for the preparation of the annual budget of the Authority including the issuance of detailed guidelines for the preparation of each year's budget; the consolidation of office or division budgets into a consolidated budget for the Authority..

Official language

11. (1) The official languages of the Authority are English and Sesotho.

(2) Any document which is in any other language not specified in sub-regulation (1), shall be accompanied by a translation to one of the official languages and a certification that the translation is a true and correct version of the original document.

CHAPTER III - TARIFFS AND RATES
PART 3

Tariffs and Rates

Tariffs

11. (1) In accordance with section 63 of the Act, every licensee shall, within 30 days of the date of commencement of these regulations, provide the Authority with a schedule of the tariffs at which it provides telecommunications services..

(2) The Authority may, if a licensee fails to comply with sub-regulation (1), Prescribe a tariff rate as the Authority may deem reasonable and such licensee is obliged to adhere to the prescribed tariffs of the Authority

(3) In accordance with section 5 1(4) of the Act, the Authority shall publish

the tariffs of a licensee after the tariffs have been approved by the Authority.

(4) Tariff rates of licensees may be subjected to the price cap regime determined by the Authority.

(5) In accordance with section 4 1(3) of the Act, a licensee requesting an introduction to a new tariff or an amendment to an existing tariff shall submit the proposed tariff for approval by the Authority.

(6) The existing licensees shall file their licences with the Authority for reviewing and alignment with the Act within 3 months of coming into effect of the Rules.

CHAPTER IV - COMPLAINT PROCEEDINGS PART 4

Complaint Proceedings

Complaints

13. (1) Any person may submit a written complaint to the Authority and such person is responsible for the continuing truth, accuracy and completeness of information furnished in a written complaint.

(2) The Authority may deal with the complaint contemplated in sub-regulation (1), in the manner set out in the Rules.

CHAPTER V - LICENSING PROCEDURES PART 5

Telecommunication Licences

Licensing

14. (1) In accordance with section 30 of the Act, the Authority shall prescribe the terms, conditions and modifications, (if any), of all licences, as it considers consistent with the objectives of the Act, the Regulations and such other circumstances as the Authority may consider appropriate, including the terms and conditions upon which it is granted, the services to be provided by the licensee, and the network to be operated, if any.

(2) The Authority may, on the written application of any licensee, waive or vary any condition endorsed on its licence.

(3) Licences in existence at the time of the publication of these Regulations, shall be adopted by the Authority, and may continue according to their terms in full force and effect as though issued under these Regulations and the Rules:

Provided that such previously issued licences become subject to the requirements of these Regulations and the Rules and shall be filed with the Authority within 3 months of coming into effect of the Rules for review by the Authority to be in compliance with the Act.

(4) The Authority shall determine the methods and procedures by which licence applicants may be selected, which methods and procedures may include, / but are not limited to, competitive tendering, technical evaluation, auctioning and administrative review.

Violation of purpose or condition

15. (1) A telecommunication licence may not be used for a purpose other than that service contemplated in section 31 of the Act, for which it was issued.

(2) A telecommunication licence may be withdrawn by the Authority if its conditions have been violated and the licensee does not correct the situation in accordance with the orders of the Authority.

Validity of licences

16. A licence issued in terms of the Act is valid for such period as may be stipulated therein, and may be subject to renewal at the end of that period.

Limitation of number of licences

17. (1) Subject to sub-regulation (2), the Authority may limit the number of licences which it will grant in respect of any particular type of telecommunication service.

(2) The Authority shall, not less than 3 months before expiry of any licence granted in terms of the Act, publish in the Gazette its decision to limit the number of licences and the reasons for such a decision..

Exclusive licence

18. The Authority may grant an exclusive licence in terms of the Act,

Agreements with foreign telecommunications carriers

19. (1) Any agreement between a licensed operator or provider of telecommunications services and a foreign correspondent telecommunication carrier, together with an application requesting the approval of the Authority, shall be submitted to the Authority for its review and approval within 2 months of coming into effect of the Rules.

(2) Any proposed agreement may be submitted to the Authority in advance of its execution with an application stating the terms and conditions of the proposed agreement in detail and requesting the Authority's approval.

