



KATSINA STATE OF NIGERIA

KATSINA STATE REGULATIONS ON RIGHT OF WAY (RoW) OF FIBER-OPTIC

REGULATION NO. 01, 2024.

KATSINA STATE RIGHT OF WAY REGULATION ON FIBRE OPTIC DEPLOYMENT

27th December, 2024.

Pursuant to the mandate conferred on the Katsina State Directorate of Information and Communications Technology by Katsina State Government

I, Naufal Ahmad, Director General, Katsina State Directorate of Information and Communications Technology do hereby make the following Regulations:

PART I— Preamble

1. By virtue of clause 135 of Nigerian Communications Act, 2003, a licensee operator under this above-mentioned Act:
 - a) may require approvals of the State Government, Local Government or other relevant authority for installation, placing, installing or maintenance of any network facilities (“Network Facilities”) on, though, under or across any land and it shall be the responsibility of such licensees to obtain such approvals;
 - b) shall, in installing its Network Facilities, take all reasonable steps to ensure that the Operator causes as little detriment and inconvenience, and does as little damage, as 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) shall, in connection with the installation of its Network Facilities, take all reasonable steps to—
 - act in accordance with good engineering practice
 - protect the safety of persons and property;
 - ensure that the activity interferes as little as practicable with— (i) the operations of a public utility; (ii) public roads and paths; (iii) the movement of traffic; and (iv) the use of land; and
 - protect the environment.
 - e) shall take all reasonable efforts to enter into respective agreements with public utilities that make provision for the manner in which the licensee will engage in activities that are— (a) related to the installation of its Network Facilities, and (b) likely to affect the operations of the utility.

2. In the application of the above-mentioned clause 135 of Nigerian Communications Act, 2003, and in the exercise of its powers over the Rights of Way (RoW) within the Katsina State, Directorate of Information and Communications Technology receives applications or requests for approval for installation, placing, installing or maintenance of any telecommunications network facilities from any licensee operator;
3. Katsina State Government has issued an Executive Order, **Right of Way Charges of Fiber Optic Order 2023**, freeing all charges related to the deployment of fiber optic in Katsina State. The applicants are not expected to pay while applying.

Part II - Application and Grant of Right of Way for Deployment of Fiber Optics

4. Application shall be made to Katsina state Directorate of information and communications Technology (KATDICT) by the licensee operator for granting RoW for fiber optic installation, placing, laying or maintenance of any Network Facilities on, through, under or across any public land within Katsina State clearly stating the purpose and duration of the occupation. The request is accompanied by a technical file describing the planned works, particularly:
 - a) The route required, in line with the State's Road 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) In case of installation on or beside a road, the side of the road on which installation is intended (RHS or LHS);
 - e) Exact length applied for in meters or the surface in m² and, if applicable, the height of the equipment/installation;
 - f) Cross sectional dimension of intended trench excavation;
 - g) Number of ducts to be laid;
 - h) Type and capacity of ducts and cable to be laid.
 - i) The technical data needed to assess the possibility of sharing existing facilities;

- j) Detailed layout diagrams for engineering structures and junctions;
 - k) The general conditions for the organization of the site and the name and address of the project manager;
 - l) Excavation and backfill methods;
 - m) Schematic diagrams showing the above;
 - n) A schedule for the execution of the work, indicating the date of commencement and the foreseeable duration of the work.
5. In addition to the requirements specified in clause 4 above, every application shall contain the following information:
- a) Name, designation, physical address telephone number and electronic mail address of the contact person of the Applicant.
 - b) Environmental Impact Analysis by virtue of the Environmental Impact Assessment
 - c) Site Analysis Report
 - d) Tax Clearance Certificate
 - e) Certificate of Incorporation
 - f) Articles of Memorandum, and
 - g) Map and any illustration of the affected settlements showing the routing of the duct.
6. KATDICT shall examine the Application and shall, within three (3) working days of submission of the Application, confirm whether the Application is complete or whether there is any deficiency in the application. 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.
7. If the application is satisfactory, the applicant will be notified via his e-mail for them to wait for processing.

