



**ESWATINI
COMMUNICATIONS
COMMISSION**

Subject : Towers and Masts Facilities Sharing Cost Guidelines, 2019

Number : 1/2019

Scope : All Individual and General Licence Holders, Any owner and/or lawful possessor of Tower and Mast facilities (licensed or unlicensed, natural or juristic person)

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1. Citation and Commencement

1.1. These Guidelines shall be cited as the Towers and Masts Infrastructure Sharing Costs Guidelines, 1/2019 and shall come into force on the 5th April 2019.

2. Scope and Mandate of the Commission

2.1. The functions of the Commission, as specified in Sections 6, 7 and 8 of the Eswatini Communications Commission Act, include the responsibility to “promote the development of innovative, secure, modern and competitive communications infrastructure and the delivery of related services...; ensure that all communications services are provided in a manner that will best promote economic and social development”. This responsibility entails certain obligations, set by the Eswatini Environmental Authority Act, which requires that measures are established for the protection of the environment in the provision of the services, products, operations or activities relating to any matter regulated by the Commission. Further, the Commission shall ensure fair competition in all communications services, products, operations and activities which it regulates and also determine issues concerning abuse of dominance, monopoly and discriminatory practices.

2.2. These Guidelines are issued pursuant to Section 38 (b) of the Eswatini Communications Commission Act, 2013 (hereinafter ESCCOM Act) which empowers the Commission to issue Guidelines for providing guidance in furtherance of its regulatory objectives.

3. Objectives

3.1. The objectives of these Guidelines are to:-

3.1.1. 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;

3.1.2. Provide guidance on the treatment of costs related to the maintenance of the tower/mast structure.

4. Definitions

4.1. For purposes of these Guidelines:

- a) "Licensee" has the meaning assigned to it in the Electronic Communications Act, 2013
- b) "facilities" shall mean tower and antenna mast structures
- c) "Facilities owner" shall mean All Individual and General Licence Holders, Any owner and/or lawful possessor of Tower and Mast facilities (licensed or unlicensed, natural or juristic person)

5. Application

5.1. The Guidelines apply to all Individual and General Licence Holders, any owner and/or lawful possessor of Tower and Mast facilities (licensed or unlicensed) and any person natural or juristic who privately owns the facilities.

5.2. The provisions of these Guidelines shall not affect the duty of any person to comply with any other applicable provision of legal frameworks applicable in the regulation of the electronic communications sector.

6. Application of Electronic Communications (facilities-sharing) Regulations, 2016

6.1. Notwithstanding these Guidelines, the Electronic Communications (Facilities Sharing) Regulations, 2016, remain applicable. The objectives of the Regulations are to:

- (a) Facilitate the conclusion facilities-sharing agreements by stipulating –
 - i. agreement principles;
 - ii. time frames and procedures to be followed by parties; and
 - iii. the procedures for the submission review and filing of agreements;
- (b) provide for the requirements for the sharing of facilities;
- (c) ensure that the incidence of unnecessary duplication of infrastructure is minimised or completely avoided;
- (d) protect the environment by reducing the proliferation of infrastructure and facilities installations;

- (e) promote fair competition through equal access being granted to the installation and facilities of operators on mutually agreed terms;
- (f) provide for the mandatory sharing of essential facilities as provided for in Section 24(2)(g) of the Electronic Communications Act;
- (g) encourage operators to pursue a cost-oriented policy with the added effect of a reduction in the tariffs chargeable to consumers; and
- (h) provide for dispute resolution processes and the time frames for lodging disputes.

7. Facilities-sharing pricing framework considerations

7.1. All facilities owners shall deal with each other in a transparent and equitable manner following the pricing framework set out in these Guidelines and based on a cost sharing approach when concluding facilities-sharing agreements.

7.2. The pricing framework on masts/ tower infrastructure takes 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;
- (h) Costs related to the maintenance of the tower structure

8. Structure and pricing framework

8.1. Parties in a facilities-sharing agreement shall conclude facilities leasing agreements guided by the following pricing structure:

8.1.1 For equipment located inside the perimeter fence of a site, the owner shall charge as follows:-

*8.1.1.1 For a 54-meter tower, the facilities owner shall charge a monthly fee not exceeding **E7200.00 (Seven Thousand Two Hundred Emalangen)**;*

8.1.1.2 For a 45-meter tower, the facilities owner shall charge a monthly fee not exceeding **E6400.00 (Six Thousand Four Hundred Emalangen)**;

8.1.1.3 For a 36-meter tower, the facilities owner shall charge a monthly fee not exceeding **E5200.00 (Five Thousand Two Hundred Emalangen)**;

8.1.2 For equipment located outside the perimeter fence of a site the owner shall charge as follows:-

8.1.2.1 For a 54-meter tower, the facilities owner shall charge a **monthly fee not exceeding E4700.00 (Four Thousand Seven Hundred Emalangen)**;

8.1.2.2 For a 45-meter tower, the facilities owner shall charge a **monthly fee not exceeding E3800.00 (Three Thousand Eight Hundred Emalangen)**;

8.1.2.3 For a 36-meter tower, the facilities owner shall charge a **monthly fee not exceeding E2800.00 (Two Thousand Eight Hundred Emalangen)**;

9 Towers and Masts Infrastructure established under universal service and access programme

9.1 Towers and Masts Infrastructure established under the universal service and access programme shall be subject to the following fee structure:

9.1.1 For equipment located inside the perimeter fence of a site the owner shall charge as follows:-

9.1.1.1 For a 54-meter tower, the facilities owner shall charge a **monthly fee not exceeding E1800.00 (One Thousand Eight Hundred Emalangen)**;

9.1.1.2 For a 45-meter tower, the facilities owner shall charge a **monthly fee not exceeding E1200.00 (One Thousand Two Hundred Emalangen)**;

9.1.1.3 For a 36-meter tower, the facilities owner shall charge a **monthly fee not exceeding E500.00 (Five Hundred Emalangeni)**:

10 Infrastructure / Facilities sharing conditions

10.1 The facilities shared under these Guidelines shall be governed by the Electronic Communications (Facilities Sharing) Regulations, 2016 as well as the following considerations:

10.2 A facilities sharing seeker shall be guided as follows on the number of equipment and or antennas to be installed on the Tower/Mast Infrastructure: -

10.2.1 An Individual Licensee facilities seeker shall be allowed a **maximum of three (3)** microwave antennas on the tower with a maximum size of 1.2 metres to be installed;

10.2.2 A General Licensee and any other facilities seeker shall be allowed a **maximum two (2)** microwave antennas on the tower with a maximum size of 0.8 metres to be installed;

10.2.3 An Individual Licensee facilities seeker shall be allowed a maximum of **three (3)** service antennas (multi-band) to be installed on the tower for mobile communications and only **one (1)** for other point-to-area communication services.

10.3 The Antenna position on the tower infrastructure shall be allowed as follows:

10.3.1 The facility owner shall provide or allow sharing at the requested tower height (or the nearest practicable height) by the seeker.

11 Incidental charges

11.1 The facilities owner shall be allowed to charge an all-inclusive maximum sum of **E4000.00 (Four Thousand Emalangeni)** in respect of Application and Site survey costs.

11.2 All other incidental charges not provided for in these Guidelines shall be submitted to the Commission for approval.

12 **Review and amendment of the Guidelines**

- 12.1 The Commission shall review and amend these Guidelines as and when necessary from time to time.

MVILAWEMPHI DLAMINI
CHIEF EXECUTIVE OFFICER