

COMMUNICATIONS COMMISSION OF KENYA

CONSULTATION PAPER - REF: CCK/LCS/1700

MANAGEMENT OF TELECOMMUNICATIONS SHORT CODES

1. Background

The Communications Commission of Kenya (Commission) is the independent regulatory authority for the ICT industry in Kenya with oversight responsibilities in the provision of telecommunications, radio communication, electronic commerce, broadcasting and postal services.

Besides promoting competition, protecting consumers, and ensuring fairness and efficiency within the Communications sector, the Commission is also mandated to manage and administer scarce Communications resources such as the Frequency Spectrum and the National Numbering for Kenya which include Short Codes.

The Commission has in the past been assigning certain categories of short codes to operators in blocks while giving the assignees the responsibility of undertaking secondary assignment of these codes to other service providers as well as end users.

However, in the recent times there have been concerns regarding the manner in which these secondary assignments are undertaken as well their utilization. It is in this regard that the Commission believes that there is need to further enhance the management and administration of short codes in view of the increase in the number of players, usage and the overall competitive environment within the sector.

Arising from numerous complaints received from the public and the industry, the Commission vides a letter dated 12th January 2011 sought to reclaim the

“privileges” earlier accorded to the major operators on the allocation of short codes. The object was to centralize the allocation thereby dealing with some of the noted malpractices within the industry in this regard.

Upon receipt of this directive some operators jointly appealed to the Commission for reconsideration vide their letter dated 21st January 2011 while requesting for a meeting to consider their views. Their request for a meeting was later granted and the said meeting was held on 4th February 2011 at the CCK.

During the said meeting concerns by both the Commission and the operators were expressed and noted. It was subsequently decided that the best way forward was the issuance of Guidelines for effective management of the short codes. The Commission therefore embarked on the developments of the said guidelines and subjected the same through a consultation process with the 1st round having taken place in the Month of April 2011.

2. Feedback on the Consultation

In the first round of the Consultation process the Commission received feedback from 5 entities as shown below:

Name of Respondent	Nature of Operator/Licensee
1) Airtel Networks Kenya Ltd	NFP-T1, ASP, CSP
2) Essar Telecom Ltd	NFP-T1, ASP, CSP
3) Mobile Planet	CSP
4) Safaricom Ltd	NFP-T1, ASP, CSP
5) Telkom Kenya Ltd	NFP-T1, ASP, CSP

Analysis of the comments received and the responses to the same by the Commission are presented in **Annex 1** herewith attached.

Arising from the above-mentioned analysis the Draft Guidelines have been amended as shown in **Annex 2** herewith attached.

3. Main Highlights of the Proposed Guidelines on the Management and Administration of Short Codes

The following are the main highlights of the proposed framework for the management of telecommunications short codes.

- a) NFPs and ASPs requiring short codes for provision of services to their end users and for secondary assignment to other licensed service providers will be required to apply to the Commission for assignment of 5-digit bulk short codes. (The application form and Numbering plan are annexed to the guidelines)
- b) All the secondary assignment of short codes by the licensee must be done;
 - i) In a transparent manner,
 - ii) On a fair and non discriminatory basis,
 - iii) In accordance with the new numbering plan provided by the Commission.
- c) The Commission shall be notified about ALL secondary assignments within seven (7) working days with details on the assignments or withdrawals using the format prescribed in annex III of the guidelines. The notifications shall be sent by E-mail to shortcodes@cck.go.ke and by Post to the specified addresses detailed on the notification form.
- d) All Requirements, Procedures, Charges and other Terms and Condition in relation to secondary assignments shall be clearly specified and publicly accessible to ALL.
- e) All secondary assignments are considered common codes.
- f) All premium rate numbers for voice (0900) assigned will be universally accessible from both mobile and fixed line numbers.

- g) In order to ensure smooth transition from the 4-digit to 5-digit code framework, the following migration plan will apply:
- i) All NFPs and ASPs will immediately submit to the Commission details of all short codes assigned to them and the subsequent secondary assignment they have made. Details shall be as provided for in the notification form annexed to the draft Guidelines;
 - ii) All temporary secondary 4-digit short code assignments expiring within a period of six months shall not be renewed;
 - iii) Migration plans for all permanently assigned 4-digit short codes will be developed by the NFP/ASP and implemented within the six month migration period in collaboration with the secondary assignee. The migration plan to be developed may consider the following:
 - Immediately replacing the 4-digit short codes with the 5-digit code;
 - Assigning a suitable new 5-digit short code within the service category to run in parallel with the old 4-digit code for the period ending on 31st December 2011;
 - Prefixing a suitable digit to the existing 4-digit code or placing a suitable digit anywhere within the 4-digit code for easy and convenient migration to the 5-digit plan;

In all cases the Commission shall be notified of the adopted migration plan.

4. 2nd Round of Consultation

The Commission wishes to invite additional comments on the revised “Procedures and Guidelines for the Management of Telecommunications Short Codes in Kenya” herewith attached as Annex 2.

You may wish to note the comments received in the 1st round of consultation and the Commission’s comments on the same as presented in **Annex 1**.

Please note that Draft Guidelines contained in **Annex 2** were revised based on the comments received in the 1st round of consultation and you are now invited to submit your final comments on the revised version to facilitate conclusion of the consultation process and subsequent issuance of the said guidelines.

Please submit your written comments/views on or before 15th July 2011 to the address given below:

Director/Licensing, Compliance and Standards
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ANNEX 1: ANALYSIS OF THE FEEDBACK AND THE PROPOSED RESPONSES BY THE COMMISSION

1. General comments on the introduction of Procedure and Guidelines for the Management of Telecommunications Short Codes in Kenya.				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
<ul style="list-style-type: none"> • Believes the Commission intends to protect subscribers from unscrupulous ASP/CSPs and to ensure a level playing field. • They are in support of the endeavor as it is long overdue and short code regulations need to be tightened • If the Commission has to take over the administration of short code then it needs to consider the time it takes to approve Short Codes; • The Commission's proposed management and issuance of short codes will not achieve the intended outcome and should be left in the hands of the mobile operators. 	<p>Applauds the Commission's efforts to develop guidelines that would see to the sound management of short codes and for engaging Stakeholders in the process.</p>	<ul style="list-style-type: none"> • Thanks the Commission for giving the opportunity and for continued support • Looks forward to further engagement in the process of developing final guidelines for the administration of short codes. 	<ul style="list-style-type: none"> • Thanks the Commission for giving the opportunity to comment on the proposed procedures & guidelines • Recognizes the Commission's intent in seeking to bring into force the proposed guidelines in enhancing the resource management and promotion of competition • Recognizes that the proposed guidelines seek to ensure protection of consumers against undesirable conduct of some service providers. • Pertinent areas of the guidelines need to be replaced specifying in details the general principles, a framework procedure and specific obligations on the part of NFPs while addressing the Commission's concerns regarding the assignments and utilization of short codes. 	<p>Thanks the Commission for giving the opportunity to comment on the proposed guidelines for the management of short codes</p>
2. Code of conduct				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
<p>Proposes establishment of an industry task force that includes not only the mobile operators but others as well, aimed at creating a code of conduct, and</p>			<p>A detailed code of conduct to be adhered to by service providers in the utilization of short codes, including the conduct of NFPs. This code of conduct should cover aspects of</p>	

