

NATIONAL COMMUNICATIONS AUTHORITY



GUIDELINES FOR THE PUBLICATION & NOTIFICATION OF TARIFF AND TERMS & CONDITIONS (BUSINESS RULES)

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1 DEFINITIONS

For the purposes of the present document, the following terms and definitions apply:

Billing Error Rate: for a set of electronic communications, the ratio of the total number of electronic communications having breached at least one of the billing integrity principles divided by the total number of electronic communications in the set

Billing Integrity Principles: principles that must be fulfilled to state that the billing activity of a Service Provider is correct.

Billing Verification Body (BVB): organization that has skills and methods to conduct the checking-up on metering and billing processes of a Service Provider.

NOTE: The Billing Verification Body can be internal (i.e. a department of the Service Provider) or external (i.e. a specialized company to which the Service Provider has outsourced the check-up on metering and bills)

Call Detail Record (CDR): formatted collection of information about a chargeable event (e.g. time of call set-up, duration of the call, amount of data transferred, etc.) for the use in billing and accounting

Charging Rules: Information relative to how a calling/data activity is rated

Checking-up on Metering and Billing: activities used to verify how strongly a Service Provider's metering and billing activities complies with billing integrity principles

Customer: user who is responsible for payments for the electronic communication services

Electronic Communication: any communication through the use of wire, radio optical or electromagnetic transmission emission or receiving system or any part of these

NOTE: Electronic communication types include but are not limited to voice call, video call, conference call, email, SMS, MMS, USSD, web access, instant messaging, content download, TV broadcasting, etc. Electronic communications may involve one or several interconnected networks. An electronic communication may lead to billing of a financial charge to a Customer of the Service Provider.

Legacy Tariff: or Standard Default Rate refers to a default plan on Voice, SMS and Data services devoid of any form of promotion or add-ons and are on Pay as You Go (PAYG) basis.

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Metering and Billing: activity, within a Service Provider, which aims at charging a customer either by producing an invoice or by decreasing a prepaid account.

NOTE: Metering and billing usually involve four main types of activity:

- metering is the computation of raw parameters (time, duration, etc.) of electronic communications;
- guiding is the allocation of a specific event to a specific customer;
- rating is the computation of a price of an event according to a rate plan; and
- Charging is the imputation of the financial charge to the customer.

Metering Rules: set of non-ambiguous principles set by a Service Provider to define and meter electronic communications service it offers to its customers.

Prerequisites: list of basic principles and statements with regards to metering principles and tariff information that must be available prior to the implementation to checking-up on metering and billing processes

Publishing Mode: mean by which billing information is provided to the customer of the Service Provider.

NOTE: Publishing mode may include but are not limited to paper invoice, electronic invoices, web sites, Call Centers, Intelligent Voice Response Units, SMS servers, USSD servers, etc.

Service Provider (SP): organization that provides electronic communications services to users and customers

Tariff Information: set of principles defined by a Service Provider to price the electronic communications it offers to its customers

NOTE: Tariff information includes the definition of unit price (price for a unit billed quantity) and valuation methods (set of mathematical methods allowing transforming raw quantities into billed quantities).

Tariff Plan: set of principles defined by a Service Provider to price the electronic communications service it offers to one customer

NOTE: Tariff plan is a subset of tariff information.

Unambiguous: characteristic of a rule that can be understood and checked by a customer by its own means without having to understand the internality of a Service Provider systems and process

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User: individual, including consumer, or organization using or requesting telecommunications services available on public or private networks

NOTE: The user may or may not be the person who has subscribed to the provision of the service. Without any specific addition, this word is used to identify the telecommunication user community in general, e.g. end-users and IT &T managers who use products and services possibly conforming to standards.

