

APPRAISING THE NATURE AND LICENSING OF TELECOMMUNICATIONS OPERATORS UNDER THE NIGERIAN LAW*

Abstract

Telecommunication licence is a legal authorization or permit granted by a Government Regulatory Authority to an Individual or Organization allowing them to provide the telecommunication services to the Public. The nature and classification of telecommunications licences in Nigeria is rooted in the Nigerian Communications Act, 2003, which established the Nigerian Communications Commission as the principal Regulatory Body. Despite the rapid growth of the telecommunication sector in Nigeria, there is a lack of clarity and understanding surrounding the nature and classification of telecommunication licenses, hindering effective regulation, proper allocation of resources and fair competition within the industry. This paper examined the nature and classification of telecommunication licenses in Nigeria, aiming to provide valuable insights into the current licensing system and its implications for market competition, consumer protection and innovation. The paper adopted the doctrinal research method using statute books, journal articles, text books, law reports, internet materials etc. The paper revealed that telecommunication licenses in Nigeria can be divided into two main classifications which are Individual License and Class License. The paper found that the licensing regime promotes competition and investment in the sector, allowing multiple Operators to coexist and expand their Networks. The paper recommended several measures to improve the nature and classification of telecommunication licenses in Nigeria by suggesting a review of the license fees to make them more affordable for potential entrants, fostering increased competition. It further recommends that the licensing processes be streamlined in order to reduce bureaucratic red tapism and minimize multiple regulatory agencies in the telecom sector thereby enhancing the transparency and objectivity of licensing decisions to ensure a level playing field for all market participants among others.

Keywords: Telecommunications operators, Nature, Licencing, Nigeria

1. Introduction

A license in the context of telecommunications refers to the legal authorization given to telecom Operators by the Nigerian Communications Commission (NCC) to provide telecommunications services to the Public. These licenses are necessary for the proper development and regulation of the telecommunication Industry in Nigeria. The license granted, allow Telecommunications Operators to own, operate or provide communication services within the scope of their license. The Nigerian Communications Commission grants and renews Communications Licenses, monitors and enforces compliance with License terms and conditions. Telecommunication licenses play crucial role in the development and regulation of the telecommunications Industry in Nigeria. As an Industry that continues to evolve and expand rapidly, it is essential to have a comprehensive understanding of the nature and classification of these licenses. Firstly, it is important to recognize that the Nigerian Communications Commission (NCC) is responsible for granting and regulating telecommunication licenses in Nigeria. These licenses serve as the legal authorization for telecom Operators to provide services to the Public. The main objective behind issuing these licenses is to ensure fair competition, protect Consumers, foster Innovation, Spectrum Allocation and promote Investment in the Industry while enhancing the Country's Internal Generated Revenue (IGR).¹

The nature of licenses granted is solely determined by the Nigerian Communications Commission (NCC). The telecommunications licenses in Nigeria can be broadly classified into two categories which are; Individual License and Class License. An Individual Licence is a kind of license which terms, conditions and obligations, scope and limitations are limited to the service being provided while the Nigerian Communications Commission usually grants a Class Licence in respect of any matter requiring a Class Licence whereby the terms and conditions/obligations are common to all the holders as provided under the Nigerian Communications Act, 2003.² Understanding the nature and requirements of these licenses, Stakeholders can ensure fair competition, protect Consumers' Interests, offer telecommunications services within the prescribed scope/limits and facilitate the growth and development of the telecommunications sectors in Nigeria. This paper becomes germane in order to appraise the nature and classifications of telecommunications operators licencing under the Nigerian law.

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¹J. S. Ovidia (2008), 'Telecommunications Licensing in Nigeria: A Call for Transparency and Legal Reforms', *Journal of African Law*, Volume 52, 794.

² Available at <<https://www.ncc.gov.ng/about-ncc>>, accessed on 23/09/2023.

2. Nature of Telecommunication Licences in Nigeria

The Licensing of Telecommunication Service Providers in Nigeria is granted by the Nigerian Communication Commission (NCC) subject to the terms and conditions that are dependent on the nature and category of the license. The license grant operators the legal authority to provide various telecommunication services such as voice calls, data transmission, internet connectivity among others. The nature and classification of these licenses reflect the diverse and evolving nature of the telecommunications industry in Nigeria. It is an offense to operate a communications system or facility or provide a communications service in Nigeria unless authorized to do so under a communications license or exempted under regulations made by the Commission under the Nigerian Communications Commission Act, 2003.³ Thus, it is imperative to obtain a license before engaging in any communications service in Nigeria.