rules and regulations of short code such as the UK framework see www.phonepayplus.co.uk and mobile planet will be willing to participate and co-operate			advertisements, promotions, price competition, treatment of adult content and protection of minors.	
3. Clause 2 and 4: Application of the Procedures and Guidelines respectively				
Clause 2: These procedures and guidelines are issued pursuant to and shall form part of your license condition on “NUMBERING AND NUMBER PORTABILITY				
Clause 4: These procedures and Guidelines may be amended in accordance with section 82 of the Kenya Information and Communication Act of 1998				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
	Issuance pursuant to the license condition would look as an amendment of the existing licenses. Suggests that the guidelines be issued pursuant to the Kenya Information and Communication (Numbering) Regulations 2010 and the KICA, 1998	Clause 4 is proposed to read as follows: <i>These procedures and Guidelines may be amended in accordance with section 82 of the Kenya Information and Communication (Amendment) Act of 2008</i>	In order for the proposed guidelines to form part of the license conditions on numbering and number portability, the said license condition needs to be modified in accordance with the provisions of section 82 of the KICA, 1998.	
4. Clause 6.2.2 ‘Short codes assigned to facilitate provision of customer services such as support services, service activation, etc. are to be used such that such services are accessed free of charge by end users’				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
<ul style="list-style-type: none"> Does the clause apply to ASP/CSP? Who covers the cost of free communications 			<ul style="list-style-type: none"> Concerned about provision of free services without indication of who to bear the cost. Suggests that this clause be reworded placing on the part of service providers the obligation of providing the stated services at no cost or enabling NFPs recover the costs from service providers The term ‘<i>customer services</i>’ is too broad and in the absence of a any clarification, may be 	

			reworded to read as: <i>Short Codes assigned to support of support services only will be provided free of charge or at an affordable rate</i>	
5. CLAUSE 6.2.3. For all other categories of short codes the network operator in conjunction with the service provider shall determine the applicable fees and charges and submit the same to the Commission for approval.				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
<p>Wanted clarified the criteria to be used by the Commission in approving charges an ASP/CSP wishes to charge on short code.</p> <p>For example, if an ASP/CSP wishes to offer breaking news service at Kshs. 100 per SMS, the criteria to be used to approve or disapprove need to be clarified.</p>	<p>Tariffs for all services offered by licensees are regulated by the Kenya information and communications (tariff) regulations 2010.</p> <p>Tariffs for unregulated services are not subject to Commission's approval.</p>	<p>Service providers should be left to determine the charges and notify Telcos and CCK of the same.</p>	<p>The applicable fees and charges ought to remain a commercial matter to be determined by service providers subject to the guiding principles the Commission wishes to prescribe, which principles ought to be specified within the proposed guidelines</p>	<p>Proposes clause 6.2.3 to read as follows:</p> <p>For all other categories of short codes the network operator in conjunction with the service provider shall determine the applicable fees and charges and submit the same to the Commission for notification.</p>
6. Clause 6.2.4: Any short text or SMS requesting for information on a service or seeking to unsubscribe a service shall be free of charge to the end user.				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
<p>Proposes a situation where ASP/CSPs clearly indicate the cost of subscribing and unsubscribing from services and then let the subscriber decide whether to use the service or not.</p> <p>Free SMS is liable for abuse by the same subscribers the Commission wants to protect. The experience is that the free SMS that had been run before were abused to the level where they were shut down therefore the need for some</p>			<p>Proposes to re-word to expressly commit the cost of free SMS for information and unsubscribing to service provider</p>	

charge to act as a deterrent measure.				
7. Clause 6.3.1: Licensed Application Service Providers and Content Service Providers are eligible to apply for allocation of a block of Short Codes from the Commission for own internal use as well as for provision of its licensed services to consumers.				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
		Whether this provision applies to Telcos with unified licence.		
8. Clause 6.3.2: Application Service Providers and Content Service Providers may apply for a block of short codes for secondary assignment to other licensed service providers who must have a valid license compliance certificate for the duration of usage of the short code and subject to provisions under 6.4 below				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
	In the case where the service i.e. lottery is conducted on behalf of the CSP by an entity not licensed by CCK, will the entity be required to acquire license from CCK?			
9. Clause 6.4.1: Authorization by the Commission for use of short codes shall only be granted to Content Service Providers and Application Service providers who hold valid license compliance certificates.				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
	Proposes the world 'Compliance certificate' deleted - The requirement should be to have a valid license			
10. Clause 6.4.2:Secondary assignments for short codes by licensees must be done:				
<ul style="list-style-type: none"> • Only for the provision of duly authorized services; and • The assignee has sought and obtained prior clearance in writing from the Commission. 				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
		Wants clarification on ' <i>duly authorized services</i> ' by whom?		To ensure operational efficiency, the guidelines should

		<p>Telcos to monitor services offered by CSPs is not feasible and CSPs should take full responsibilities for the services they provide</p> <p>Clearance required for every secondary assignment is not favourable for operational efficiency</p>		<p>specify the number of days within which the Commission should respond to the application for re-assignment of the short codes to operators.</p>
11. Clause 6.5.2.2/3/4/5/6/7: The list of all services that are to be provided by use of the short code (s) including the proposed tariffs;				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
	<p>Proposes that the word '<i>including the proposed tariffs</i>' be deleted in accordance with the requirement to file tariffs under the Kenya Information and Communications (tariff) regulations 2010</p>	<p>Need to clarify 'geographical scope'.</p> <p>How PRSP should comply with Type Approval requirements</p> <p>The <i>proposed tariffs</i> is a sensitive information that should not be disclosed prior to the service but the time of filing with CCK</p> <p>A complaints resolution mechanism and plan for protection of minors and vulnerable groups need to be designed by CCK for adoption by all stakeholders.</p> <p>Clause 6.5.2.6 is not relevant</p> <p>The Rationale for allowing to choose the preferred</p>		

		code when it cannot be provided.		
12. Clause 6.5.2.12, 13 &14: The application should generally provide the following information:				
<ul style="list-style-type: none"> • Evidence of compliance with the requirements of other Regulatory Authorities. • A short statement undertaking to strictly comply with these guidelines and other terms and conditions that may be prescribed • Any other information the applicant considers important to support the application 				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
Other regulators, for example BCLB regulations require the details of SMS/IVR Short Code allocation before approval of promotion licence.	Not clear why one require to commit compliance with these guidelines in clause 6.5.2.13. License conditions suffice as they provide for compliance with Act, regulations and guidelines issued by Commission.			
13. Clause 6.5.3: Applicants for additional codes must account for any short codes assigned earlier and show evidence of utilization in order to be considered for any additional resource assignments.				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
		This may not be relevant as it is addressed in the quarterly returns		
14. Clause 6.6.2: Network operators must ensure that the allocated codes are dialed in the prescribed format including the prescribed USSD protocol formats				
Mobile Planet		Essar	Safaricom	Airtel
				The Commission needs to clarify further the prescribed format of the dialed short codes
15. Clause 6.6.1: It will be the responsibility of the Application Service Providers and the Content Service Providers to ensure that the short codes assigned are				

utilized in accordance with the numbering plan for short codes, and for the intended purposes only				
Mobile Planet		Essar	Safaricom	Airtel
			Proposes to be rephrased to read: <i>'It will be the responsibility of the licensee to whom the short code has been assigned to ensure that such short code is utilised in accordance with the numbering plan for short codes, and for the intended purposes only'.</i>	
<p>16. Clause 6.6.9.5:</p> <p>Network operators and Service Providers shall:</p> <p>ensure the highest level of service is given to consumer and that the consumers:</p> <p>Can readily and easily unsubscribe for each service separately, without undue delay. Where refund is considered the licensee shall make the refund via the same medium or mode through which the amount was received.</p>				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
It is difficult to implement this as there is currently no method that would allow a refund by ASP/CSP over SMS.		Should read: Where refund is considered the licensee shall make the refund via the same medium or mode through which the amount was received <u>and notify the subscriber of the same</u>		
<p>17. Clause 6.6.12: The terms and condition of service must outline the refund arrangements where the competition mechanism or voting conditions changes prior to entry.</p>				
Mobile Planet		Essar	Safaricom	Airtel
<ul style="list-style-type: none"> Agree with the spirit of the clause however implementation is wanting. This clause should be generalized and not made specific to competition and voting. 				
<p>18. Clause 6.6.3: Revenue Sharing; Whereas the revenue sharing would in the main remain as commercial arrangements between Network Operators and Content Service providers, such arrangements shall be equitable, fair and justifiable to all parties. The Commission shall use these guiding principles among</p>				

