



## National Communications Authority

### **INVITATION FOR COMMENTS ON AUTHORISATION FOR PAY TV SERVICE PROVIDERS**

1. The National Communications Authority (NCA) has received concerns from Subscribers of Pay TV services since 2015, regarding subscribers' dissatisfaction on the services that are offered by Pay Tv operators. Among the issues raised by subscribers are:
  - High subscription fees
  - Arbitral increment in subscription fees
  - Poor customer support services
  - Poor Quality of content
  - Issues pertaining to billing
2. Following the public agitation, the NCA has initiated revising current Authorisation to service providers to help address these challenges in ensuring that consumers are treated fairly and given value for their money.
3. Accordingly, in pursuance of its mandate under section 27 of the Electronic Communications Act, 2008, Act 775 and section 4.1 of the National Telecommunications Policy 2005 (NTP'05), the Authority hereby invites views and comments from Authorised Pay TV service providers and the general public. This can be accessed on the Authority's website, [www.nca.org.gh](http://www.nca.org.gh).
4. The public consultation begins with immediate effect and shall expire on **18<sup>th</sup> January 2017**.
5. All responses/comments should be electronically transmitted as e-mail attachments, in Microsoft Word format to [info@nca.org.gh](mailto:info@nca.org.gh).
6. All respondents are requested to complete the cover sheet for response (Please see **Page 2**)
7. It would be helpful if your response could include comments on the sections of the document you agree/disagree with.

#### **Confidentiality**

8. In furtherance of transparency and openness, the Authority shall consider all responses as non-confidential; accordingly all submissions shall be published on our website, [www.nca.org.gh](http://www.nca.org.gh), on receipt.
9. Please note that copyright and all other intellectual property in responses shall be assumed to be licensed to NCA to be used to meet its legal requirements.

**COVER SHEET FOR RESPONSE TO NCA PUBLIC CONSULTATION ON  
AUTHORISATION FOR PAY TV SERVICE PROVIDERS**

**BASIC DETAILS**

Name of respondent:

Representing (self or organisation/s):

Address:

**DECLARATION**

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on NCA's website, and I authorise NCA to make use of the information in this response to meet its legal requirements. If I have sent my response by email, NCA can disregard any standard e-mail text about not disclosing email contents and attachments.

Name :

Signed (if hard copy)

## FORMAT FOR COMMENTING ON THE DOCUMENT

<b>Chapter Number</b>	<b>Section Number</b>	<b>Heading</b>	<b>Comment</b>	<b>Suggestion / Proposed Amendment</b>

**DRAFT PROPOSED AUTHORISATION FOR (INSERT NAME OF COMPANY)**

NCA/DTV/\*\*/\*\*

Date: e.g. 10<sup>th</sup> August, 2016

**ADDRESS OF THE RECIPIENT**

**ATTN: (Insert the addressee's name)**

Dear Sir/Madam, (as the case may be)

**AUTHORISATION TO ESTABLISH AND OPERATE A DIGITAL TERRESTRIAL PAY TELEVISION SERVICE - SERVICE ONLY AUTHORISATION**

**(Name of the company receiving the Authorisation)**

Pursuant to the payment of the total amount of **XXXXXXXX** stipulated in your Provisional Authorisation dated (insert date of the Authorisation), the National Communications Authority (hereinafter called 'the Authority'), hereby authorises (insert the name of company) whose shareholders are (insert name(s) of the shareholders of the company) to establish and operate a digital terrestrial pay television service. This Authorisation is subject to the following conditions/requirements.

**General conditions/requirements:**

Authorisation

1. (Insert name of the company) shall provide a copy of the Agreement with its transmission network provider to the Authority prior to the commencement of its operations.
2. (Insert name of the company or its abbreviation) shall invite officials of the NCA in accordance with Regulation 54 of the Electronic Communications Regulations, 2011, L.I. 1991, to inspect its premises, studio, and equipment and transmission setup after engineering tests have been successfully completed.
3. Upon satisfactory inspection of its premises, studio, equipment and transmission setup, the Authority shall authorise (insert name of company) in writing to commence transmission.
4. (Name of the company or its abbreviation) shall provide the Authority with a list of television programme channels that will comprise the service prior to commencement of transmission of the service. (Insert company name) shall not make amendments to the list of channels without **fourteen (14)** days prior written notification to the Authority.