Obtaining a telecommunications license in Nigeria involves a rigorous process that ensures compliance with regulations and industry standards. The Nigerian Communications Commission evaluates applications based on various criteria, including technical feasibility, financial capability, and legal requirements. Once granted, the license outlines the terms and conditions under which the telecommunications service can be provided. This may include obligations such as network security, quality of service, and adherence to consumer protection regulations. In *Nigerian Communications Commission v. MTN Communications Limited*,⁴ the court emphasised with regard to a decision of Nigerian Communications Commission that an aggrieved Party in the telecommunications sector must first seek internal review of a decision by the Nigerian Communications Commission before resorting to judicial review.

The nature of licenses granted by the Nigerian Communications Commission (NCC) is personal to the licensee, such that the grant of a licence shall be personal to the licensee and the licence shall not be operated by, assigned, sub-licensed or transferred to any other party unless the prior written approval of the Commission has been granted and a licensee shall at all times comply with the terms and conditions of his licence and the provisions of the Nigerian Communications Act and its Subsidiary Legislations.

It is essential to note that the Nigerian Communications Commission (NCC) can issue an Exemption Order to exempt specified communication services or class of persons from the requirement of holding a licence.⁵ Before an Exemption Order is granted, the Nigerian Communications Commission (NCC) is required to ensure that the service to be provided will not interfere or cause harm to the Service Provider or Consumer. The Nigeria Communications Commission maintains a register of all licenses issued and exemption orders granted, which is made available for public inspection upon request.

3. Classifications of Telecommunication Licenses in Nigeria

There are two main classifications of telecommunication licenses namely Individual License and Class License. The Nigerian Communications Commission shall issue communications licences for the operation and provision of communications services or facilities by way of class or individual licences on such terms and conditions as the Commission may from time to time determine taking into consideration the objectives of the Act.⁶

Individual License

This is a type of authorization whose terms, conditions and obligations, scope and limitations are specific service provision. In Nigeria, Individual Licences are granted for the following services: Internet Services, Non-Commercial Closed User Group, Sales & Installation, Unified Access Service Licence, International Data Access, International Gateway, Interconnect Exchange, Metropolitan (Fibre) Cable Network, Mobile Number Portability, National Carrier, National Long Distance Communications, Public Mobile Communications – Trunk Radio Services, International Submarine Cable Infrastructure & Landing Station Services, Value Added Services – Aggregator, Value Added Services (VAS), Infrastructure Sharing & Collocation Services, Automated Vehicular Tracking Service, Open Access Fibre Infrastructure Network (INFRACOs), Wholesale Wireless Access Service, Private Network Links (PNL)⁷, etc.

³ Nigerian Communications Act, 2003, Section 31; Licensing Regulations, 2019, Regulation 5.

⁴ *Nigerian Communications Commission v. Mobile Telecommunications Network Limited*, [2004] (Unreported), Appeal No: CA/A/25/2004, p. 234.

⁵ Licensing Regulations, 2019, Regulations 13 (1).

⁶ Nigerian Communications Commission Act, 2003, Section 32.

⁷ Nigerian Communications Commission Emergency Powers Regulations, 2005. Available at <<https://www.ncc.gov.ng/licensing-regulation/licensing/licensees-list>>, accessed on 13/09/2023.

Class License

This is a type of general authorization. The terms and conditions/obligations are common to all the holders. It requires only registration with the Commission for applicants to commence operation.⁸ A Class Licence is a broader kind of licence which terms, conditions and obligations under the provision of the Nigerian Communications Act, 2003. The Nigeria Communications Commission usually grants a Class Licence in respect of any matter requiring a Class Licence under the Nigeria Communications Act. In Nigeria, Class Licences are issued for Sales & Installations, Repairs & Maintenance of Telecoms Facilities, Cabling Services, Telecentre/Cyber Café, Public Payphone Services etc.

