

# Telecom Lesotho's Exclusivity

## 1. Introduction

Telecom Lesotho was given exclusivity rights for a period of five years which is expiring on 8<sup>th</sup> February 2006. On the 20<sup>th</sup> January 2006, the Honourable Minister of Communications, Science and Technology noted the above fact, and announced that the Government of Lesotho has taken a policy decision to grant TL further exclusivity for a period of 12 months. However, the Honourable Minister instructed the LTA to work out the nature and extent of such further exclusivity, bearing in mind the existing exclusivity, technological developments and regulatory best practices.

In order to implement this policy decision, it is important to note the nature of exclusivity as outlined in the Fixed Network Operating Licence of Telecom Lesotho (TL) as amended. The licence outlines exclusivity in the following terms:

- Basic Voice Services within Lesotho and internationally;
- Basic Data Services within Lesotho and internationally; and
- Leased Line Services within Lesotho only.

This exclusivity can be considered in terms of:

- Voice services
- Data services
- International gateway and
- Leased line services

Though Internet and VoIP are not within the scope of exclusivity in any manner, their importance in telecommunications makes it imperative to state regulatory position on them.

## 2. Voice Service

It is proposed that TL be granted exclusivity on fixed voice services. In this regard, fixed voice services refer to

“voice services provided over

- wired terminal equipment or
- wireless terminal equipment with mobility limited to a home sector of a BTS where the home sector BTS refers to the BTS sector that provides access to the location of terminal equipment at the time of installation”

Exclusivity in this regard shall not apply to call centre services provided in Lesotho to customers outside the country.

### **3. Data Services**

It is proposed that TL be granted exclusivity on data services. In this regard, data services refer to

“any type of information conveyed over telecommunications networks excluding voice services and Internet access services”.

### **4. International Gateway**

It is proposed that TL be granted exclusivity on the international gateway in respect of

- voice services and
- data services as defined above.

### **5. Leased Line Services**

It is proposed that TL be granted exclusivity on leased line services. However, TL should not place any restriction on the use of the leased lines by its customers with the exception of illegal services.

### **6. Internet and VoIP**

- Provision of internet services shall not be the subject of the proposed exclusivity. Hence, shall be end-to-end competitive.
- It is proposed that VoIP be regarded as a technology over which voice services may be provided and not as a service. Therefore, anyone licensed to provide voice services is at liberty to deploy VoIP technology for the provision of such licensed services.