others in approving secondary issuance of short codes. Dispute arising between licensees shall be resolved in line with the established dispute resolution mechanism under the Act and Regulations.				
Mobile Planet		Essar	Safaricom	Airtel
		Revenue sharing should not be used as a criteria to issue secondary codes and commercial agreements should be left entirely for mutual agreement	Concerned about 'The Commission shall use these guiding principles among others in approving secondary issuance of short codes' <i>The other principles in secondary issuances need to be articulated.</i> Recommends that determination of revenue sharing between service providers and NFPs remains purely a commercial agreement subject to specific guiding principles that would be prescribed within the proposed guidelines.	Revenue sharing is a commercial agreement between network operators and CSPs and each agreement is unique, based on the services offered and these agreements should not be used as a yardstick upon which to use for approving agreements.
19. Clause 6.6.8 and 6.6.8.2 respectively: Network operators and Service Providers shall submit to the Commission regular returns on the utilization of the Short Codes as part of compliance returns in a format prescribed by the				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
It is difficult to implement this as there is currently no method that would allow a refund by ASP/CSP over SMS.	The word 'Service Providers' is not defined? Is this used interchangeably with "Applicant"? Clause 6.6.8.2 is already a part of requirement in the KCA 1998 and existing			

	license conditions and suggests that to be deleted			
20. Clause 6.6.13 The Network Operator and Content Service Providers shall submit Service Level Agreement or any other agreement to the Commission.				
Mobile Planet		Essar	Safaricom	Airtel
		This require to be harmonized with 6.6.3 commercial agreement that should be submitted to CCK.		
21. Clause 6.6.15: The network provider and content Service Providers shall maintain a customer support centre where complaints would be addressed within a reasonable time frame. In a situation where a complaint is not considered, reasons for such decision must be conveyed to the complainant within a reasonable period of time.				
Mobile Planet		Essar	Safaricom	Airtel
'Reasonable time frame' need to be defined to guard against abuse by ASP/CSPs				
22. Clause 6.7: Advertising and Promotion				
Mobile Planet		Essar	Safaricom	Airtel
			Says the provisions in this section are in order, however suggests that the commission need to place a comprehensive Code of conduct to be adhered to by all service providers	
23. 6.7.1: No content service shall be promoted as being "free" if it is obtainable by the use of premium rate service involving a charge to the customer.				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
ASP/CSP need to be allowed to advertise their service as free while indicating that normal SMS charges would apply.				
24. Clause 6.6.8.1: Network operators and Service Providers shall be primarily responsible for any contravention of any of the provision of these guidelines				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
			Says that this clause is unfair and onerous to hold NFPs primarily responsible, without qualification for	

			any contravention of the provisions of the guidelines and procedures. The primary responsibility can only be attached on the defaulting service provider only; and therefore the clause recommended for rephrasing.	
25. Clause 6.6.9.1/3/4/5: Network operators and Service Providers shall ensure the highest level of service is given to consumer and that the consumers:				
<ul style="list-style-type: none"> • Have sufficient information to enable them make informed decisions about using Short Codes. • Have a convenient and efficient means of resolving complaints arising in respect of the service contract by using a complaints handling mechanism. • Are sufficiently informed of the nature, prices, terms and conditions of access of the services using the Short Code at the time of sale, in advertising and while using the service. • Can distinguish content considered suitable only for adults or which should not be made available to children. • Can readily and easily unsubscribe for each service separately, without undue delay. Where refund is considered the licensee shall make the refund via the same medium or mode through which the amount was received. 				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
			The obligations provided in 6.6.9.1/2/3/4/5 ought to apply to service providers alone as NFPs who only provide access to subscribers ought not to be obliged to undertake the advertisement of the short codes that they do not directly offer.	
26. Annex1. Numbering Plan				
Mobile Planet	Telkom Kenya	Essar	Safaricom	Airtel
ASP/CSPs appear to have been allocated fewer codes than what is allocated to mobile operators though it is the ASP/CSP that offer majority of services as opposed to mobile operators. Proposed short code plan seem to allow mobile operators to offer premium rated services based on the allocation table. It was believed that Premium rated services were an exclusive domain of ASP/CSPs.	Telcos already have their respective codes for the purposes of recharge and checking balance. How will issue be resolved	<u>The 5-digit Codes</u> The 5-digit PRSP Numbering plan is good however the ultimate decision on the choice of golden numbers to be left to the discretion of Mobile operators. The three digit codes be left under the control of mobile operators for their	<u>Revision of Annex1 to remove standard short codes for prepaid services</u> Had previously informed the Commission that standardization of codes 130 and 131 to replace codes 141 and 144 for top-up and credit check respectively which have been in operation for over 10 years is disruptive and confusing 75% of subscribers	It is not clear how the Commission is going to treat the existing short codes already assigned to the PRSPs noting that the guidelines prescribe 5-digits. Seeks clarification as to whether the existing codes will be recalled by the

<p>The switch from 4-digits to 5-digits needs to be appropriately managed as the 4-digit codes are much more known to subscribers to avoid confusion.</p> <p>Some customers will require re-branding. For example, one customer called Kazi560 whose short code is 5601 may migrate to 143xx which has the potential for confusion.</p>		<p>own services</p> <p>The existing 4-digit codes ought to remain as they are because they have been existing for long and that new applications be issued with new codes.</p> <p>Level 1 code ought to be reserved for carrier services and level 9 for emergency as far as 3 and 4-digit codes are concerned.</p> <p>Short codes defined for SMS services should be different from those defined for USSD; for example whereas 121 is reserved for voice mail deposit, *121# can be used for another service.</p>	<p>The change will also have massive cost implications in terms of informing all subscribers to adopt the new codes;</p> <p>Strongly recommends that the entire table entitled 'SHORT CODE ASSIGNED FOR VOICE MAIL, PREPAID SERVICES AND CARRIER SELECTION' be removed to allow more consultation amongst the operators, while taking into account the subscriber interest.</p>	<p>Commission first before the 5-digit codes are issued. Clarification on transitional treatment of the existing Short Codes is required.</p> <p>Proposes that sufficient time (at least 6 months) be provided for the change from the current 4 digit short code to proposed 5 digit short code and that during this period both systems be allowed to run concurrently.</p>
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SUBJECT MATTER/CLAUSE	CCK VIEWS/COMMENTS & CLARIFICATIONS
<p>1. General comments on the introduction of Procedure and Guidelines.</p>	<p>The Commission acknowledges with appreciation the input by all the respondents. The Commission has given due consideration to all the inputs and subsequently revised the proposed framework for the management of short codes and provided further clarifications were sought and/or necessary as summarized here below:</p> <ul style="list-style-type: none"> • The proposed 5-digit numbering scheme is aimed at addressing capacity needs on a long term basis in view of the increasing demand and usage of these resources, • All NFPs & ASPs will be entitled to apply for bulks of short codes from the