(3) The agreements and proposed agreements contemplated in sub-regulations (1) and (2) are entitled to confidential treatment by the Authority.

(4) Agreements between licensed operators or providers of telecommunications services and foreign correspondent telecommunications carriers that are limited to the establishment of an exchange for the reciprocal carriage of international telecommunications traffic are entitled to fast-track approval and the Authority is deemed to have given its approval to the Agreement if it takes no action within 30 days.

(5) Applications for the Authority's approval of agreements with foreign correspondent telecommunications carriers must state the reasons why the terms and conditions of such agreements will not have an adverse impact on competition or the objectives of the Act.

(6) Agreements which are exempt from the prior approval provisions of section 34 of the Act, but which in any event remain subject to the Authority's authority to require the submission of information, include –

- (a) procurement agreements;
- (b) individual subscriber agreements;
- (c) employment agreement; and
- (d) commercial agreements relating to matters other than telecommunications.

(7) In accordance with section 63 of the Act, agreements with foreign telecommunications carriers in existence at the time of the promulgation of these Regulations, shall, - *for* approval and conformity, be submitted to the Authority within 2 months of the date on which the Rules established by the Authority became effective,

Competition

20. (1) Telecommunication services shall, as far as practicable and within the framework of the licensing system established by the Act, be provided on a competitive and non-discriminatory basis,

(2) Practices that may constitute violations of the principle of free and fair competition, include-

- (a) collusion between potential operators or service providers in setting the tariff rates, and in applying for or exploiting a licence granted under the Act;
- (b) restraining the access, by any service provider or user, to a licensed service in violation of the conditions of a licence;
- (c) providing false or misleading information in dealings relating to the provision of telecommunication services or systems with the Ministry responsible for communications, the Authority or any body of Government;
- (d) providing false or misleading information relating to approved tariffs;
- (e) charging tariffs which are not in accordance with the applicable tariff structure;
- (f) forming of cartels including but not limited to, price-fixing of tariffs, market sharing or in connection with public procurement of telecommunication equipment;
- (g) use of a dominant position in a market for the purpose of restricting, preventing or deterring the entry of a person into the market or eliminating a person from the market;

- (h) charging of unreasonable prices for telecommunication equipment;
- (i) limiting technical development in the telecommunications sector;
- (j) offering, accepting, giving or receiving bribes in respect to any matter dealt with in the Act;
- (k) advertising for or otherwise offering telecommunication equipment and services in a fraudulent or indecent manner;
- (l) entering any agreement or engaging in any concerted practice with any other party, which unfairly prevents, restricts or distorts competition; and
- (m) the effecting of anti-competitive changes in the market structure and in particular, anti-competitive merges and acquisitions in the communications sector.

(3) Every telecommunication services provider or operator shall have regard to the available supply, offer and provision of uniform, non-preferential service or a first-come, first-served basis to all persons within a covered geographic market who request such service and who meet any predetermined conditions that may be approved by the Authority for receipt and use of such service.

(4) It is not a violation of the principle of equal access for telecommunication services provider or operator to –

- (a) consider the ability of a person to pay for service when deciding whether to provide service to such a person; or
- (b) make other rational classifications among subscribers shall as business and residential and to provide on the basis of such classification: within a given class is provided with service on a non-preferential, first-come first served basis.

Provided that any classification applied by a telecommunication service provider or operator for the delivery of service is approved by the Authority and all persons within a given class is provided with service on a non-preferential, first-come first-served basis.

PART 6**Spectrum Allocation****National Spectrum Management Policy**

21, (1) The Authority shall manage and control-

- (a) the use of the electromagnetic waves or frequency spectrum within, from and to Lesotho;
- (b) incidental and restricted emissions of such spectrum; and
- (c) matters relating to satellite orbits,

and the Authority has the power where it deems necessary to withdraw or suspend such use or prohibit any such emissions.

(2) The Authority, in accordance with section 17 of the Act, has the authority to represent Lesotho at meetings of the International Telecommunication Union and its affiliated bodies and with other countries' regulatory bodies on all matters referred to in this Regulation

(3) The Authority shall co-ordinate its management activities with the International Telecommunication Union, administrations from neighbouring States, and the Ministry for the time being in charge of broadcasting, insofar as the Authority's spectrum management activities involve the use of the electromagnetic spectrum for broadcasting of television or radio programming.