4. Types and Categories of Telecommunication Licenses in Nigeria

In Nigeria, there are several types and categories of telecommunication licenses. These licenses are issued by the Nigerian Communications Commission (NCC) and are applicable to various telecommunications services and activities. Some of the common types and categories of telecommunication licenses in Nigeria include;

Unified Access Service Licence (UASL)

This license allows the licensee to provide a wide range of telecommunications services, including voice, data, and video services, using any technology platform. Unified Access Service Licence (UASL) is further divided into tiers, depending on the geographic coverage area, such as national, regional, or state. This license is issued to provide telecommunications services that include fixed and mobile telephony, data, and other value-added services. This is a type of licence that permits an entity to provide a wide range of services under a single licence. It permits a licensed entity to build, operate and utilize an International Gateway and a Network consisting of a Cellular Communication System, a Fixed Wireless Access Telecommunications System, Fixed Wireline Telecommunications System or a combination of any of these systems comprising Radio, Cable or Satellite or their combination, in the assigned Licence Area, deployed for the purpose of providing point to point or switched/un-switched point to multipoint Communications for the conveyance of voice, data, video or any kind of Message.⁹ It also permits a licensed entity to provide all types of access services, construction, operation, utilization of a Transmission Network and connection of terminal equipment for the purpose of rendering the services authorized under the licence.¹⁰ The Licence does not permit a licensee to utilize the frequencies assigned to it for any other purpose other than for rendering the services for which the Licence was granted. It prohibits a licensee from reassigning its frequency and from providing any other communication services outside the scope of its licence.¹¹ This licence is valid for a period of 10 years and can be renewed at the expiration of the licence period.¹²

Internet Services Licence (ISL)

This license is issued to provide internet services to individuals and businesses. This Licence permits an entity to provide and operate internet services in Nigeria.¹³ It prohibits the licensed entity from offering any other Value Added Network service except with the prior written approval of the Nigeria Communications Commission. The Licence granted to the licensed entity permits it to provide internet services by employing wire line or wireless links provided by the National Carriers or other local loop operators. It also permits it to establish its own independent network to facilitate the provision of the service.¹⁴ The License is valid for a period of 5 years and it is subject to renewal and compliance with the applicable terms and conditions for issuance of the Licence.

Metropolitan Fibre Cable Network Licence (MFCN)

This is a type of license issued by the Nigeria Communications Commission which permits an entity to build and operate access tandems and fibre optic transmission facilities/backbone upon land and water in Nigeria; to utilize other cost effective transmission media other than fibre optic in topographical areas where difficulty may

⁸ Nigerian Communications Act, 2003, Section 32 (1).

⁹B. Muhiz Adisa & Rodiyah Bashir (2023), 'Nigeria – Legal Procedure for obtaining a Telecommunication Licence in Nigeria'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1337078/legal-procedure-for-obtaining-a-telecommunication-license-in-nigeria>>, accessed on 14/09/2023.

¹⁰Sandra Eke (2020), 'Introduction to the Telecommunications in the Nigerian Telecommunications Industry'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1018550/introduction-to-licensing-in-the-nigerian-telecommunications-industry-part-1->>>, accessed on 14/09/2023.

¹¹ *Ibid.*

¹²Sandra Eke (2020), 'Introduction to the Telecommunications in the Nigerian Telecommunications Industry'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1018550/introduction-to-licensing-in-the-nigerian-telecommunications-industry-part-1->>>, accessed on 14/09/2023.

¹³ *Ibid.*

¹⁴ *Ibid.*

be encountered in deploying fibre optic; to undertake intra-city traffic within the assigned zone; to interconnect multiple metropolitan areas to transmit inter-city traffic, and to establish points of presence for the purpose of interconnecting with private networks and the networks of access providers.¹⁵ The licence does not permit the licensed entity to transmit and switch telecommunication services outside Nigeria; its switching function is limited to provision of Access Tandems within the approved metropolitan areas in Nigeria. The Licensee is prohibited from operating as an Access Provider and from switching Internet traffic for the purpose of delivery of IP packets to end users.¹⁶ The Licence is valid for a period of 20 years subject to renewal.¹⁷