SUBJECT MATTER/CLAUSE	CCK VIEWS/COMMENTS & CLARIFICATIONS
	<p>commission for their own use and also for secondary assignment;</p> <ul style="list-style-type: none"> • The Commission will be notified of all assignments to CSPs/PRSPs within 7 working days in a prescribed format; • That secondary assignment of short code shall be regarded as common codes which may be used on any network subject to commercial agreements
<p>2. Code of conduct</p>	<p>The Commission fully supports the introduction of an industry Code of Conduct to support the implementation of these Guidelines. Consequently the guidelines shall provide for the establishment and adherence to such code of conduct. Further the Commission will soon convene a meeting to discuss how such code of conduct would be developed.</p>
<p>3. Clause 2 and 4: Application of the Procedures and Guidelines respectively Clause 2: These procedures and guidelines are issued pursuant to and shall form part of your license condition on ‘NUMBERING AND NUMBER PORTABILITY’ Clause 4: These procedures and Guidelines may be amended in accordance with section 82 of the Kenya Information and Communication Act of 1998</p>	<p>These Clauses are hereby amended as follows:</p> <p>Clause 2: These Procedures and guidelines are issued pursuant to Section 5 (1) of The Kenya Information and Communications (Numbering) Regulations, 2010.</p> <p>Clause 4: These Procedures and Guidelines may be amended by the Commission from time to time in consultation with the industry players and other stakeholders.</p>
<p>4. Clause 6.2.2 ‘Short codes assigned to facilitate provision of customer support services service activation, etc. are to be used such that such services are accessed free of charge by end users’</p>	<p>Clarification:</p> <p>The short codes being referred to here are those generally used for the provision of customer care and/support services. For example when a service is being activated by way of SMS to or from a customer such SMS should not be charged to the customer but to the service provider where applicable. Similarly, customers opting-out (i.e. when sending the word STOP) should equally not be charged.</p>
<p>5. CLAUSE 6.2.3. For all other categories of short codes the network operator in conjunction with the service provider shall determine the</p>	<p>This Clause is amended as follows:</p> <p>For all other categories of short codes the network operator in conjunction with the</p>

SUBJECT MATTER/CLAUSE	CCK VIEWS/COMMENTS & CLARIFICATIONS
applicable fees and charges and submit the same to the Commission for approval.	service provider shall determine the applicable fees and charges bearing in mind the need to ensure that they are justifiable and fair to both parties and submit the same to the Commission for its records.
6. Clause 6.2.4: Any short text or SMS requesting for information on a service or seeking to unsubscribe a service shall be free of charge to the end user.	<p>This Clause is amended as follows:</p> <p>Service providers shall clearly provide a procedure for unsubscribing from a service by use of text message; and that any text message send for unsubscribing from a service shall be free of charge to the end user.</p>
7. Clause 6.3.1: Licensed Application Service Providers and Content Service Providers are eligible to apply for allocation of a block of Short Codes from the Commission for own internal use as well as for provision of its licensed services to consumers.	<p>Clarification:</p> <p>ASPs will be entitled to apply for bulks of short codes from the commission for their own use and also for secondary assignment. CSP will also be entitled for allocation of short codes for provision of its licensed services but not for secondary allocation to other CSPs.</p>
8. Clause 6.3.2: Application Service Providers and Content Service Providers may apply for a block of short codes for secondary assignment to other licensed service providers who must have a valid license compliance certificate for the duration of usage of the short code and subject to provisions under 6.4 below	<p>This Clause is amended as follows:</p> <p>Clause 6.3.2: Application Service Providers shall only make secondary assignment of short codes to other licensed service providers with valid licenses and compliance certificate for the duration of usage of the short code and subject to provisions under 6.4 below</p> <p>Clarification:</p> <p>Provision of Content services such as online lottery by other parties on behalf of a CSP is not permissible unless under a franchise arrangement that has obtained prior approval by the Commission having satisfied herself that the CSP takes full responsibility and that all license conditions have and shall continue to be met and that the CSP is visibly seen as the provider of the service with the third part being transparent to the consumer in every respect.</p>
9. Clause 6.4.1: Authorization by the Commission for use of short codes shall only be granted to Content Service Providers and Application Service providers who hold valid <i>license compliance certificates</i> .	<p>Clarification:</p> <p>Licenses are issued for long term periods subject to compliance with the associated terms and conditions. Compliance certificate is therefore the instrument proposed as a guide on the compliance status of a licensee and would assist both the Commission and ASPs in</p>

SUBJECT MATTER/CLAUSE	CCK VIEWS/COMMENTS & CLARIFICATIONS
	the processing orders for bulk shorts codes and secondary assignments respectively.
<p>10. Clause 6.4.2:</p> <p>Secondary assignments for short codes by licensees must be done:</p> <ul style="list-style-type: none"> • Only for the provision of duly authorized services; and • The assignee has sought and obtained prior clearance in writing from the Commission. 	<p>Clarification:</p> <p>This Clause relates to CSP License Term 5 which states that “The Licensee is authorised to provide the Licensed Services provided that:</p> <ul style="list-style-type: none"> • The Licensee has the related authorisations from Governmental Authorities and such an authorisation has been filed with the Commission; • The Licensee has filed the details of the particular service to be provided and obtained approval from the Commission and • a separate licence is not required to provide the particular service.
<p>11. Clause 6.5.2.2/3/4/5/6/7: The list of all services that are to be provided by use of the short code (s) including the proposed tariffs;</p>	<p>Clarification:</p> <p>These Clauses relate to various terms and conditions contained in the CSP license and are meant to align the same with the provisions of the said license. Please also note that the numbering plan is closely related to the services and therefore information on the planned services gives an indication on the short code series to be assigned</p>
<p>12. Clause 6.5.3: Applicants for additional codes must account for any short codes assigned earlier and show evidence of utilization in order to be considered for any additional resource assignments.</p>	<p>Clarification:</p> <p>This is a necessary numbering management procedure aimed at discouraging hoarding of numbers and provide for efficient utilization of the resources for the benefit of all</p>
<p>13. Clause 6.6.1: It will be the responsibility of the Application Service Providers and the Content Service Providers to ensure that the short codes assigned are utilized in accordance with the numbering plan for short codes, and for the intended purposes only</p>	<p>This Clause is amended as follows:</p> <p>It is the responsibility of the licensee to whom the short code has been assigned to ensure that such short code is utilized in accordance with the numbering plan for short codes, and for the intended purposes.</p>
<p>14. Clause 6.6.2: Network operators must ensure that the allocated codes are dialed in the prescribed format including the prescribed USSD protocol formats</p>	<p>Clarification:</p> <p>The USSD formats must be standardized for the convenience of the consumers.</p>
<p>15. Clause 6.6.3: Revenue Sharing; Whereas the revenue sharing would in the main remain as commercial arrangements between Network Operators and Content Service providers, such arrangements shall be equitable, fair</p>	<p>Clarification:</p> <p>Whereas this issue has been brought to the attention of the Commission as major concern</p>