5. The validity period of this Authorisation shall be **ten (10) years**, effective from the date of this Authorisation and may be renewed upon application to the Authority within **three (3) months** prior to its expiration. This Authorisation shall therefore, expire on (date of the expiration e.g. **19<sup>th</sup> July 2020**)
6. Notwithstanding paragraph 5 above, this Authorisation shall lapse after two (2) years if (insert the name of the company) does not commence operations within two (2) years.
7. The procedure for renewal of this Authorisation shall conform to the provisions of the National Communications Act, 2008(Act 769), the Electronic Communications Act, 2008(Act 775), the Electronic Communications Regulation, 2011 (L.I 1991) and any other rules, regulations, directives etc. the Authority may issue from time to time.
8. This Authorisation shall only remain operational subject to the payment of the annual Regulatory Fee of **XXXXXXX**. This fee is however, subject to review by the Authority from time to time and (insert name of the company) shall accordingly be informed of any review of the Annual Regulatory Fee.
9. The Annual Regulatory Fee or the reviewed fee as the case may be contained in paragraph 8 above should be paid to the Authority on or before the (insert date e.g. 19<sup>th</sup> July) of each year during the life span of this Authorisation, notwithstanding whether or not the Authority has served the company with an invoice to that effect. To this end, (insert name of company) should take note that late payment shall attract interest at the prevailing commercial rate in the country.
10. (Inset name of company) shall be liable for all authorised service charges stated herein or as may be reviewed by the Authority. Unless a formal communication from (insert name of company) abrogating this Authorisation prior to its expiration is received by the Authority, same shall presume this Authorisation to be operational.
11. Importation of any communication equipment shall be with the prior written approval of the Authority either before or during the operation of this Authorisation.
12. (Insert name of company) shall maintain a minimum of 30% private indigenous Ghanaian ownership in its shareholding structure throughout the duration of the Authorisation and subsequent renewal, if any.

#### **Post- transmission conditions /requirements**

1. Any upgrade or extension of the authorised service(s) stated herein shall be with the prior written approval of the Authority.
2. Any transfer of shares, merger or acquisition of (name of company) shall be subject to the prior written approval of the Authority.
3. Any change in the postal address, telephone number(s), email address (es), telefax number(s), registered trademark(s) and contact person(s) of (name of company) shall be communicated to the Authority within fourteen(14) days from the date of change.
4. Any transmission down-time should not be more the twenty-four (24) hours, and the Authority should be notified of the full reasons thereof if the down-time exceeds six (6) hours.
5. (Insert name of company) shall comply with Quality of Service (QOS) parameters and/or guidelines that are published by the Authority from time to time.

6. The service identification shall be broadcast hourly or as close to an hour as possible and at the beginning and end of each broadcast day.
7. An accurate programme channel logbook/schedule shall be kept and made available to the Authority upon request, indicating the following activities of (name of company):
  - a) Date(s) of operation/ broadcast;
  - b) Time of commencement and close of every channel transmission; and
  - c) Name and signature of an authorised person.
8. The programme channel schedule/logbook shall be kept at the offices of (name of company) for a minimum period of one(1) year following the last date of entry, and it shall be made available for inspection at all times by duly authorised officials of the Authority.
9. Unauthorised person(s) shall not be permitted to operate or have access to the equipment installations of (name of company).
10. The transmission stations shall not be used in a manner as to cause interference with transmissions from other networks.
11. In respect of paragraph item (10), the Authorisation shall desist from anticompetitive practices amounting interference spill-overs in the operating band of other Pay TV operators.
12. (Insert name of company) shall ensure that any Set Top Boxes (STBs) offered for sale, lease or rent by them or their agents is fully compliant with receiver standards issued by the Authority and are duly certified for conformance to ensure customer safety.
13. (Insert name of company) shall be required to make forms approved by the Authority available to consumers to make complaints and keep up to date information including the time frame for resolving issues, contact details and a toll- free for lodging complaints.
14. (Insert name of company) shall within six (6) calendar months from the date of commencement of its operations establish at least one (1) physical Customer Care Centre in all district capitals where the operator has service available or within its coverage to provide the following services:
  - a) To be responsible for addressing service requests, enquiries for information and complaints handling.
  - b) To provide customer service in the local language of that service area in addition to English.
  - c) The centres shall be opened and accessible to consumers between the hours of 0800 to 24 00 on all days of the week.
  - d) The centres shall be accessible to consumers via telephone, face to face interactions, letters or emails etc. with sufficient lines or connections of a consumers care number;
  - e) (Insert name of company) shall ensure that a general information number is also accessible through the network of other service providers by earmarking a specific number apart from the Toll free number.
- 15. (Insert name of company) shall ensure that calls routed to the Interactive Voice Response System or IVRS, if installed on a “Consumer Care Number”, is operated in the following manner:**
  - a) The duration of the IVR to the selection of an operation option should be at most 30 seconds.
  - b) The first level of the IVRS shall provide for language selection and shall also contain an option enabling the consumer to speak to a consumer care agent;