Infrastructure Sharing and Collocation Services (ISCS) Licence

This type of license authorises the licensed entity to provide collocation and infrastructure sharing services to qualified network service providers in Nigeria. It also permits the licensed entity to construct, acquire and own telecommunications infrastructure and facilities available to sharing by Network Service Providers on the condition that such infrastructure and facilities are not core Network Facilities.¹⁸ The license does not permit the licensed entity to provide service providers with active infrastructure for the purpose of sharing, for instance, switching systems and radio network systems or other infrastructure. The License is valid for a period of 10 years and is automatically renewed for a further period of 10 years subject to the Licensee's provision of satisfactorily rolled-out services, and payment of all the renewal licence fees and charges due, within a period of six months preceding the first expiry date.¹⁹

National Long-Distance Operators (NLDO) License

This type of licence authorizes an entity to build, maintain, and operate access tandems and transmission facilities using its desired medium of transmission and transport protocol; carry long distance traffic locally and establish points of presence in anywhere in Nigeria for the purpose of interconnecting with private Networks and networks of Access Providers.²⁰ Like the Metropolitan Fibre Cable Network Licence conditions, the licensee is only authorised to provide transmission or switching of telecommunication services within Nigerian borders, it is prohibited from disseminating such messages internationally. The licensed Entity is also prohibited from operating as an Access Provider and from switching Internet traffic for the purpose of delivery of IP packets to End Users. The licence is valid for a period of 20 years and is renewable for a further period of 5 years subject to the fulfillment of the conditions required for renewal of the licence.²¹

Sales and Installation of Terminal or other Equipment Licence

This type of license permits an entity to install cellular and other terminals, sell telecommunications components and accessories utilized or intended to be utilized for the installation terminal equipment like simple telephone handsets, modems, fax machines telephone extenders, cordless phone sets, switching equipment up to 100 lines capacity, HF, VHF, and radio terminal equipment.²² The licensed entity is not permitted to install any other kind of equipment that it is not authorised to install under the licence. The license is valid for a period of 5 years subject to renewal and compliance with the applicable terms and conditions for issuance of the licence.²³

5. Renewal, Suspension and Revocation of Telecommunication Licenses in Nigeria

The renewal of licenses for telecommunication service provider in Nigeria is an imperative endeavor that requires careful consideration and deliberation. The process ensures the sustenance of an efficient and competitive telecom sector, fostering innovation and enhancing the overall quality of services rendered to

¹⁵Sandra Eke (2020), 'Introduction to the Telecommunications in the Nigerian Telecommunications Industry'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1018550/introduction-to-licensing-in-the-nigerian-telecommunications-industry-part-1->>, accessed on 15/09/2023.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸B. Muhiz Adisa & Rodiyah Bashir (2023), 'Nigeria – Legal Procedure for obtaining a Telecommunication Licence in Nigeria'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1337078/legal-procedure-for-obtaining-a-telecommunication-license-in-nigeria>>, accessed on 15/09/2023.

¹⁹ *Ibid.*

²⁰B. Muhiz Adisa & Rodiyah Bashir (2023), 'Nigeria – Legal Procedure for obtaining a Telecommunication Licence in Nigeria'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1337078/legal-procedure-for-obtaining-a-telecommunication-license-in-nigeria>>, accessed on 15/09/2023.

²¹ *Ibid.*

²²Sandra Eke (2020), 'Introduction to the Telecommunications in the Nigerian Telecommunications Industry'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1018550/introduction-to-licensing-in-the-nigerian-telecommunications-industry-part-1->>, accessed on 16/09/2023.

²³Sandra Eke (2020), 'Introduction to the Telecommunications in the Nigerian Telecommunications Industry'. Available at <<https://www.mondaq.com/nigeria/telecoms-mobile--cable-communications/1018550/introduction-to-licensing-in-the-nigerian-telecommunications-industry-part-1->>, accessed on 16/09/2023.

Consumers. The renewal process necessitates an intricate evaluation of various factors such as spectrum allocation, technological advancement and compliance with the regulatory frameworks. The licensee may apply for the renewal of an individual licence not later than 6 months before its expiry and the renewal fee to be determined by the Commission shall be payable upon approval of the application.²⁴ If the Commission has no intention of renewing the individual licence, the Commission shall:²⁵

- a. inform the licensee by written notice not later than 3 months from the date of receipt of the renewal application from the licensee, of its refusal to renew the individual licence; and
- b. notify and publish, at least 30 days before the expiry of the individual licence such intention in at least one national daily newspaper.

