



GOVERNMENT OF EBONYI STATE OF NIGERIA

Ministry of Information and Communication Technology (ICT)

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1st December 2023

Our Ref:..... Your Ref:..... Date:.....

EBONYI STATE RIGHT OF WAY REGULATIONS (UNDER SECTIONS 135,136(40 AND 137(5) NIGERIAN COMMUNICATION ACT 2003)

PART 1 – PRELIMINARY

1.1. These regulations may be cited as Ebonyi State Telecommunication and Related Infrastructure Right of Way Regulations and shall deemed to come into effect on the 30th December, 2024.

1.2. The definition of telecommunication and related infrastructure shall include Network Facilities, Fiber Optic Cables, Telecom Base Stations, Installation of New Telecom Mast etc.

1.3. A licensee operator under these sections 135 and 136 of the Nigerian Communication Act, 2003 May require:

- a. approvals of the Ebonyi State Government or another relevant Ministry and Agency for Installation, Placing, Laying or carry out any maintenance of network facilities, fiber optic cable, base station, mast etc. on, through, under or across any land and it shall be the responsibility of such licensee to obtain such approvals.
- b. shall in installing its network Facilities, Fiber Optic Cables, Base Stations, Mast etc., take all necessary and reasonable steps to ensure that the operator causes as little detriment and inconveniences and do as little damage as it is practicable.
- c. shall take all reasonable steps to restore the land to a condition that is similar to its condition before the activity began.
- d. In the application of section 135 of Nigerian Communications Act, 2003 and in the exercise of its powers over the Right of Way with Ebonyi State, the State Ministry of Information, Communication and Technology (ICT) will receive applications or request for approval for installation, placing, laying or maintenance of any

telecommunications network facilities including Fiber optics cable from any licensee operator.

- e. The State Ministry of Information, Communication and Technology (ICT) shall impose an aggregate fee for fiber optic cable deployment in the State which shall not exceed ₦145 (**One Hundred and Forty-Five Naira**) Per linear meter.

PART 2 - APPLICATION FOR AND GRANT OF RIGHT OF WAY

2.1. Application shall be made to Ebonyi State Ministry of Information, Communication and Technology (ICT) by the licensee operator for grant of Right of Way for installation, Placing, Laying or Maintenance of any network facilities on, through, under or across any public land or road network within the State, including all federal roads in the state capital, clearly stating the purpose and duration of the occupation.

2.2. The application shall be accompanied by a technical file describing the planned Works particularly

- a. The route required in line with the state road network and inventory
- b. The plan of the network showing the ways of passing and anchoring the installations.
- c. Proper starting and end points of the installation
- d. Exact length applied for in meters or the surface in m² and, if applicable, the height of the equipment and installations.
- e. Number of ducts to be laid
- f. Cross sectional dimension of intended trench excavation.
- g. Type and capacity of ducts and cable to be laid.
- h. Excavation and backfill methods.

In addition to the requirement specified in sub-regulation (2) of this regulation 3, every application shall contain the following information

- i. Name, designation, physical address, telephone number and electronic mail address of the contact person of the applicant.
- ii. A copy of the approval where such infrastructure is subject to Environmental Impact

2.3. The Ebonyi State Ministry of Information, Communication and Technology (ICT) shall examine the application and shall within **Two (2)** working days of submission of the application, confirm whether the application is complete or whether there is any deficiency in the application.

2.4. Where it considers that there is a deficiency in the application, it shall notify the applicant in writing or via email, specifying details of the deficiency and or such additional information that it reasonably requires to evaluate the application.

2.5. Where there is any need for physical inspection and/or joint measurement, Ebonyi State Ministry of Information, Communication and Technology (ICT) shall inform the applicant and schedule a date for the inspection.

2.6. A Demand Notice issued by the Ministry of ICT will be given, which includes the amount to be paid to the State Government through which they can proceed to **Ebonyi State Internal Revenue Services** (EBSIRS) to generate a Tax Identification Number (TIN) to make payment in any State Government Designated Commercial Bank for IGR Collection, of the total cost of the area covered by the Right of Way as stated in the Demand Notice at ₦145 per Linear Metre.

2.7. The bank tellers/print out are returned to Ebonyi State Internal Revenue Services (EBSIRS) for processing and issuance of Government approved Receipt as proof of payment.

2.8. Application for Right of Way shall be granted by the Ebonyi State Ministry of Information, Communication and Technology (ICT) within **Two (2)** working days of the submission of the application, the payment of the relevant fees, and the provision of all other relevant documentation and or information prescribed in this regulation.

2.9. The grant of Right of Way on the Public Domain gives rise to the payment of fees which may not exceed ₦145 Per Linear Metre.

PART 111- OBLIGATION OF THE LICENSEE OPERATION ON COMPLETION OF WORK

3.1 An applicant that has been granted a Right of Way shall provide the Ebonyi State Ministry of Information, Communication and Technology (ICT) with a copy of the laid drawing for each approval to guide the competent authorities in future rehabilitation, expansion and maintenance work on the public domain.

3.2 The As-Laid drawings shall show the following

- a. Ducts and cable laid
- b. Depth of the Trenching
- c. Numbers of Ducts Laid
- d. Type and capacity of ducts
- e. Types of cables
- f. Depth of markers
- g. Position of the ducts and relative to the road center line
- h. Positions of manholes.

3.3. On completion of the works, the applicant shall obtain the appropriate completion certificate from authorities and forward a copy to the Ebonyi State Ministry of Information, Communication and Technology (ICT)

3.4. Relocation of ducts and cables during rehabilitation or construction of roads, if cables are found to obstruct road works, shall be carried out by the applicant at its own expense

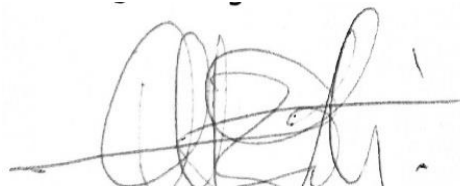
PART IV – MISCELLANEOUS PROVISION

4.1 No licensee operator shall commence any work before the Right of Way grant is duly approved and communicated to the license operator.

4.2. The breach of the provisions of these regulations where penalty is not stipulated shall be punishable by any of the following:

- a. Fines up to ₦500,000 (Five Hundred Thousand Naira) per day of the breach
- b. Suspension of Right of Way
- c. Termination of Right of Way.

4.3. All Contradictory State Regulations on Right of Way are to the Extent of their contradictions null and void.

A handwritten signature in black ink, appearing to read 'Uzoh Tootchukwu Okorie', is written over a faint, circular official stamp. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Hon. Comrade Uzoh Tootchukwu Okorie
Commissioner for ICT, Ebonyi State