



ESWATINI COMMUNICATIONS COMMISSION NOTICE 4/ 2019 TO ALL INDIVIDUAL AND GENERAL LICENCE HOLDERS, ANY OWNER AND/OR LAWFUL POSSESSOR OF TOWER AND MAST FACILITIES (LICENSED OR UNLICENSED, NATURAL OR JURISTIC PERSON).

REVIEW OF DECISION 1/2019 – TOWERS AND MAST FACILITIES SHARING COST GUIDELINES 2019.

1. THE COMMISSION

The Eswatini Communications Commission is a regulatory body established in terms of the Eswatini Communications Commission (ESCCOM) Act, 2013 to regulate the electronic communications sector including; telecommunications networks and services, broadcasting services, postal services, the use and allocation of radio frequency spectrum, data protection and e-commerce.

2. DECISION 1/2019

On the 5th April 2019, the Commission issued and published Decision 1/2019 titled "Towers and Mast Facilities Sharing Cost Guidelines 2019" which came into effect on the same day of publication. The objectives of the Guidelines are to: -

Provide guidance on the costs for sharing the tower/mast infrastructure, taking into account the following factors:

- a) Positioning or location of equipment on the tower structure;
- b) Site Rental costs;

- c) Provision or availability of security on the site to be shared;
 - d) Tower construction costs
 - e) The height and type of the tower to be shared;
 - f) Electricity Supply;
 - g) Costs related to construction and maintenance of access-road to the site; and
- to provide guidance on the treatment of costs related to the maintenance of the tower/mast structure.

3. APPLICATION FOR REVIEW

On the 5th of May 2019, the Commission received an application for review of the decision by an aggrieved party. The essence of the review application was with regards to Clause 8 of the Guidelines dealing with Structure and Pricing framework. The application for review was filed under Section 44(1) of the Eswatini Communications Act (ESCCOM Act), 2013 which provides: *"The Commission, on its own motion or upon appeal by an aggrieved party, may before the expiry of thirty days from the date of publication of a decision made by the Commission, review that decision"*.

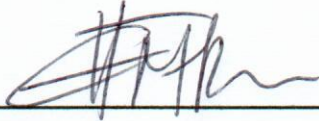
The Commission has assessed the application for review and has made the following determination:

1. The application for review, having been filed on 5th May 2019, was filed within the 30 days of publication of the decision as provided by section 44(1) stated above.
2. The Commission was entitled to consider an application for review filed within the allowable timelines.
3. The grounds submitted for the application for review, that is, review of the structure and pricing framework were considered by the Commission to be substantial and credible.

4. Decision to Review

Pursuant to the application for review filed and the determination made by the Commission, and in accordance with Section 44(1) of the ESSCOM Act, the Commission has reviewed the structure and pricing framework of the Guidelines. In this regard, the

Commission hereby revokes Decision 1/2019 and substitutes it with **Decision 3/2019** titled "**Towers and Masts Facilities Cost Sharing Guidelines 2019**" attached herewith and available on the Commission website.

A handwritten signature in dark ink, consisting of stylized, overlapping loops and strokes, positioned above a horizontal line.

Mvilawemphi Dlamini
Chief Executive