2 ABBREVIATIONS

For the purposes of the present documents, the following abbreviations apply:

APN	Access Point Name
BIPM	International Bureau of weights and Measures/ Bureau International des Poids et Measures
BVB	Billing Verification Body
CDR	Call Detail Record
DSL	Digital Subscriber Line
GPRS	General Packet Radio Service
GSM	Global System for Mobile Communications
ICT	Information and Communication Technology
IN	Intelligent Network
IP	Internet Protocol
MMS	Multimedia Message Service
SIM	Subscriber Identification Module
SMS	Short Message Service
SP	Service Provider
SSEC	Stratified Sample of Electronic Communication
TV	Television
URL	Universal Resource Locator
USSD	Unstructured Supplementary Service Data
VoIP	Voice over IP
VPLMN	Visited Public Land Mobile Network
VPN	Virtual Private Network

3 INTRODUCTION

The Electronic Communications Act, ACT 775, Section 25 subsection 5 states that “A service provider shall publish the prices, terms and conditions for its public electronic communications services at the times and in the manner that the Authority shall specify and the prices, terms and conditions shall, be the lawful prices, terms and conditions for the services subject to this Act and the conditions of the licence.”

By this mandate, the National Communications Authority (NCA) has given its Licenced Service Providers the liberty to set its own tariff rates as per acceptable market pricing and laws governing pricing in the country. The Service Providers are however required to notify the NCA of the new tariffs with its complete Terms and Conditions (T&Cs) prior to the effect of such tariff or promotion.

The Service Provider after notifying the Authority subsequently publishes the tariffs on their website or notable dailies in the country.

The Authority after the launch of these new tariffs shall regulate “the manner” in which the tariffs are published, taking keen interest in the content and arrangement of the various wallets in the tariff business rules.

In the case of electronic communication services provided by a “Service Provider that has Significant Market Power (SMP)”, or where “the Authority detects anti-competitive pricing or acts of unfair competition”, the Authority is mandated to regulate the tariffs in accordance with Section 25(1) of the Electronic Communications Act, ACT 775. “The Authority may establish price regulation regimes, which may include setting, review, and approval of prices by Regulation”, as per Section 25(2) of the Act (ACT 775), for Service Providers falling under these categories.

Additionally, Section 25(4) of the Act mandates the Authority to “prescribe a method to regulate the cost of the service” for the dominant service provider “by establishing a ceiling on the cost, or by other methods that it considers appropriate”.

The regulation of tariffs for SMP aims to ensure that the rates provided by the service provider are fair, reasonable, and non-discriminatory, in accordance with Section 25(3) of the Act.

Thus, an SMP shall be guided by SMP Directives as the Authority may prescribe, in accordance with its mandate.

This document offers guidelines with regards to tariff information that are required to be published by a Mobile Network Operator (MNO) that is offering mobile services to end users in consonance with the National Communications Authority Act 769, Act 2008, Clause 3(r) which states that “ The Authority shall issue Guidelines and Standards from time to time”.

Guidelines for the Publication of Tariff Terms and conditions

Terms and conditions (T&Cs) for tariff plans that are available for the end users need to fulfil certain minimum criteria in order to be complete and transparent. This document defines these transparency criteria from an end user perspective. This means it only refers to the T&C that need to be published.

The National Communications Authority requires that all Service Providers comply with the transparency criteria relative to Billing Principles as defined in ETSI TS 102 845.

Chapter 2 of this document states the principles behind the criteria, whereas Chapter 3 specifies the criteria. The last chapter gives a few examples.

4 BILLING INTEGRITY PRINCIPLES

4.1 Metering

Electronic communications metering for Voice (time) and Data (volume) shall be accurate and reflect prompt recognition of connect and disconnect signals. This means that the metering for a voice call shall be rounded up to the next second, whereas the volume of a data activity shall be rounded up to the next kilobyte. i.e. if the call ends with $\geq 1/10$ sec, the charging goes to the next second.

4.2 Rating

- i. Unsuccessful electronic communications shall not be rated or will be rated at null price
- ii. Each successful electronic communication shall be rated (could be rated at null price depending on the tariff plan of the subscriber)
- iii. Rated electronic communications are metered and priced in accordance with published documented tariff terms and conditions

4.3 Business Rules

Tariff terms and conditions provided to customers shall be complete, sufficient, timely, unambiguous, and correct whatever the publishing mode. Tariff rules shall be easily accessible to customers so that any subscriber is able at any time to recalculate the total charge of a mobile service.