The Commission may refuse an application for the renewal of an individual licence if the Commission determines that the licensee has:

- a. failed to comply with the terms and conditions of the individual licence;
- b. failed to comply with the provisions of this Act or its subsidiary legislation; or
- c. failed to comply with any instrument issued, made or given by the Commission.²⁶

The affected licensee shall be given a reasonable opportunity to make written submissions to the Commission within a time period specified in the notice and such time period shall not be less than 14 days from the date of the notice.²⁷ The affected licensee may within the time period specified in the notice submit a written submission and the Commission shall consider the submission.²⁸ This meticulous approach ensures a robust and resilient telecommunications ecosystem, enabling seamless connectivity and propelling Nigeria's Digital Transformation. Ultimately, the renewal of licenses for telecommunication service providers in Nigeria represents a well-coordinated effort to safeguard Consumer interests, promote healthy competition and advance the Nation's Digital Agenda. The process stands as a testament to the commitment of Regulatory Bodies in fostering conducive environment to sustained growth and development in the telecommunications sector. By upholding stringent standards, encouraging investments and creating a level playing field, the renewal of licenses paves the way for enhanced services, increased connectivity and the realization of Nigeria's aspirations for a thriving Digital Economy. In the light of this, the Nigerian Communications Commission (NCC) also has the power to suspend or revoke telecommunication licenses under certain circumstances, in the Nigerian Communications Act, 2003.²⁹

The suspension or revocation of telecommunication licenses can occur for numerous reasons, including non-compliance with regulatory guidelines, breach of license terms and conditions, failure to meet quality of service obligations, and National Security concerns.³⁰ Section 45 of the Nigerian Communications Act, 2003, provides that;

- (1) The Commission may, by declaration suspend or revoke an individual licence granted under this Act in any of the following circumstances
 - a) the licensee has failed to pay any amount or fine required by or imposed pursuant to this Act or the individual licence;
 - b) the licensee has failed to comply with the provisions of this Act or its subsidiary legislation or the terms and conditions of the individual licence;
 - c) the licensee has contravened the provisions of any other written law relevant to the communications industry;
 - d) the licensee has failed to comply with any instrument issued, made or given by the Commission;
 - e) if the licensee;
 - i. is unable to pay its debts within the meaning of that expression as defined in the Companies and Allied Matters Act,
 - ii. enters into receivership or liquidation,
 - iii. takes any action for its voluntary winding-up or dissolution or enters into any scheme of arrangement (other than in any such case for the purpose of reconstruction or amalgamation upon terms and within such period as may previously have been approved in writing by the

²⁴ Nigerian Communications Act, 2003, Section 43.

²⁵ Nigerian Communications Act, 2003, Section 43 (2).

²⁶ Nigerian Communications Act, 2003, Section 43 (3).

²⁷ Nigerian Communications Act, 2003, Section 43 (4).

²⁸ Nigerian Communications Act, 2003, Section 43 (5).

²⁹ Nigerian Communications Act, 2003, Section 45.

³⁰ *Ibid.*

- Commission) or if any order is made by a competent court or tribunal for its compulsory winding-up or dissolution; or
- f) The suspension or revocation is in the public interest.³¹
- (2) Notwithstanding any contrary provision in this Act, an individual licence may be suspended or revoked under subsections (1)(a), (b), (c) or (d) of this section only after;
- a) The Commission shall by written notice have informed the licensee of its breach under the said subsection and demanded that the breach be rectified, (if it is capable of rectification), within 60 days from the date of the notice; and
 - b) The licensee has failed to rectify the breach within the said time-frame.³²
- (3) Prior to the suspension or revocation of an individual licence under subsection (1)(a), (b), (c) or (d) of this section, the Commission shall inform the licensee by written notice, as soon as practicable, of its intention to suspend or revoke the licence and the reasons therefor.³³
- (4) The affected licensee shall be given a reasonable opportunity to make written submissions to the Commission within a time period specified in the notice and such time period shall not be less than 14 days from the date of the notice.³⁴
- (5) The affected licensee may, within the time period specified in the notice, submit a written submission and the Commission shall consider the submission in making its final determination and declaration on the suspension or revocation of the individual licence.³⁵
- (6) Subject to subsections (4) and (5) of this section, the suspension or revocation of an individual licence shall take effect on the expiration of 30 days from the date on which the notice of the Commission's declaration under subsection (3) of this section in respect of the suspension or revocation is served on the licensee.³⁶
- (7) Where the suspension or revocation of an individual licence has taken effect, the Commission shall, as soon as practicable, cause the suspension or cancellation to be published in at least one national daily newspaper.³⁷
- (8) Any delay or failure to publish the notice of suspension or revocation shall not in any manner affect the validity of the suspension or revocation.³⁸