- c) The second level of the IVRS shall provide for options relating to the broad categories of complaints and service requests; enquiries and complaints procedures;
  - d) The third level of the IVRS shall provide for a sub-menu under complaints and service requests, separately:
    - i. All calls to customer care numbers shall be answered within one (1) minute.
    - ii. Options enabling the consumer to speak to Customer Care Agents shall be very clear; easy for consumers to speak to a customer care agents after no more than one (1) minute after the call waiting time
    - iii. (Insert name of company) shall publish the IVRS procedures on their websites as indicated on their systems.
- 16.** (Insert name of company) shall ensure that their customer care staff are duly trained to provide quality customer care services to consumers in areas such as installations, fault reporting, billing etc. in line with L. I 1991 and other governing legislations and directives.
- 17.** (Insert name of company) shall provide the following information to consumers in the following manner:
- a)** Consumers shall be provided with information on services that is complete, accurate, up-to-date and in simple language devoid of technical terms;
  - b)** Where other services are required in order to effectively utilize the service, consumers shall be sufficiently informed of such requirements or service dependencies by (insert company name).
  - c)** Customer Care agents shall provide specific information regarding any compensation, refund or other arrangements, which may apply if contracted quality service levels are not met. This shall be done along with the procedures and methods for resolving disputes in respect of the service contract.
  - d)** Where services are subject to upgrade or migration options, consumers shall be verbally provided with clear and complete information regarding the upgrade or migration terms, including any changes in service performance and any duly approved fees or charges resulting from the upgrade or migration before opting in for any service or product;
  - e)** Before a contract for service is entered into, the Customer Care agents shall inform the consumer of applicable rates/charges, composition of the charges, methods of computation and the circumstances that give rise to the charges and where these charges are subject to review from time to time.
- 18.** (Insert name of company) shall ensure the resolution of complaints and service requests in accordance with the time frame as specified in this Authorisation and where time limit is not provided, complaints and service requests by consumers shall be addressed within thirty (30) days.
- 19.** (Insert name of company) shall within one (1) month from the date of commencement of this Authorisation, publish the consumer care number- Toll Free Line (100) in the following manner; Public notice in two state owned newspapers twice every year; display on the website of (insert name of company), updating information via USSD or SMS.

- 20.** (Insert name of company) shall disclose to customers their right to seek redress with the National Communications Authority if they express dissatisfaction on the resolution of their complaints. This disclosure information shall be published on their websites, customers service centres etc.
- 21.** (Insert name of company) shall within one (1) month of the implementation of this Authorisation, establish a self-care portal which can be easily accessed without cost to enable consumers monitor the status of their complaints and access subscription services.

This Authorisation is subject to the provisions of the National Communications Authority Act 2008 (Act 769), the Electronic Communications Act, 2008 (Act 775), Electronic Communications Regulations, 2011 (L. I 1991), and other applicable statutory laws or regulations including any rules, directives and guidelines the Authority may issue from time to time.

Any breach in any of the conditions /requirements under this Authorisations or any provision of the governing legislation shall attract relevant sanctions including a revocation or suspension of this Authorisation as the case may be imposed a penalty of varied forms as the Authority shall deem fit under the circumstance.

The Authority congratulates (insert name of company) on this achievement and hopes that it will assist positively in the orderly development of the broadcasting industry in the country.

Yours faithfully,

**WILLIAM TEVIE**  
**DIRECTOR GENERAL**