5 MODALITIES OF TARIFF ANALYSIS

5.1 Overview

Before an SMP is given the nod to implement a new tariff or make changes to their existing tariffs, there should be an analysis to determine if the tariffs are competitive and in compliance with the applicable SMP directives.

The modalities for the analysis of tariffs should take into consideration the Significant Market Power (SMP) directives, economic indicators, taxes, government policies, etc. For any tariff adjustment, the Operator or Service Provider is supposed to send a justification to the Authority.

The following are the SMP directives that should be considered when performing the analysis

- i. Same Prices for on-net and off-net transactions.
- ii. Tariff plans should be used for both On-net and Off-net transactions
- iii. All local price points shall be above the prevailing interconnect rates
- iv. SMP tariff for all services should not be the lowest among competition

5.2 Analysis of Existing Tariffs

5.2.1 SMP Player

5.2.1.1 All tariffs except for IDD and international roaming tariffs shall not be below the prevailing interconnect rate for voice and SMS services. This is derived by dividing the purchase amount (amount of bundle/promotions) by the allocated minutes. For example, for a bundle with a price of GHS 5 and allocated minutes of 120 minutes the effective rate will be 0.0417GHS/Min.

For a combo bundle (that is a bundle consisting of Voice, Data and SMS) the allocation rule as communicated by the Operators to the NCA should be taken into consideration. For example, a combo bundle which costs GHS6 with voice allocation of 60 minutes and data allocation of 500MB and a rule of 60:40. That is, 60% of the cost of the bundle finances the voice allocation and the remaining 40% is for data. This means that the cost for voice allocations is GHS3.6 with an effective rate of 0.06GHS/Min and the remaining GHS2.4 is the cost of the data.

5.2.1.2 The effective rate for IDD, roaming, Legacy, bundles and promotional tariffs of an SMP Player should not be the lowest in the industry at all times. In the event that an SMP player has the highest price, the difference between the tariff for the SMP player(s) and the non-SMP player with the highest price should not be beyond 10%.

5.2.1.3 The difference between the previous and the proposed tariffs/allocation or effective rate must be such that it provides sufficient room for price competitiveness of the non-SMPs without being exploitative to the consumer.

5.2.2 Non-SMP Players

5.2.2.1 Same modality in respect to interconnect under section 5.2.1.1 would be applied to non-SMP players.

5.3 Analysis of New Tariffs

- 5.3.1 The new tariff should not be below the interconnect rate as outlined in section 5.2.1.1.
- 5.3.2 Comparison of new tariff to similar tariffs offered in different jurisdiction.
- 5.3.3 Comparison of new tariff to similar tariffs offered in Ghana.
- 5.3.4 Any comparison must consider the comparability of the underlining product/service by examining:
 - 5.3.4.1 Effective Rate per Minute or Mega-bite (ERM/ERMB).
 - 5.3.4.2 Validity of Offer.
 - 5.3.4.3 Any additional Bolt-ons.
 - 5.3.4.4 A minimum percentage (20%) of users/subscriptions to prevent price manipulation.'

5.4 Additional Metrics for SMP Tariff Analysis

5.4.1 Economic Indicators

- 5.4.1.1** Tax and Levies
- 5.4.1.2** Fuel and Utilities Cost
- 5.4.1.3** Exchange Rate
- 5.4.1.4** Inflation

6 TIME WINDOW FOR THE INTRODUCTION OF NEW TARIFFS

6.1 Overview

The Service Provider, after notifying the Authority shall subsequently publish the tariffs on their website and in at least two (2) notable dailies in the country.

Guidelines with regards to tariff information that are required to be published by a Mobile Network Operator (MNO) that is offering mobile services to end users in consonance with the National Communications Authority Act 769, Act 2008, Clause 3(r) which states that ***“The Authority shall issue Guidelines and Standards from time to time”***.

The designation of an SMP in 2020 came with a number of regulatory interventions and directives including the prior approval of tariffs (Legacy Tariffs, Promotions, Bundles for Voice, SMS and Data) of the SMP. Prior to the declaration of an SMP in the market, Mobile Network Operators were required to only inform the regulator of any change in tariffs Seven (7) days before its effective date.