The grant of a licence shall be personal to the licensee and the licence shall not be operated by, assigned, sub-licensed or transferred to any other party unless the prior written approval of the Commission has been granted and a licensee shall at all times comply with the terms and conditions of his licence and the provisions of this Act and its Subsidiary Legislation.³⁹ The Nigerian Communications Act, 2003, empowers the Nigerian Communications Commission to suspend or revoke a telecommunication license if the licensee fails to comply with the conditions of the license or violates any provision of the Act. This section states that the Nigerian Communications Commission may, after giving the licensee a notice to show cause and affording them an opportunity for a hearing, suspend or revoke the license.

Furthermore, the Nigerian Communications Commission can suspend or revoke a telecommunication license for non-compliance with quality-of-service obligations under the provision of the Nigerian Communications Act, 2003. This section provides that if a licensee fails to meet the minimum quality of service standards as set by the Nigerian Communications Commission, the Commission may revoke or suspend the license after giving the licensee an opportunity to be heard. National Security concerns are also a significant factor in the suspension or revocation of telecommunication licenses in Nigeria. Section 45 of the Act grants the Nigerian Communications Commission (NCC) authority to suspend or revoke a license if it is necessary in the interest of National Security or Public Safety.⁴⁰ It is important to note that the Nigerian Communications Commission usually follows due process before suspending or revoking any license. The licensee is given an opportunity to show cause and is entitled to a hearing before a final decision is made.

The Nigerian Communications Commission has undertaken several actions against telecoms providers operating with expired licenses. For instance, in the 3rd Quarter of the Compliance Monitoring and Enforcement Report

³¹ Nigerian Communications Act, 2003, Section 45 (1).

³² Nigerian Communications Act, 2003, Section 45 (2).

³³ Nigerian Communications Act, 2003, Section 45 (3).

³⁴ Nigerian Communications Act, 2003, Section 45 (4).

³⁵ Nigerian Communications Act, 2003, Section 45 (5).

³⁶ Nigerian Communications Act, 2003, Section 45 (6).

³⁷ Nigerian Communications Act, 2003, Section 45 (7).

³⁸ Nigerian Communications Act, 2003, Section 45 (8).

³⁹ Nigerian Communications Act, 2003, Section 38.

⁴⁰ Nigerian Communications Act, 2003, Section 45.

released by the Nigerian Communications Commission in 2015, the office of Messrs. General Data Engineering Services Nigeria Limited (SKANNET) was sealed for operating with an expired ISP license and failure to fulfill its financial obligations in line with the terms and conditions of licence.⁴¹ Also in the 1st Quarter of the Compliance Monitoring and Enforcement Report released by the Nigerian Communications Commission in 2019, the Commission carried out enforcement exercises against Licensees operating with expired Licenses in Lagos, Kano, Jigawa and Rivers States. In Lagos, enforcement actions were carried out on Xnet Security Technologies Limited which led to the sealing of its Office. Following the exercise, the Company paid Six Hundred Thousand Naira ₦600,000.00 as part payment of its AOL in the sum of ₦2,400,000.00 and agreed to spread the remaining payment over six months.⁴²

6. Conclusion and Recommendations

In conclusion, it is evident that the nature and classifications of telecommunication licenses play a vital role in governing and regulating the telecommunications sector. These licenses serve as a framework for ensuring fair competition, consumer protection, and the overall development of the industry. They provide guidelines and conditions that telecommunication companies must adhere to, promoting a level playing field and ensuring the provision of quality services to the Nigerian population. It is in the light of the above that this paper recommends as follows;

Streamlining the Licensing Process: In order to enhance transparency and efficiency, it is necessary to streamline the licensing process. This can be achieved by establishing clear guidelines, reducing bureaucratic procedures, and implementing a more streamlined application and evaluation process. This would enable telecommunication companies to obtain licenses in a timely manner, fostering a conducive environment for investment and growth in the sector.

