

BOARD DECISION N°02/BD/ICT/RURA/2023 OF 19th JUNE 2023 REMOVING THE EXCLUSIVITY OF KTRN RWANDA FOR THE PROVISION OF 4G LTE AND BEYOND TECHNOLOGIES SERVICES

The Regulatory Board of the Rwanda Utilities Regulatory Authority (RURA);

PURSUANT to Law n° 09/2013 of 01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA) and determining its mission, powers, organization and functioning; especially in articles 20,29,44 and 49;

HAVING CONSIDERED the National Broadband Policy and Strategy approved by the Government of Rwanda on 14th October 2022, removing the wholesale model in broadband services;

PURSUANT to Law N° 24/2016 of 18/06/2016 governing Information and Communication Technologies, especially in articles 39, 40, 269;

PURSUANT to Regulations No 013/R/EC-ICT/RURA/2021 of 25/02/2021 governing Licensing in Electronic Communication;

NOTING THAT the License granted to KT Rwanda Networks (issued under the name of OLLEH RWANDA NETWORKS Ltd) in the year 2013; is not in line with the National Broadband Policy and Strategy, Law No 24/2016 of 18/06/2016 governing Information and Communication Technologies and Regulations No 013/R/EC-ICT/RURA/2021 of 25/02/2021 governing Licensing in Electronic Communication;

AFTER EXAMINATION of meeting minutes and different notices that include:

- a. Notice of intent to modify KTRN Network Service provision license issued on 29/12/2022;
- b. Regulator's intent to modify KTRN license, published in the Official Gazette on 30/1/2023;
- c. A meeting held on 4 April 2023 between RURA and KTRN about Frequency allocation plan road map for a smooth migration process;
- d. Notice of modification of KTRN Network Service provision license issued on 06/04/2023;
- e. Regulatory Directive directing KTRN to facilitate telecom operators' implementation of 4G technology and migration of their 4G subscribers issued on 16/05/2023;

HAVING NOTED THAT KT Rwanda Networks did not show any willingness to apply for the modification of the License;

UPON DUE CONSIDERATION AND DELIBERATION in its session of 19th June 2023;

Hereby decides:

Article One: Purpose of this decision

The purpose of this Decision is to remove the exclusive rights granted to KT Rwanda Networks for the provision of 4G and beyond technologies in Rwanda.

Article 2: Removal of exclusivity on licensed services

The Regulatory Board hereby removes the exclusivity granted to KT Rwanda Networks (issued under the name of OLLEH RWANDA NETWORKS Ltd) for the following services as provided under 4.1 of the Network Service Provision license of 11th September 2013:

- a) wholesale mobile broadband services, including voice, data and video services using any technology and lawful facilities;
- b) wholesale fixed broadband services, including voice, data and video services using any technology and lawful facilities;
- c) wholesale metropolitan, intercity and international communication transport services using any technology and lawful facilities;
- d) wholesale international gateway telecommunication services using any technology and lawful facilities;
- e) wholesale telecommunication services of any other kind permitted under the Law N°24/2016 of 18/06/2016 governing Information and Communication Technologies, using any technology and lawful facilities.

Article 3: Removal of exclusive rights to use frequency bands

The Regulatory Board removes the exclusive rights granted to KT Rwanda Network (issued under the name of OLLEH RWANDA NETWORKS Ltd) for the use of frequencies as set out in the Radiocommunication License.

However, KT Rwanda Network is allowed to apply for any category of license as provided for by Law N° 24/2016 of 18/06/2016 governing Information and Communication Technologies. KT Rwanda Ltd shall operate in an open and competitive market until a new license is issued.

Article 4: Implementation of this Decision

The Director General of RURA is entrusted with the power to take any applicable regulatory and administrative measure to ensure compliance with this Decision, including issuing regulatory directive and taking enforcement actions as provided for in Law n° 09/2013 of

01/03/2013 establishing Rwanda Utilities Regulatory Authority (RURA), Law N° 24/2016 of 18/06/2016 governing Information and Communication Technologies and other relevant laws and regulations.

Article 5: Notification and Publication of this Decision

The Director General of RURA shall notify this decision to KT Rwanda Networks and publish it on RURA's Website.

Article 6: Effective date of this Decision

This Decision takes effect on the date of its signature.

Kigali, on 19th June 2023

(sé)

Dr. Omar GATERA
Chairperson of the Regulatory Board

(sé)

Ms. Judith MBABAZI
Vice Chairperson

(sé)

Mr. HITAYEZU Patrick
Member

(sé)

Ms. INGABIRE Jessica
Member

(sé)

Ms. MUHIRWA Solange Marie
Member

(sé)

Mr. SEBERA Antoine
Member

(sé)

Mr. BAGANIZI Emile Patrick
Ag. DG & Member