SUBJECT MATTER/CLAUSE	CCK VIEWS/COMMENTS & CLARIFICATIONS
<p>and justifiable to all parties. The Commission shall use these guiding principles among others in approving secondary issuance of short codes. Dispute arising between licensees shall be resolved in line with the established dispute resolution mechanism under the Act and Regulations.</p>	<p>of most of the CSPs, and whereas the Commission does not wish to prescribe details principles and guidelines on revenue sharing arrangement between licensees as his is best left to commercial negotiations, it is the commission's view that detail principles and guidelines on revenue sharing could form part of the proposed Code of Conduct.</p> <p>Please note however that Paragraph 4 (1) of the Kenya Information and Communications (Tariff) Regulations, 2010 require licensees to set tariffs that are just and reasonable and that Paragraph 4(3) states that a licensee shall not set tariffs that prevent market entry or distort competition.</p> <p>This Clause is consequently amended as follows:</p> <p>Clause 6.6.3: Revenue Sharing; Whereas the revenue sharing would in the main remain as commercial arrangements between Network Operators and Content Service providers, such arrangements shall be in compliance with relevant provision of the Kenya Information and Communications (Tariff) Regulations, 2010. Dispute arising between licensees shall be resolved in line with the established dispute resolution mechanism under the Act and Regulations.</p>
<p>16. Clause 6.6.8.1: Network operators and Service Providers shall be primarily responsible for any contravention of any of the provision of these guidelines</p>	<p>This Clause is amended as follows:</p> <p>Clause 6.6.8.1: In case of a contravention of any of the provision of these guidelines the Commission shall be way of investigation determine who between the Network Operators and the Service provider is responsible for such contravention.</p>
<p>17. Clause 6.6.8 and 6.6.8.2 respectively: Network operators and Service Providers shall:</p> <p>Submit to the Commission regular returns on the utilization of the Short Codes as part of compliance returns in a format prescribed by the</p>	<p>This Clause is proposed for deletion as it is provided for in the License</p>

SUBJECT MATTER/CLAUSE	CCK VIEWS/COMMENTS & CLARIFICATIONS
<p>18. Clause 6.6.9.1/3/4/5:</p> <p>Network operators and Service Providers shall ensure the highest level of service is given to consumer and that the consumers:</p> <ul style="list-style-type: none"> • Have sufficient information to enable them make informed decisions about using Short Codes. • Have a convenient and efficient means of resolving complaints arising in respect of the service contract by using a complaints handling mechanism. • Are sufficiently informed of the nature, prices, terms and conditions of access of the services using the Short Code at the time of sale, in advertising and while using the service. • Can distinguish content considered suitable only for adults or which should not be made available to children. • Can readily and easily unsubscribe for each service separately, without undue delay. Where refund is considered the licensee shall make the refund via the same medium or mode through which the amount was received. 	<p>This Clause is amended as follows:</p> <p>Service Providers shall ensure the highest level of service is given to consumer and that the consumers:</p>

SUBJECT MATTER/CLAUSE	CCK VIEWS/COMMENTS & CLARIFICATIONS
19. Annex1-Numbering Plan	<ol style="list-style-type: none"> 1. Please note that the 4- digit numbering plan for short codes provides for a comparatively limited capacity and is not sustainable in view of the increasing demand for Short Codes hence the migration to the 5-digits plan. 2. The Commission’s position is therefore as follows: <ol style="list-style-type: none"> a. That NFPs and ASPs proceed to apply for the 5-digit block of codes for each service category for secondary assignment to CSPs. b. That the 4-digit codes be phased out within six months with effect from 1st of July 2011. During this period both the 4-Digit and the 5-digit codes shall run parallel on the understanding that the former shall cease to exist as at 31st December 2011. c. That all affected parties shall put in place and implement the migration plan from 4-digit to 5-digit within the transition period of 6 months with effect from 1st of July 2011. Such plan shall include public awareness campaigns. The migration plan may include providing CSPs with new 5-digit numbers to work in parallel with existing 4-digit codes say by prefixing the old codes with a digit where appropriate. 3. USSD codes and their structure need to be standardized for the convenience of the consumers. For example the Commission had prescribed a standard USSD format for credit loading and credit check as *130* digits and *131 for credit balance check. <ul style="list-style-type: none"> • Please note that the migration of Codes was harmonized at the EAC Regional level in order to make consumers in the Region use standard codes for key prepaid and customer services including a standard dialing procedure. This indeed is a common trend worldwide including the EU, West Africa and central Africa. This is normally achieved by providing a reasonable migration timeframe and also allowing roamers within the region to use the roaming codes

Annex 2: Proposed Short Code Management Procedures & Guidelines
Rev 1 – May 2011



PROCEDURES AND GUIDELINES

FOR

THE MANAGEMENT OF

TELECOMMUNICATIONS SHORT CODES

IN

KENYA

Ref: CCK/LCS/1700/SCG/Rev1

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1 Background

The Communications Commission of Kenya (hereinafter referred to as the Commission) was established under the Kenya Communications Act, 1998, No. 2 of 1998 and the Kenya Communications (Amendment) Act 2009, to license and regulate telecommunications, radio communications, postal and broadcasting services in Kenya. The Commission is also responsible for promoting competition, protecting consumers, and ensuring fairness and efficiency within the Communications sector.

Other core functions of the Commission include maintenance and administration of the National Numbering Plan for Kenya which includes the development of guidelines related to allocation and use of numbering resources including Short Codes. The Commission has in the past been assigning certain categories of short codes in blocks while giving the assignee the responsibility of undertaking secondary assignment of these codes to other service providers and end users.

In the recent times, however, there have been concerns regarding the manner in which these secondary assignments are undertaken as well their utilization. It is in this regard that the Commission believes that there is need to further enhance the administration of short codes in view of the increase in the number of players and the overall competitive environment in the sector.

The issuance of these procedures and guidelines are therefore aimed at achieving these objectives and are to be observed accordingly.

2 Application of the Procedures and Guidelines

These procedures and guidelines are issued pursuant to Section 5 (1) of The Kenya Information and Communications (Numbering) Regulations, 2010.

3 Effective Date of the Procedures and Guidelines

The Procedures and Guidelines will become effective from the issue date.

4 Amendments to the Procedures and Guidelines

These Procedures and Guidelines may be amended by the Commission from time to time in consultation with the industry players and other stakeholders.

5 Definitions and Abbreviations

5.1 Definitions

In these procedures and guidelines, unless otherwise stated the following definitions apply.

- 5.1.1 “**Act**” means the Kenya Information and Communications Act 1998 and any amendments thereof;
- 5.1.2 “**Activation**” means the act of a network operator and/or a service provider accepting a services request from a user;
- 5.1.3 “**An address**” means a string of or a combination of decimal digits and symbols / or additional information which identifies the specific termination points of a connection and is used for routing.
- 5.1.4 “**Applicant**” is any individual or organization that seeks to enters into a contract with an Operator for acquiring services;
- 5.1.5 “**Commission**” means the Communications Commission of Kenya;
- 5.1.6 “**Common Short Codes**” (CSCs) are cross carrier short numbers used to address SMS and MMS messages from mobile phones or fixed lines;
- 5.1.7 “**E164**” is an ITU recommendation which defines the international public telecommunication numbering plan;
- 5.1.8 “**MNP**” means Mobile Number Portability;
- 5.1.9 “**Network**” means the infrastructure deployed by an operator which provides services to their subscribers;
- 5.1.10 “**A Number**” is a string of decimal digits that unambiguously identifies an end user in a given context.
- 5.1.11 “**Number Administration**” is the process of validation, processing, assignment, reservations and reclamation performed by those entrusted with the numbering resource in public interest.
- 5.1.12 “**Number Portability**” means the ability to retain an existing subscriber number when transferring basic voice and SMS/MMS services from one operator to another operator;
- 5.1.13 “**Retailer (dealer, agent)**” means an entity which enters into contractual arrangements with a mobile network operator, in accordance with its licensing conditions, to provide retails services to customers of the operator;
- 5.1.14 “**Post Pay Account**” means an account held by a Subscriber for a mobile service which is paid after services are offered in accordance with contractual arrangement between the two parties;
- 5.1.15 “**Pre Pay Account**” means an account held by a Subscriber for mobile services which is paid in advance;
- 5.1.16 “**Subscriber Identity Module (SIM)**” is small electronic card inserted into cell phones, which provides a unique identity to a phone such as the subscriber number and operator network;
- 5.1.17 “**Subscriber**” mean the legal holder whether an individual or organization of a service account and is not necessarily the user of the service;

5.2 Abbreviations

5.2.1	ACK	Acknowledge the message
5.2.2	CLI	Calling Line Identity
5.2.3	ID	Legal identification of a subscriber such as a passport and Kenya National Identity card
5.2.4	MMS	Multimedia Messaging Service
5.2.5	MNP	Mobile Number Portability
5.2.6	SMSC	Short Message Service Center
5.2.7	SMPP	Short Message Peer-to-Peer
5.2.8	SIM	Subscriber Identity Module
5.2.9	SMS	Short Message Service
5.2.10	SLA	Service Level Agreement

6 Procedures and Guidelines

6.1 Scope

These procedures and guidelines apply to Network Facilities Providers, Applications Service Providers, Content Service Providers and end users.