Regular Review of License Conditions: Given the dynamic nature of the telecommunications industry, it is crucial to conduct regular reviews of license conditions. This would ensure that the licenses remain relevant and adaptable to technological advancements and market changes. Regular evaluations would also allow for the introduction of new services and encourage innovation, ultimately benefiting consumers and promoting healthy competition among telecommunication providers.

Encouraging Investment and Infrastructure Development: To further strengthen the telecommunications sector in Nigeria, it is recommended to create incentives and policies that encourage investment and infrastructure development. This could include providing tax incentives, facilitating access to funding, and promoting collaboration between telecommunication companies and relevant stakeholders. By attracting more investment, the industry can expand its reach, improve service quality, and bridge the digital divide in the country.

Consumer Protection: Telecommunication licenses should prioritize consumer protection by incorporating robust provisions for fair pricing, quality of service, compensation and privacy protection. Regulatory bodies should enforce these provisions effectively, ensuring that telecommunication companies uphold their responsibilities towards consumers. Payment of prompt compensation to customers who suffer loss in any way in the hands of telecom operators would make the service providers to act with caution. These will promote trust and confidence among consumers, leading to a more sustainable and customer-centric telecommunications sector.

Awareness/Enlightenment: Nigerian Communications Commissions and other regulatory bodies and the stakeholders of telecommunication sector in Nigeria are invited to stand to their functions and embark on massive and regular awareness campaign on the objective of licensing of telecommunication service providers in Nigeria. The concept of licensing of telecom service providers in Nigeria appears to be dormant with the telecom operators having little or no knowledge on licensing procedures and steps. It is no doubt that some operators are rendering telecom services without licence even those that have licence are operating without due compliance with the terms, conditions and obligations upon which such licence are granted.

Nigerian Communications Commission to Establish Monitoring Team; By erecting monitoring teams, the NCC can effectively enforce licensing regulations and prevent unauthorized or unlicensed operators from

⁴¹Sandra Eke (2020), *Introduction to Licensing in the Nigerian Telecommunications Industry*, pt. 1. Available at <<https://spaajibade.com/introduction-to-licensing-in-the-nigerian-telecommunications-industry-part-1-sandra-eke/>>, accessed on 12/10/2023.

⁴²Nigerian Communications Commission, *Compliance Monitoring and Enforcement Report*, (Quarter 1 – 2019). Available at <<https://www.ncc.gov.ng/enforcement-reports/631-compliance-monitoring-and-enforcement-report-2019-q1?ml=1>>, accessed on 12/10/2023.

functioning in the industry. This measure will help maintain transparency, fair competition, and the overall quality of telecommunications services provided in Nigeria.

Review of Nigerian Communications Act, 2003; The Nigerian Communication Act 2003, was enacted at a time when the technological landscape was significantly different from what it is today. As such, the Act should be reviewed and amended to address the contemporary changes in society, particularly the advancement in technology such as the transition to 5G networks. The review and update of the Nigerian Communications Act, 2003, will help address the contemporary changes in society which will effectively address the changes in spectrum allocation, cyber security, competition policy, investment incentives and social economic implications to create a conducive environment for the successful deployment of 5G networks in Nigeria.

Review of fine for Violators; The imposition of fines on violators is a crucial part in the appraisal of licensing of telecommunication operators in Nigeria. However, regulators and the government need to implement a robust framework that will review the fines for violators which has been expressly provided for in the Nigerian Communications Act, 2003, so as to ensure operators face substantial fines for violations in contemporary times. The operators are multibillion naira companies who will not feel the impact of paying a ₦100, 000 or few millions as fine. Stiffer be imposed on erring service providers to serve as a deterrent.

Enhancing Fair Competition; The telecommunication regulatory bodies should prioritize the establishment and enforcement of policies and regulations that ensure fair competition among operators. Enhancing fair protection for both consumers and operators should be a fundamental consideration in the appraisal of licensing telecommunication in Nigeria. By prioritizing fair competition, it will help foster a more vibrant and consumer friendly telecommunication market. This will lead to improved services, better pricing and overall satisfaction for Nigerian telecommunication consumers.