



Liberia Telecommunications Authority

Building #D-168, Congotown Back Road
Monrovia, Liberia



LTA-ORDER-0014-12-14-16

Designation of Significant Market Power (SMP)

PURSUANT TO PART VII SECTION 27 (1) (d) OF THE TELECOMMUNICATIONS ACT 2007 AND LTA-ORDER-0013-12-14-16, THE LIBERIA TELECOMMUNICATIONS AUTHORITY (LTA) HEREBY ISSUES AND PUBLISHES THIS ORDER DESIGNATING CERTAIN LICENSEES AS POSSESSING SIGNIFICANT MARKET POWER (SMP) IN MARKETS RELEVANT FOR EX ANTE REGULATION.

1. For the reasons set out in the Annex to this Order, the LTA hereby designates and declares that Lonestar Cell/MTN has SMP and is therefore dominant in the Mobile Voice/SMS Access and Call Service Market.
2. Lonestar Cell/MTN as a dominant service provider in the Mobile Voice/SMS Access Market is hereby prohibited from undertaking activities or actions described in Part VII Section 28 of the Telecommunications Act 2007 (The Act) that would abuse its dominant position.
3. Additionally, the following ex-ante remedies are imposed on Lonestar Cell/MTN:
 - a) Pursuant to Section 42(1) of the Act Lonestar Cell/MTN is required to file and obtain approval of any change in tariffs of any pre and post-paid mobile voice/SMS service. If the tariffs filed by Lonestar Cell/MTN reflect significant on-net and off-net price differentials, the LTA may, pursuant to Section 46 of the Act, require Lonestar Cell/MTN to undertake cost studies to justify significant on-net and off-net tariff differentials.
 - b) Pursuant to Sections 48(1) and 48(2) of the Act, Lonestar Cell/MTN is required to furnish a copy to its customers or publish on its website, the Terms and Conditions of Service for its pre-paid and post-paid mobile voice/SMS services. Lonestar Cell/MTN is required to file a copy of the Terms and Conditions of Service with the LTA.
4. The LTA shall, pursuant to Part VII Section 27 (1) of the Act, monitor developments in this market to ensure that as a dominant service provider, Lonestar Cell/MTN does not abuse its dominant position; and may conduct a review of the market at some future time with the view of determining if any other licensee holds a position of SMP based on changes in market conditions. Such review may conclude with a Determination that supersedes this present Order.

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5. For the reasons set out in the Annex to this Order, the LTA further determines that each Licensee that terminates voice calls and SMS messages of its subscribers possesses SMP in the market for Call Termination. In this regard, the following ex-ante remedies are imposed on Lonestar Cell/MTN, Novafone and Cellcom, their successors and/or assigns.

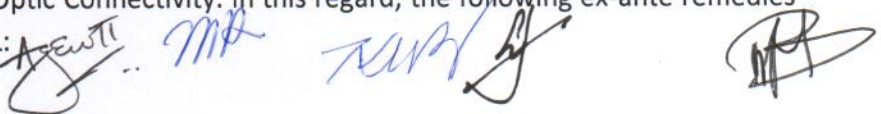
a. Pursuant to Section 37(1) of the Act and Section 4.5 of the Interconnection Regulations, all licensees terminating voice/SMS calls shall be required to set termination charges at the level of their costs.

b. Pursuant to Section 37(2) of the Act and Section 4.5 of the Interconnection Regulations, all licensees terminating voice/SMS calls shall be required to implement those charges determined by the LTA for termination.

c. Pursuant to Section 36(d) of the Act and Section 4.8.1 of the Interconnection Regulations, all licensees terminating voice/SMS calls shall provide:

1. services that enable telecommunications across the network of the interconnection provider, including but not limited to:
 - i. Call origination;
 - ii. Call termination; and
 - iii. Transit services;
2. sufficient interconnection link capacity to enable telecommunications, in accordance with the capacity forecasts and estimates provided by the Interconnection Seeker;
3. access to identified telecommunications facilities, equipment, services and other resources relevant to interconnection or as may be identified by the LTA from time to time;
4. access to any Essential Facility owned by the Dominant Service Provider as specified by the LTA from time to time;
5. access to bundled or unbundled network elements in accordance with an Interconnection Seeker's request, any applicable Reference Interconnection Offer (RIO) and any Decisions, Orders or Notices issued by the LTA pursuant to these Regulations; and
6. Operator services such as directory enquiries, operator assistance and emergency calling services, in this case only if required by the LTA.

6. For the reasons set out in the Annex to this Order, the Cable Consortium of Liberia (CCL) is determined to have SMP and is therefore dominant in the Market for International Fiber Optic Connectivity. In this regard, the following ex-ante remedies are imposed on CCL:

The text "are imposed on CCL:" is followed by four handwritten signatures in blue ink. The signatures are stylized and appear to be initials or names of the signatories.

- a. Pursuant to Sections 36 and 54 of the Act, CCL shall offer wholesale capacity and access to any interconnecting service provider on reasonable and non-discriminatory terms.
- b. Pursuant to Section 37 of the Act and Section 4.5 of the Interconnection Regulations, CCL shall set prices for capacity and other services on the basis of actual or predicted costs or in a manner determined by the LTA should the latter choose to do so.
- c. Pursuant to Sections 39 and 56 of the Act, CCL shall publish the terms on which it will receive, consider and accept requests for services and facilities leasing including physical or virtual co-location at the landing station.
- d. Pursuant to Section 36 of the Act and Sections 4.5.5 and 4.8.1 of the Interconnection Regulations, CCL shall offer capacity on unbundled basis in particular at the E-1 level.
- e. Pursuant to Section 42 and 44 of the Act, CCL shall file and obtain approval from the LTA for its tariffs.
- f. Pursuant to Section 56 of the Act, the CCL shall publish tariffs and tariff related information of CCL.

THIS ORDER SHALL TAKE IMMEDIATE EFFECT. UPON PUBLICATION, IT SHALL HAVE THE SAME LEGAL FORCE AS A RULE OF THE LTA AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL OTHERWISE ORDERED BY THE LTA OR PURSUANT TO LEGAL PROCESS.

ISSUED THIS 14th DAY OF December A.D. 2016 IN THE TOWNSHIP OF CONGOTOWN, REPUBLIC OF LIBERIA.

Signed:

Hon. B. Anthony McCritty, Sr.
Commissioner

Hon. Maria G. Harrison
Commissioner

Hon. Henry W. Benson
Commissioner

Hon. Harry T. Yuan, Sr.
Commissioner

Hon. Angelique Weeks
Chairperson