However, after the declaration of an SMP by the regulator, the following directives were issued relative to tariff adjustment;

6.2 Existing Tariff Amendment Frequency and Notification

6.2.1 Approval of Tariffs

Operator(s) or Service Provider(s) designated as Significant Market Power or an entity that is dominant shall resubmit the tariffs or prices for existing services for approval within fourteen (14) calendar days after being requested to do so.

6.2.1.1 Operator(s) or Service Provider(s) designated as Significant Market Power or an entity that is dominant shall obtain the prior approval of the Authority before introducing any new tariffs or prices for all services, that is, default and other packaged services including promotions.

6.2.1.2 The Significant Market Power or dominant operator shall submit the proposed tariffs to the Authority prior to their introduction.

6.2.1.3 The Authority shall review and communicate its decision on the proposed tariffs to the Service Provider within thirty (30) calendar days upon receipt of the proposed tariffs or prices.

6.2.1.4 Notwithstanding (6.2.1.3) above, the Authority may by a written notice extend the period to communicate its decision on the proposed tariffs.

6.2.1.5 An SMP operator shall ensure that the approved tariffs shall be published in a manner and for a period as may be determined by the Authority.

6.2.1.6 Non-SMPs are still not required to seek approval before tariff adjustment, they are only required to inform the regulator of the planned adjustments before implementation.

6.3 Frequency for the Introduction of New Tariffs and Notification Window

6.3.1 Rationale

The introduction of new tariff frequency and notification window has become necessary due to a directive that requires an SMP not to have the lowest price of any service in the market. This means, whenever a non-SMP decides to review tariffs upwards, an SMP will also have to review their tariffs to make sure they are in compliance with the directive of not being the lowest in the market. While an SMP is required to seek approval from the regulator on any tariff adjustments, non-SMPs are not required to do so. However, due to the fact that the adjustment of tariffs on non-SMPs directly affects the tariffs of an SMP, the following guidelines are recommended to be followed to ensure certainty in the market;

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- 6.3.1.1 A non-SMP who intends to adjust tariffs should inform the regulator in writing, 45 days before the effective date of the tariff adjustment.
- 6.3.1.2 The information contained in the notification to the regulator shall include, but not limited to:
 - 6.3.1.2.1 A description of the products and services included in the tariff adjustment or a new offer;
 - 6.3.1.2.2 A description of the target customer segment;
 - 6.3.1.2.3 Proposed effective date for the launch of the adjustment or the new offer;
 - 6.3.1.2.4 A detailed description of the proposed terms and conditions applicable to the adjustment or offer;
 - 6.3.1.2.5 A description of the commercial rationale for making the proposed change or introducing the new offer;
 - 6.3.1.2.6 A detailed description of the current prices for the service in question in the case of a price change, (providing or specifying recurrent and non-recurrent price components) – both as a bundle and on a standalone offer;
 - 6.3.1.2.7 Pricing principle applied in developing the proposed price (e.g. cost- based, etc.);
 - 6.3.1.2.8 Any other information the Operator may deem relevant to help the regulator arrive at a decision on the adjustment or new offer.
- 6.3.2 The authority may require a non-SMP who intends to adjust tariffs or introduce new offers to make a presentation or provide further details of the reasons for the adjustment/new offer.
- 6.3.3 A service provider shall not adjust tariff of the same product more than once in a quarter within a year, unless the Authority determines that the adjustments are justified based on prevailing economic dynamics and competition. In the event that a tariff adjustment by a Non-SMP requires an SMP to adjust its tariffs in order to be compliant with any of the directives that are obligatory to an SMP, this limitation shall not apply.
- 6.3.4 Upon receipt of a notification of tariff adjustment from a non-SMP, the Authority shall conduct an independent assessment of the adjustment within 14 days to determine whether the adjustments;
 - 6.3.4.1 are fair and reasonable
 - 6.3.4.2 will affect the position of an SMP not being the lowest in the market
- 6.3.5 Where the adjustments affect the position of an SMP not being the lowest in the market, the Authority shall notify in writing, the SMP, the proposed adjustments of the non-SMP and direct the SMP to also adjust tariffs to comply with the directive of not being the lowest in the market.
- 6.3.6 An SMP upon receipt of the notification, shall within 14 days, present a proposed adjustment of tariffs to the Authority for consideration and approval.
- 6.3.7 The Authority after consideration and approval of the proposed adjustment from an SMP shall direct the SMP to implement the adjustments within 14 days (*notwithstanding the procedure for the implementation of tariff adjustments*)
- 6.3.8 The non-SMP shall be notified in writing to implement their tariff adjustments, 7 days after an SMP has implemented their tariff adjustment.
- 6.3.9 Notwithstanding the above, an SMP who intends to adjust tariffs shall follow all existing protocols and guidelines issued by the Authority previously and shall comply with all existing directives as may apply.