(4) The Authority shall perform the functions of spectrum management policy and planning, frequency assignment and licensing, spectrum engineering support, spectrum control (enforcement and monitoring), legal and administrative support, and international co-ordination.

Criteria for Approval of Frequency Allocations

22. The Authority shall, in considering the application for frequencies, take into account-

- (a) the category of service for which the frequency is to be allocated;

- (b) the availability of frequencies and the ability for sharing within the frequencies;
- (c) the distribution of frequencies among commercial, social, individual and other categories of users;
- (d) the technical characteristics of the equipment involved and its capability to interconnect or interfere with other communications equipment and networks;
- (e) all relevant international conventions, regulations and recommendations;
- (f) the frequency allocation table contemplated in section 51(l)(a) of the Act;
- (g) the need and location of radio frequency spectrum in use, or to be used by the Government of Lesotho; and
- (h) the applicable International Telecommunications Union, regional and sub-regional rules.

Review of frequency allocation

23. (1) Subject to the requirements of the International Telecommunications Union and all other applicable international undertaking on telecommunications, the Authority may review the frequency allocations to take cognizance of emerging technologies, including those technologies that are not yet proven, or are still under study by research institutions and international Telecommunications Union.

(2) The Authority may withdraw the assignment of any frequencies which are not being used by the licensee over a considerable length of time or if the licensee has been allocated more frequencies than it requires.

PART 7

Radio Communications

Radio licence

24. (1) A radio licence issued in terms of section 52 of the Act, shall specify

- (a) the radio frequency allocated to the applicant;
- (b) the type and characteristics of the antenna and radio transmitter to be used;
- (c) the geographical area in which any mobile radio transmitter, where applicable, may be used;

- (d) the place at which the antenna or fixed radio transmitter may be located;
- (e) the obligation, if any, to share frequency space with any other person; and
- (f) such other information as the Authority may prescribe.

(2) The Authority may grant a radio licence subject to the condition-

- (a) that the radio transmitter will be used in such a manner that the licensed use of radio telecommunication equipment in Lesotho and in any other country is not detrimentally affected;
- (b) that the licensee must observe the requirement of any international radio communication Convention to which Lesotho is a party;
- (c) that the use of the radio transmitter will not infringe upon the frequency space used by the Defence Force of Lesotho and the Police Service of Lesotho.

(3) The Authority may impose such other conditions as it deems appropriate or necessary.

Prohibition on sale, etc. of radio transmitter

25. (1) No person may sell or otherwise dispose of, to any person who has not been granted a licence under the Act, a radio transmitter, whether or not it is assembled

(2) The onus to ascertain the existence of a valid licence is on the person who deals in or sells radio communication equipment.

CHAPTER VI- INTERCONNECTION PART 8

Interconnection

Principles of Interconnection

26. (1) The terms and conditions of an interconnection agreement shall promote increased public use of telecommunications services or more efficient use of

telecommunication facilities,.

(2) Interconnection agreements shall facilitate end-to-end connectivity by ensuring that any call originated on the telecommunications system of an interconnecting operator is able to be terminated at any point on the telecommunications system of any other telecommunications service provider on a non-discriminatory basis.

(3) The transmission of calls across and within telecommunications systems shall be seamless to both the calling and called parties.

(4) Procedures for forecasting, ordering and provisioning interconnection shall be efficient, necessary and occur within reasonable time frames.

(5) The facilities or systems used for interconnection shall be provided in sufficient capacity to enable the efficient transfer of signals between interconnected telecommunication systems.

(6) Interconnection Agreements-

(a) may not, directly or indirectly-

- (i) preclude or frustrate the exercise by any person of rights or privileges afforded under the Act and these Regulations;
- (ii) impose any penalty, obligation or disadvantage on a person for exercising any rights or privileges under the Act and these Regulations;
- (iii) prohibit a person from providing an interconnection service which that person is able lawfully to provide; or
- (iv) frustrate the provision by a person of a telecommunications service that the person is able lawfully to provide; and

(b) shall take into account any other principles and directives as the Authority may issue from time to time.