The procedures and guidelines provide for a framework for the assignment and proper use of short codes while protecting the consumer/end user against any undesirable practices such as spam.

6.2 Key Principles

The principles set out below seek to outlining the broad framework for the administration of the telecommunications short codes as they are used to provide a variety of telecommunications services with due regard to public policy and consumer interest.

Communications Commission of Kenya (CCK) has the overall responsibility, as provided for under the Kenya Information and Communication Act of 1998 and the Kenya Communications (Numbering) Regulations 2010, to ensure adequate supply of telecommunications numbering resource to meet the needs of the telecommunications industry. In particular the Commission has the overall responsibility in the administration (i.e. planning, assignment, reservation and reclamation) of the numbering resource.

All eligible entities should have equitable access to the numbering resources on terms that are fair and non-discriminatory. Numbering resources should be utilized efficiently and in accordance with the prevailing regulatory framework.

- 6.2.1 The management of numbering schemes including short codes shall take into account regional and international agreements, standards and recommendations.
- 6.2.2 All major changes in the administration of numbering resources shall be subjected to a consultation process with the industry stakeholders and other stakeholders including consumers.
- 6.2.3 Short codes assigned for emergency services such as Police, Fire Services, ambulances, help lines and those for specific information services offered by Governmental Agencies shall be common to all operators and the corresponding services are to be accessed free of charge by end users.
- 6.2.4 Short codes assigned to facilitate provision of support services such as, service activation, help etc. are to be used such that such services are accessed free of charge by end users.
- 6.2.5 For all other categories of short codes the network operator in conjunction with the service provider shall determine the applicable fees and charges bearing in mind the need to ensure that they are justifiable and fair to both parties and submit the same to the Commission for its records.
- 6.2.6 Service providers shall clearly provide a procedure for unsubscribing from a service by use of text message; and that any text message send for unsubscribing from a service shall be free of charge to the end user.
- 6.2.7 These procedures and guidelines may not apply where Court Orders are in effect with respect to specific numbers.

6.3 Eligibility criteria and allocation policy

- 6.3.1 All licensed Application Service Providers and Content Service Providers are eligible to for assignment of Short Codes and other premium rate numbers from the Commission on application.
- 6.3.2 Application Service Providers may make secondary assignment of short codes to other licensed service providers subject to provisions under 6.4 below.
- 6.3.3 Application Service Providers shall only make secondary assignment of short codes to other licensed service providers with valid licenses and compliance certificate for the duration of usage of the short code and subject to provisions under 6.4 below
- 6.3.4 The short codes may be used internally by licensees for administrative and technical test purposes as well as for provision of licensed services to their customers.
- 6.3.5 Authorization by the Commission for use of short codes shall only be granted to eligible applicants with a valid license compliance certificates.
- 6.3.6 Secondary assignment of short codes by licensee must be done;
 - fairly,
 - transparently,
 - on a non discriminatory basis,
 - in accordance with the numbering plan; and
 - ONLY for the provision of duly authorized services.

- 6.3.7 The Commission shall be notified about ALL secondary assignments within seven (7) working days with details on the assignments or withdrawals using the format prescribed in annex III of the guidelines. The notifications shall be sent by E-mail to shortcodes@cck.go.ke and by Post to the specified addresses detailed on the notification form.
- 6.3.8 In further compliance with 6.3.7 above, all requirements, procedures, charges and other Terms and Conditions in relation to secondary assignments shall be clearly specified and publicly accessible to ALL.

6.4 Application Procedure for the Assignment of Numbers/Short Codes from the Commission

- 6.4.1 All applicants for the numbering resources shall submit their applications using the form available on the Commission Website at <http://www.cck.go.ke/licensing/numbering/application.html> and attach the relevant documents.
- 6.4.2 The application should generally provide the following information:
- i) Name and address of applicant, the official contact person on numbering resources, the physical and postal address, telephone and email address.
 - ii) Type of license, indication of license number, the geographical scope of the license, the location of the network and the area where the service is required;
 - iii) A valid compliance status including compliance with Type Approval requirements;
 - iv) The list of all services that are to be provided by use of the short code (s) including the proposed tariffs;
 - v) Complaints resolution mechanisms and plan for protection of minors and vulnerable groups;
 - vi) New applicants to provide the network and service rollout plan including a comprehensive schematic and network topology diagram; showing clearly end user distribution and planned interconnectivity with network operators and service providers within and outside the country. The Commission may inspect the network of the applicant for familiarity with the network configuration, ensure compliance to type approval, interoperability and other conformity requirements including spectrum usage
 - vii) The preferred Short Code (s). Please note however that the commission is not bound to assign any preferred resource as it may not be available at the time requested.
 - viii) Specified target market;
 - ix) Dates by which the assignment is required;
 - x) The duration of the assignment;
 - xi) The date by which the service is planned to be operational;
 - xii) Utilization of any existing assignments in the area of application; as follows:
 - Number of Short Codes assigned/allocated
 - Number of short codes in service.

- xiii) Evidence of compliance with the requirements of other relevant regulatory and state agencies;
- xiv) A short statement undertaking to strictly comply with these guidelines and other terms and conditions that may be prescribed;
- xv) Any other information the applicant considers important to justify the application;
- xvi) Applicants for additional codes must account for any short codes assigned earlier and show evidence of utilization in order to be considered for any additional resource assignments.

6.5 Procedure for secondary assignments

6.5.1 Applications for secondary assignments shall be in writing addressed to a licensee that has primary assignments from the Commission;

6.5.2 Those providing secondary assignments must request the applicant of evidence that the applicant has:

a) a valid compliance certificate issued by the Commission;

b) has complied with relevant legal requirements enforced by other state Agencies;

A licensee making secondary assignments **MUST** notify the Commission of the assignment within seven (7) working days by way of fax, email and post through a standard notification form available at:

<http://www.cck.go.ke/licensing/numbering/application.html>.

6.5.3 The notifications should generally provide information including but not limited to the name of the service provider, contact persons including telephones, email, fax, the details of the codes assigned, purpose, the indication of tariff, duration of assignment etc as specified in the notification form in 6.6.3 above.

6.5.4 All secondary assignments are considered common codes.

6.5.5 All premium rate numbers for voice (0900) assigned will be universally accessible from both mobile and fixed line numbers.

6.6 Withdrawal of a primary assignment.

The commission may withdraw the whole or part of a primary assignment where the usage of such assignment contravenes any of the following:

6.6.1 The Act, regulations, whole or part of these procedures and guidelines.

6.6.2 Any specific conditions relating to the assignment.

6.6.3 If the whole or part of a secondary assignment is not brought into service within six months, from the date of issue.