7 MINIMUM INFORMATION NECESSARY TO CALCULATE A PRICE OF A MOBILE SERVICE

7.1 Framework

For most services offered by a mobile telephone provider, the price of any given Call Detail Record (CDR) can be calculated when all of the information below is available:

7.1.1 Service Type

One of the main factors that defines the price of CDR is the service type of the mobile usage. Although networks might internally distinguish between a huge number of service types, there would be these main service types from a subscriber's perspective:

- Voice usage
- SMS usage
- Data usage

7.1.2 Location of the Subscriber

Another factor that defines the price of a CDR is the location of a subscriber. Mainly this location can be distinguished between a domestic scenario and several different roaming locations or roaming zones. While a call to the same destination number might be charged at a price of X in a domestic scenario, a call to the very same destination number might be charged at a way higher price of Y when the subscriber is roaming outbound abroad.

7.1.3 Destination

The price might also be different per destination. A classic example would be a different price for SMS towards an on-net subscriber versus an offnet subscriber. Destinations are not limited to voice and SMS only, but also data rates might differ depending on what is done with the data service. For instance, normal browsing might be charged differently compared to accessing specific pages such as social media sites like facebook.com

7.1.4 Timeband

The price for a service could also be affected by the time of the day or the day of the week or a combination of any. Classically this is referred to as offpeak and peak hours. The subscriber must know what is meant by these timebands.

7.2 Charging Rules

While SMS or MMS is mostly charged per unit e.g. 1 SMS costs GHSX, in the case of voice calls and data the situation is totally different. For voice, the tariff is per minute but the billing is

per second (incrementing); rounded up to the next second (rounding). With data, the tariff is per megabyte (MB) but billing is per kilobyte (KB); rounding is to the next kilobyte.

In international call scenarios where it may be necessary to apply some nonlinear billing, such details shall be explicit to the consumer in the Terms and Conditions. For data, the Terms and Conditions must include information on;

1. Which increment is used to calculate the price; for example: “roundup to 10KB”.
2. The, conversion used for byte, Kilobyte and Megabyte (i.e 1024 or 1000).

7.3 Involved Accounts

Modern online charging systems usually use different accounts, often referred as Dedicated Account (DA) and Main Account (MA). From the view point of customers, they are often presented as wallets (and that is also easier for the subscribers to understand). When a subscriber opts in for using a DA subscribing to different bundles, it must be documented:

- Which accounts exist for this tariff
- Which subscription adds value to which account?
- What is the priority for a specific account (meaning from which DA any usage is decremented first)?
- In which type of unit an account is defined (currency, volume, minutes, events, mixed)

Any action from the subscriber that opens, increments or decrements an account must be documented. If a subscriber gets a certain bonus when performing a refill on the main account, this must be documented. Example: A tariff has a bonus calculated in money which is always filled when the subscriber makes a top up of the main account. This bonus is always a 100% of the scratch card value. Also the subscriber can opt in for data bundle, all data usage is firstly decremented from the bonus account. Only if the bonus account is completely depleted, data will be charged to the data bundle.

Moreover, accounts are usually limited with regards to a validity time. If a bundle is offered, it must be documented how long the bundle is valid.

Also if there is a limit in any other terms such as only certain destinations are affected it must be documented. The validity must be precisely specified. If it is valid for a day, it must be documented as to whether it is the entire 24hr period or for 23:59hrs.