(7) The provisions of these Regulations concerning interconnection shall govern the treatment of interconnection and facilities sharing agreements.

(8) A service acquired as part of interconnection may be used for any law-

ful purpose.

(9) In accordance with section 36 of the Act, interconnection agreements in existence at the time when these Regulations are published, shall be submitted to the Authority within 30 days of the date on which these Regulations become effective, for approval and conformity.

Obligation to interconnect

27 (1) A licensee under the Act and these Regulations shall interconnect its telecommunications system, facilities and equipment. directly or indirectly, with the telecommunications system or telecommunications services of other licensees.

(2) All interconnection agreements between a licensee and an operator shall be in writing and shall conform to the Act, the Regulations and the Rules, except as may be provided by the Authority in the applicable licence.

(3) An interconnection provider may be exempted, by the Authority, from providing interconnection information..

(4) The fees and tariffs payable for a fixed network services by the licensee in terms of any interconnection agreement entered into by the licensee must be approved by the Authority, which approval may not be withheld unreasonably.

CHAPTER VII- SERVICE PROVIDERS

PART 9

Service providers

Liability of service provider

28. Every person who-

- (a) operates a telecommunication or radio system;
- (b) provides a telecommunication or radio service;
- (c) supplies terminal equipment or radio equipment; o
- (d) undertakes the maintenance or repair of telecommunication or radio equipment,

shall ensure that the system or equipment that he or she operates, provides, supplies, maintains or repairs is safe in order to ensure protection of consumers and

users of such service or equipment against injury.

Provision of directory service

29.. A licensee shall provide directory information regarding its subscribers and clients to the Authority or such other person as the Authority may designate, and in such manner as the Authority may prescribe.

Compensation for loss or damage

30.. In the execution of works or interference with property, a telecommunication operator or service provider shall cause as little detriment and inconvenience and do as little damage as possible, and shall make full compensation to all persons who have sustained loss or damage by reason or in consequence of the performance of such works.

Emergency conditions

31. (1) The Authority may during any emergency, require a telecommunications service provider to give priority to the transmission of the messages of Government or of any person, and to intercept messages transmitted under such circumstances.

(2) Any service provider shall comply with a directive issued in terms of sub-regulation (1).

Confidentiality of transmitted messages

32. (1) No person may intentionally or negligently, while engaged in the operation of public telecommunication system or the provision of a telecommunication service-

- (a) intercept a message sent by means of that system or through that service;
- (b) disclose, to any person the contents of such message;
- (c) disclose, to any person, information about a customer obtained in the course of performing his or her duty; or
- (d) use any information obtained in the course of his or her duties

about a customer for his or her own benefit.

(2) Sub-regulation (1) does not apply to the disclosure of information made in connection with the investigation of any criminal offence or for the purpose of any criminal proceedings.

Improper use of public telecommunication system

33. No person may-

- (a) send, by means of a public telecommunication system, a message or other matter which is offensive or of an indecent, obscene or menacing character; or
- (b) send, by any telecommunication system, for the purpose of causing annoyance, inconvenience or anxiety to another person, a message which he or she knows to be false.

CHAPTER VIII- MISCELLANEOUS PART 10

Regulation Making and Rule Making Procedures

Requests for Regulation-making or Rule-making

34. (1) Rule-making proceedings may be commenced by the Authority, either on its own motion or on the basis of a request for rule-making filed by any member of the public.

(2) Any interested person may request the issuance, amendment or repeal of a rule or regulation by filing a request for rule-making or regulation-making in person at the Authority's office which request must contain-

- (a) specific reasons for the request;
- (b) the text of the requested rule or amendment, or the rule or regulation to be requested; and
- (c) the views, facts, arguments and data deemed relevant to support the action requested; and

- (d) an indication of the manner in which the requester will be affected by the requested decision.

(3) After receipt of a request for regulation-making or a request for rulemaking, the Authority may grant the entire request, or grant or deny the request in whole or in part, or it may request comments regarding the request. The Authority has the discretion to entertain requests for expedited treatment of any request for regulation-making or request for rule-making.

(4) After issuance of a notice of proposed regulation-making or notice of proposed rule-making, the Authority may, in its discretion, honour requests to present arguments for an oral hearing on the matter.