6.7 Assignment Conditions and Responsibilities

- 6.7.1 It is the responsibility of the licensee to whom the short code has been assigned to ensure that such short code is utilized in accordance with the numbering plan for short codes, and for the intended purposes.
- 6.7.2 Network operators must ensure that the allocated codes are dialed in the prescribed format including the prescribed Unstructured Supplementary Service Data (USSD) protocol formats.
- 6.7.3 Whereas the revenue sharing would in the main remain as commercial arrangements between Network Operators and Content Service providers, such arrangements shall be in compliance with relevant provision of the Kenya Information and Communications (Tariff) Regulations, 2010. Dispute arising between licensees shall be resolved in line with the established dispute resolution mechanism under the Act and Regulations.
- 6.7.4 Network operators must ensure that traffic is not delivered to numbers that do not exist in the Kenya Telecommunications Numbering plans.
- 6.7.5 All primary and secondary assignments to end users must be put into service within a period of six months from the date of assignment. The resources that are not activated after the expiry of the six month period shall be withdrawn, notified to commission in accordance with 6.6.3 and made available to other users.
- 6.7.6 Numbers and Addresses assigned by the Commission are not transferable to another entity or another service without the authority of the Commission. The Commission shall conduct regular audits on the utilization of the short codes to ensure that the resources are utilized for the intended purpose and used in accordance with these procedures & guidelines.
- 6.7.7 All assignments, reservations, reclamations and penalties shall be in accordance with the Act, Regulations, the license conditions, numbering plan and relevant ITU recommendations & standards. Any violations may result in the cancellation of the assignment
- 6.7.8 Service Providers shall ensure the highest level of service is given to consumer, and that the consumers:
 - a) Have sufficient information to enable them make informed decisions about using Short Codes.
 - b) Have a convenient and efficient means of resolving complaints arising in respect of the service contract by using a complaints handling mechanism.
 - c) are sufficiently informed of the nature, price, terms and conditions of access of the services using the Short Code at the time of sale, in advertising and while using the service.
 - d) Can distinguish content considered suitable only for adults or which should not be made available to children.
 - e) Can readily and easily unsubscribe for each service separately, without undue delay. Where refund is considered the licensee shall make the refund via the same medium or mode through which the amount was received and notify the subscriber of the same.

- f) Text messages sent and received by consumers must be stored by a service provider for a period not less than six (6) months.
 - g) All subscription terms and billing interval must be clearly specified and there shall be no instances of 'hidden' charges and any associated charges for services rendered shall be disclosed.
 - h) The terms and condition of service must outline the refund arrangements where the competition mechanism or voting conditions changes prior to entry.
- 6.7.9 The Network Operator and Content Service Providers shall submit Service Level Agreement, revenue sharing and any other agreement to the Commission.
- 6.7.10 Where the types of services contemplated by the service providers require authorization from other government agencies; such authorization shall first be obtained before any short code allocation is done.
- 6.7.11 The network provider and content Service Providers shall maintain a customer support centre where complaints would be addressed within a reasonable time frame. In a situation where a complaint is not considered, reasons for such decision must be conveyed to the complainant within a reasonable period of time.
- 6.7.12 The system must not be used to disseminate offensive, obscene or seditious information.
- 6.7.13 All terms and conditions including pricing information must be clearly spelt out and conspicuously displayed in line with Kenya Communications Regulations.
- 6.7.14 The Network operator shall build safeguard measures to the satisfaction of the Commission to ensure no sexually suggestive, obscenities or explicit material is transmitted in the course of the service.
- 6.7.15 Content Service Providers shall implement appropriate mechanisms to ensure and make available by appropriate means at least two methods for contacting the service provider directly.

6.8 Audit process

- 6.8.1 Each holder of a primary assignment shall submit to the commission annual returns on the utilization of the assignments by filling the “*Annual Numbering Return (ANR)*” providing information for the stated period specifying the numbers assigned against the total primary assigned numbers.

6.9 Advertising and Promotions

- 6.9.1 No content service shall be promoted as being “free” if it is obtainable by the use of premium rate service involving a charge to the customer.
- 6.9.2 All advertising and promotional materials must clearly include the name and contact details of network operators and content Service Providers.
- 6.9.3 All advertisements and promotions must clearly indicate whether a service is a subscription or not; terms and condition of programme clearly stated and service pricing information clearly and conspicuously indicated.

- 6.9.4 All advertising promotional materials, and service help message shall clearly display the consumers right to “opt in” or “opt out” of any promotion, programme or service, whether subscription based or otherwise.
- 6.9.5 All advertisement must therefore include the name (s), telephone numbers and contact person’s details of the relevant content provider.

6.10 Industry Code of Conduct

With guidance by the Commission the industry shall develop a Code of Conduct (CoC) on the utilization of short codes that will be adhered to by ALL players and will cover aspects such as advertisements, promotions, pricing, competition, treatment of adult content, protection of minors, etc to supplement the provisions in these Procedures and Guidelines.

6.11 Transitional provisions

6.11.1 In order to ensure smooth transition from 4-digit to 5-digit codes, the following migration plan will be followed:

- iv) All NFPs and ASPs shall without delay submit details of all short codes assigned to them and the subsequent secondary assignment they have made. Details shall be as provided for in the notification form annexed to the draft Guidelines;
- v) All temporary secondary assignments expiring within a period of six months will expire without renewal;
- vi) Migration plans for all permanently assigned 4-digit short codes will be developed by the NFP/ASP and implemented within the six month migration period in collaboration with the secondary assignee. The migration plan to be developed may consider the following:
 - Immediately replacing the 4-digit short codes with the 5-digit code;
 - Assigning a suitable new 5-digit short code within the service category to run in parallel with the old 4-digit code for the period ending on 31st December 2011;
 - Prefixing a suitable digit to the existing 4-digit code or placing a suitable digit anywhere within the 4-digit code for easy and convenient migration to the 5-digit plan;

Please note that in all cases the Commission shall be notified of the adopted migration plan.

Issued by the Communications Commission of Kenya

Director General
Communications Commission of Kenya

Date

7 ANNEX: SHORT CODE PLAN FOR KENYA

SHORT CODES FOR EMERGENCY AND CUSTOMER SERVICES

SHORT CODE	APPLICATION	ALLOCATION STATUS
100	Customer care and information services	All operators
1011-1019	Directory information service	Not Activated
102 to 107	Spare	
108	National Steering committee response centre on peace building and conflict management	All operators
109	National Emergency response centre	All operators
110	Emergency Rescue Services in Lake Victoria	All operators
112 & 999	Police, Emergency and SoS	All operators
114	Fire services	Under negotiation
116	Childline help	All operators
1190	HIV/AIDS services	All operators
1191	helpline	
1192	Alcohol and drug abuse helpline	All operators
1190 to 1198	Ambulance services and other helplines	
1199	Kenya Red cross emergency response	All operators

SHORT CODES ASSIGNED FOR VOICE MAIL, PREPAID SERVICES AND CARRIER SELECTION

SHORT CODE	APPLICATION	ASSIGNEEE	USSD FORMAT
120	Spare		
121	Voicemail deposit	All operators	
123	Voicemail retrieval	All operators	
124	Spare		
125	Spare		
130	Recharge	All operators	*130*digits#
131	Check Balance	All operators	*131#

5-DIGIT COMMON SHORT CODES FOR DELIVERY OF SMS BASED PREMIUM RATE SERVICES TO FIXED AND MOBILE CUSTOMERS

SHORT CODE	APPLICATION OR SERVICE
136xx 137xx 138xx 139xx	SMS downloads (for non restricted access), horoscopes, yellow pages, status checks, follow-ups etc.