8 EXAMPLES

8.1 Terms and Conditions for Promotional Tariffs

The terms and conditions for Promotional Tariffs will apply as follows;

- i. Wallet: how each service is decremented
- ii. Wallet priority
- iii. Promotion rate
- iv. Round up rule for the promotion
- v. Validity period

e.g. When subscribing to the “Talk More, Browse More” for a price of GHS 5.0, you get 500KB of free data for every 1min call. Call rates are 0.50P per minute in time roundup to the next seconds. Speech and SMS are decremented from the Main Account. Data activities are decrement from your acquired data wallet. Data rate is GHS 1.50/MB with volume roundup to the next KB. SMS rate is 0.015P.

8.2 Terms and Conditions for Data Bundles Only

The terms and conditions for data bundles will apply as follows;

- i. Wallet: how each service is decremented
- ii. Wallet priority
- iii. Rate
- iv. Round up per each service type
- v. Validity period

e.g. When subscribing to the daily 10MB bundle, my credit gets depleted by 0.11. This daily 10MB bundle adds 10MB to the Data wallet and has priority over any other wallet and is limited for 24 hours. Any data activity I do is charged from the 10MB Wallet. All other activities are charged first from my currency bonus account and then the main account.

8.3 Terms and Conditions for Voice Bundles Only

The terms and conditions for voice bundles will apply as follows;

- i. Wallet: how each service is decremented
- ii. Form of voice allocation (whether in minutes or currency)
- iii. Fair usage policy (FUP)
- iv. Wallet priority
- v. Rate
- vi. Round up per each service type
- vii. Validity period

e.g. When subscribing to the daily voice bundle, my credit gets depleted by GHS 0.50. This daily voice bundle adds 20 minutes to the Voice wallet and has priority over any other wallet and is limited for 24 hours. Any voice call made (depending of FUP) is charged from the allocated voice minutes or currency until the account is depleted.

8.4 Terms and Conditions for SMS Bundles Only

The terms and conditions for SMS Bundles will apply as follows;

- i. Wallet: how each service is decremented
- ii. Form of SMS allocation (whether in Units or Currency)
- iii. Fair usage policy
- iv. Wallet priority
- v. Rate
- vi. Validity period

e.g. When subscribing to SMS bundle, my credit gets depleted by GHS 1.00. This bundle gives 50 number of SMS at rate of GHS1.06 per SMS. Any SMS sent (depending on FUP) is charged from the allocated SMS account or currency until the account is depleted.

8.5 Terms and Conditions for Combo Bundles

The terms and conditions for Combo Bundles will apply as follows;

- i. Wallet: how each service is decremented
- ii. Form of the voice allocation (whether in minutes or currency)

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- iii. Ratio or the composition for each service type in the combo bundle (e.g. 50:50 – which implies 50% of the purchase amount is allocated to Voice and 50% of the purchase amount is allocated to Data)
- iv. Fair usage policy for the voice allocation
- v. Wallet priority
- vi. Rate/form of allocation (Currency, Minutes, Gigabytes)
- vii. Round up rule per each service type
- viii. Validity period

e.g. When subscribing to the 5 combo bundle, my credit gets depleted by GHS 5. This Combo Bundle gives 100 minutes voice allocation, 100MB data allocation and 10 number of SMS as bonus. The ratio for this combo bundle is 50:50 in the sense that 50% of the cost of the bundle (i.e GHS 2.5) paid for the voice allocation and the remaining GHS 2.5 paid for the data allocation. The effective rate for the voice and data allocations are 0.04167GHS/min and 0.01726GHS/Mb respectively.

8.6 Terms and Conditions for Default Tariffs

The terms and conditions for Default Tariffs will apply as follows;

- i. Rate per destination
- ii. Rate per timeband
- iii. Round up per each service type
- iv. Should be devoid of any form of promotion or add-ons features and should be Pay-as-You-Go (PAYG) rates

e.g. The price for a domestic call to on-net is charged at 0.09 per minute in steps of seconds during anytime of the day with a charging rule of second wise charging. Off-net calls are charged at 0.15 per minute in steps of seconds. SMS rate is 0.09 to all domestic destinations. Data rate is 0.657/MB in steps of KB.