



COMMUNICATIONS  
AUTHORITY OF KENYA

## PUBLIC NOTICE

### **REQUIREMENT TO GRANT ACCESS TO PREMISES BY LICENSED COMMUNICATION SERVICE PROVIDERS TO SERVE CONSUMERS**

The Communications Authority of Kenya (CA), established under the Kenya Information and Communications Act, 1998, is the regulatory agency for the ICT industry in Kenya with responsibilities in telecommunications, cyber security, e-commerce, broadcasting and postal/courier services. The CA is also responsible for managing the country's numbering and frequency spectrum resources, administering the Universal Service Fund (USF) as well as safeguarding the interests of users of ICT services.

It has come to the attention of the Authority that some private, public entities and landlords are denying access or limiting access or locking-in specific telecommunication service providers and services to their premises. It is important to note that consumers and users of communication services have a right to choose their service provider from among the licensed entities.

We wish to notify the public that denying access or limiting access or locking-in specific service providers in premises is in contravention to the Constitution of Kenya Chapter Four on Bill of Rights Articles 33, 34 & 35 that grant free access to information and communication systems of any nature by members of the public. The Kenya Information and Communications Act, 1998, further prohibits denial of access to communication services and requires provision of equal opportunity for access to the same type and quality of service to all customers.

We would like to make specific reference to the following sections of the Act for information.

**84U. Denial of access** *No licensee under this Act shall deny access or service to a customer except for delinquency of payment of dues or for any other just cause.*

**84V. Anti-competitive practices and conduct** *A licensee shall provide equal opportunity for access to the same type and quality of service to all customers in a given area at substantially the same tariff limiting variations to available or appropriate technologies required to serve specific customers.*

To this end, the Authority directs:

- Landlords, property owners and managers not to deny access, limit access or locking-in specific telecommunication service providers and services to their premises. All licensed service providers should be given equal treatment in terms of access to the premises, to give the consumers and users of communication services the right to determine and choose their service provider.
- Members of public, landlords, property owners and managers to procure communication services from duly licensed and compliant entities only. The register of licensed entities is always updated and posted routinely on the Authority's website vide the link <https://www.ca.go.ke/licensee-register>.
- That all premises and services deployed must be supported by a valid compliance certificate issued by the Authority which should be produced and be displayed in the contact office of the utilizing premise.
- Landlords, property owners and managers to guarantee safety and ensure no vandalism or compromise on installed communication systems and services within their premises.

ICT services are critical in powering the socio-economic development of our country and as such, the public is advised to desist from obtaining services from unlicensed or non-compliant licensees to ensure better quality of services and robust consumer protection.

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