140xx 141xx 142xx 143xx 144xxx	Voting, gaming, lottery, price draws, phone to win, overrides;
145xx-149xx	Extension of Voting, gaming, lottery, price draws, phone to win, overrides;
1501	Porting Access
151xx 152xx 153xx 154xx	SMS bases VAS information services, educational promotions, quizzes and SMS alerts information, Job alerts and recruitments
155xx 156xx 157xx 158xx	SMS bases VAS information services, educational promotions, quizzes and SMS alerts information, Job alerts and recruitments
160xx 161xx 162xx 163xx	Finance, banking and e-commerce codes. Standard USSD format: *15X*YZ# Where X is operator, Y=service provider and Z=service
164xxx to 169xx	Extension of SMS banking, e-commerce and financial services
17x to 18x	Carrier Selection/Preselection
190xx 191xx 192xx 193xx	High premium rate PIN enabled downloads (for restricted access and protection of minors)
194xx -199xx	For extension of the high premium rate PIN enabled downloads (for restricted access and protection of minors)
9xxxx (Except 999)	Spare

5-DIGIT COMMON SHORT CODES FOR DELIVERY OF SMS BASED PREMIUM RATE SERVICES TO MOBILE CUSTOMERS ONLY

SHORT CODE	APPLICATION OR SERVICE
20xxx 21xxx 22xxx 23xxx	Short durational SMS downloads (for non restricted access), horoscopes, status checks, follow-ups (For mobile users only).
26xxx to 29xxx	For extension of SMS based services
30xxx 31xxx 32xxx 33xxx	Voting, gaming, lottery, price draws, phone to win, overrides for mobile services only;
34xxx to 39xxx	For internal tests and use by operators
40xxx 41xxx 42xxx 43xxx	information services, news alerts
44xxx to 49xxx	For extension of SMS based services
50xxx 51xxx 52xxx 53xxx 54xxx 55xxx 56xxx	SMS bases VAS information services, educational promotions, quizzes and SMS alerts information, Job alerts and recruitments for mobile services
57xxx to 59xxx	For extension of SMS based services
60xxx 61xxx 62xxx	PIN enabled restricted access for mobile service subscribers only

SHORT CODE	APPLICATION OR SERVICE
63xxx	
64xxx to 69xxx	Extension of the PIN enabled restricted
7xxxx	Spare
8xxxx	Spare

PREMIUM RATE NUMBERS.

(Numbers Assigned for Voice Based Premium Rate Services)

NDC	SERIES	TOTAL DIGITS	APPLICATIONS
0900	0xx xxx	9	Information Services, educational promotions, quizzes, subscription to information
0900	1xx xxx	9	Voting, gaming, lottery, price draws, phone to Win, promotions etc.
0900	2xx xxx	9	Information services, auctions, lottery and gaming
0900	3xx xxx	9	Auctions
0900	4xx xxx	9	Charity, donations, support etc
0900	5xx xxx	9	Spare
0900	6xx xxx	9	Spare
0900	7xx xxx	9	Spare
0900	8xx xxx	9	Spare
0900	9xx xxx	9	PIN enabled restricted access

ANNEX II: APPLICATION FORMS FOR SHORT CODES

NRA2



Numbering resource application form for short codes

March 2011

1. DETAILS OF APPLICANT

1.1. Names : _____

1.2. Postal Address: _____

1.3. Postal Code _____

1.4. City/Town: _____

2. LICENSEE DETAILS

2.1. Name of Licensee _____

2.2. Physical Address

2.2.1. Building: _____

2.2.2. Street name: _____

2.2.3. Floor: _____

2.2.4. Room: _____

2.3. Telephone & Email Contacts

2.3.1. Names of Contact person (s) on Numbering:

2.3.2. Fixed line: _____

2.3.3. Mobile: . _____

2.3.4. Fax Line: _____

2.3.5. E-mail: _____

2.4. License under which application is made and Licence Number

2.4.1. Type of License (e.g NFP, ASP, LLO, CSP etc) _____

2.4.2. TL/ _____

2.5. Geographical Scope of the License (e.g. National, regional, Nairobi etc)

3. SERVICE AND MARKET DETAILS

3.1. Purpose of the Short Code applied

3.2. Type of services to be offered on the Short Code

3.3. Target customers (e.g. all mobile, specified operators, fixed and mobile etc)

3.4. Duration of usage of the Short Code: _____

3.5. Expected activation date of the Short Code: _____

3.6. List ALL your existing Short Code Assignments

4. ATTACHMENTS

Please attach the following documents with this application form where applicable:

- 4.1. Proposed tariff guide for the various services to be delivered on the Short Code (s).
- 4.2. Authorization letters or Applicable licenses from other government offices or agencies where applicable (e.g. CBK, BCLB etc)
- 4.3. List of equipment to be used for interconnection and for end user. (Note that some of the interface and end user equipment MUST be type approved before numbering resources are assigned to you).
- 4.4. For new applications within the service category, a comprehensive network diagram indicating points of interconnection with Network Facility Provider equipment and other licensees as applicable to your service. (The Commission may choose to inspect the network facility to appreciate the facility)
- 4.5. Framework for protection of minors, complaints resolution handling and client exit from the service.

5. DECLARATION

I hereby certify the information I have provided in this application is true and correct to the best of Knowledge. I also understand that it is an offence under the penal code to give false information in support of any application.

Name: _____

Signature: _____

Date: _____

Completed application forms should be returned to: -
Director/ Licensing, Compliance and Standards
Communications Commission of Kenya
CCK Centre, Waiyaki Way
P. O. Box 14448
NAIROBI 00800
Tel: 254-20- 42420 Fax: 254-20- 4348135

FOR OFFICIAL USE ONLY

The applicant MEETS/ DOES NOT MEET the Commission's requirements and is hereby RECOMMENDED/NOT RECOMMENDED to be issued with the following Short Codes (s):

.....
.....

.....The reasons for not recommending the applicant for the numbering resource (s) are as follows:-

.....
Name.....

Designation..... Signature

Application Form No..... Date.....

Official stamp

ANNEX III: NOTIFICATION OF ASSIGNMENTS OR WITHDRAWALS OF THE RESOURCES



**Communications
Commission
of Kenya**

Notification of Assignment or Withdrawal of Short Codes and Premium rate numbers in accordance with the procedure guidelines.

To be returned to CCK Fax No.: 020 4451866, P.O. Box 14448 Nairobi 00800.

This form may be used by the issuer to notify Communications Commission of Kenya of secondary resource Assignments and Withdrawals within seven (7) working days from the date of issue or withdrawal.

1. INFORMATION OF ISSUER

- a. Name of Licensee/Service provider _____
- b. Details of contact person on the resource
 - i. Names line: _____
 - ii. Fixed line: _____
 - iii. Mobile: . _____
 - iv. Fax Line: _____
 - v. E-mail: _____

2. DETAILS OF THE RESOURCE APPLICANT OR ENTITY WHOSE RESOURCE IS BEING WITHDRAWN

- a. Name of Licensee _____
- b. Licence Number: TL _____

c. Postal Address:_____

d. Postal Code_____

e. City/Town:_____

f. Physical Address

i. Building:_____

ii. Street name:_____

iii. Floor:_____

iv. Room:_____

g. Telephone & Email Contacts

i. Names of Contact person (s) on Numbering:

ii. Fixed line: _____

iii. Mobile: . _____

iv. Fax Line:_____

v. E-mail:_____

h. Reason for withdrawal (where applicable)

3. DETAILS OF THE SHORT CODE/PREMIUM RATE RESOURCE ASSIGNED AND/OR WITHDRAWN

Short Code/ Premium Rate Number	Assignments				Withdrawal		
	Date Assignment/	of	Period Assignment	of	Planned services	Date of Activation	Date of withdrawal

SIGNED ON BEHALF OF THE ISSUER

Name-----

Signature-----

Date-----