(5) The Authority may deny or dismiss with or without prejudice to the requester, requests that are moot, vexatious, premature, repetitive, frivolous, or which do not warrant consideration and shall state the grounds for such denial or dismissal.

(6) Subject to sub-regulation (4), the Authority shall, upon receipt of any request for rule-making or regulation-making, publish a notification through any appropriate media which notification shall contain-

- (a) the text of such requested rule or regulation or amendment;
- (b) a notice summarizing the material issues and facts raised in the request; and
- (c) an invitation, inviting interested persons to furnish the Authority with comments thereon or representations in regard thereto.

(7) Any interested person may, within 30 days of the publication contemplated in sub-regulation (5), file a response or opposition to any request for rulemaking or regulation-making or amendment, accompanied by relevant proof or facts.

(8) No additional pleadings may be filed unless specifically requested by the Authority.

(9) After the Authority has received a request for rule-making or regulation-making or amendment, the Authority may-

-
- (a) grant the entire request;
 - (b) grant or deny the request in whole or in part; or
 - (c) request comments regarding the request.

(10) The Authority has the discretion to entertain requests for expedited treatment of any request for regulation-making or request for rule-making.

(11) After issuance of a notice of proposed regulation-making or notice of proposed rule-making, the Authority may, in its discretion, honour requests to present arguments for an oral hearing on the matter.

Rules

35. In accordance with section 16(2) of the Act, the Authority may make rules, which are not inconsistent with the Act, relating to any matter, including-

- (a) the manner in which any licence, approval, certification or registration issued or renewed under the terms of the Act are to be kept;
- (b) the terms and conditions for a licence and the manner in which the conditions may be modified;
- (c) the manner in which any request or application for access to any records kept at the Authority is to be made, and the records kept of such application;
- (d) the manner in which representations to the Authority may be made and the requirements of such a representation;
- (e) the manner in which submission of applications for licence or transfer of licence may be made and the manner in which such applications shall be filed;
- (f) the period within which any record, notice or document should be filed;
- (g) the period allowed for filing for pleadings and the grounds upon which extensions of time may be allowed;

- (h) the period for which any information or record is to be maintained in the said register;
- (i) the schedule of fees and charges which may be charged for any requests for copies, and the manner in which record is to be kept of any receipt or payment of money;
- (j) the manner in which service information shall be submitted and the requirements it has to comply with;
- (k) the manner in which an application shall be made and the submission requirements of such an application;
- (l) the manner in which the deposits from customers and applicants are to be calculated, the manner of payment and receipt to be submitted upon receipt of payment;
- (m) the manner in which records and reports shall be kept and the information thereto required;
- (n) the manner in which the telephone directory shall be compiled; and
- (o) any other matter that the Authority considers necessary or expedient to prescribe or govern by rules in order to achieve the objectives of these Regulations and the Act.

Notice of Inquiry

36., (1) The Authority may issue a notice of inquiry to inquire into the facts and circumstances surrounding any issue over which it has jurisdiction,

(2) A notice of inquiry, contemplated in sub-regulation (1), may be followed by a notice of proposed regulation-making, and published in newspapers of newspapers with a circulation sufficient to notify the public of the Authority's action

(3) A notice of inquiry shall contain-

- (a) the short title and file number assigned to the proceeding;

-
- (b) the date the Notice of Inquiry was released by the Authority;
 - (c) the date upon which comments and reply comments regarding the Notice of Inquiry shall be filed;
 - (d) an “Inquiry” or words to that effect, which set forth the Authority’s specific inquiries; and
 - (e) any other information deemed relevant by the Authority.

PART 11

Miscellaneous

Transitional

37. Existing contracts before coming into operation of these Regulations shall be brought into conformity with the Act but nothing in these Regulations may effect any alteration in the terms of a contract subsisting immediately before the commencement of these Regulations or to authorize the making of any such alteration without the consent in writing of all parties bound by the contract.

Penalty

38. Any person who fails to obey a directive or obligation imposed in these Regulations or by the Authority, may, in the discretion of the Authority be subjected to a fine in terms of section 57 of the Act or an order of the Authority, in accordance with section 59 of the Act.

‘NYANE MPHAFI

MINISTER OF COMMUNICATIONS