8. Where there is any need for physical inspection and/or joint measurements, Directorate of Information and Communications Technology shall inform the Applicant and schedule a date for the inspection.
9. Applications for RoW of Fiber Optic Deployment shall be granted by Directorate of Information and Communications Technology within Twenty-One (21) Working Days of the submission of the application, and the provision of all other relevant documentation and/or information prescribed in this Regulation No. 1, 2023, whichever is later.
10. Where the KATDICT fails to confirm approval in writing within the stipulated Twenty-One (21) Working Days, such approval will be deemed granted and the Applicant shall commence the deployment of the planned infrastructure as if a formal approval had been received. An approval relating to communications infrastructure may only be denied in the following cases;
 - a) Where the applicant fails to provide the necessary information or to pay the relevant fees as stipulated and/or within the time stipulated in this Section.
 - b) Where the grant of the RoW of fiber optics deployment will be in contravention of the Dig-Once Policy specified of the State,
 - c) Where the Nigerian Communications Commission notifies the Directorate of Information and Communications Technology of its disapproval of the deployment of such infrastructure on the grounds that the Applicant is not licensed to deploy such infrastructure or that the deployment does not satisfy its technical and/or standards.
 - d) If the intended installation, placing, laying or maintenance of Network Facilities that could affect the integrity of the works and the safety of users shall be deemed incompatible with the use of the public domain.
 - e) If the request can be met, under conditions equivalent to those that would result from granting RoW by the use of the existing facilities of another occupier of the public domain, if such use does not compromise the use of the facilities by that occupier.

11. If the application is not approved after one month from the date the application is received, the KATDICT shall provide the licensee operator a written statement identifying the reasons for its failure to approve and identify which KATDICT is responsible for the refusal.
12. Where the satisfaction of the request of an licensee operator would lead to the use of the whole of the public domain available for the use envisaged and would prevent any additional equivalent use, the KATDICT may make the granting of the RoW of fiber optic conditional on the licensee operator carrying out of works, such as installation of additional ducts to allow the subsequent sharing of the facilities with other operators, and the Licensee operator publishing the conditions of access to these facilities on its website [may include other channels as deemed appropriate].
13. Without prejudice to the provisions of the above clause 7, the KATDICT may impose on the licensee operator a requirement to install [2] additional ducts for redundancy to accommodate other licensees operators and avoid multiple excavations and trenching of roads that could compromise the integrity of roads and damage to previously laid cables or other infrastructure.
14. No licensee operator shall commence any work on the RoW for Fiber Optic installation, until he is duly communicated granted through the letter from the KATDICT.
15. The Executive Governor of Katsina State in the exercise of power conferred upon him by section 5(2) of Constitution of the Federal Republic of Nigeria 1999(as amended), on 8th December, 2023, signed Executive Order eliminating all charges of RoW of Fiber Optic deployment in the State

Part III – Duties after Completion of Work

16. An Applicant that has been granted, a RoW of Fiber Optic Deployment shall provide the KATDICT with a copy of the “As Laid” drawing for each approval to guide the competent authorities in future rehabilitation, expansion and maintenance work on the public domain.
17. The As-Laid drawings shall show the following:
 - a) For ducts and cables laid:

- Depth of the trenching
- Number of ducts laid
- Type and capacity ducts
- Types of cables
- Depth of Markers
- Position of the ducts and relative to the road center line
- Position of manholes

b) For other installations

18. On completion of the works, the Applicant shall obtain the appropriate completion certificate from competent authorities and forward a copy to the Directorate of Information and Communications Technology.
19. Relocation of ducts and cables during rehabilitation/construction of roads, if cables are found to obstruct road works, shall be carried out by the Applicant at its own expense.

Part IV – Sanctions

20. The breach of Part II (14), and part III of Regulation No. 1, 2023 shall be punishable by any of the following:
 - a) Fines could be up to N2,000,000.00
 - b) Suspension of RoW of Fiber Optic Deployment
 - c) Termination of RoW of Fiber Optic Deployment

Part V – Miscellaneous provisions

21. This Regulation No. 1, 2024 may be cited as Katsina State Regulation of Right of Way of Fibre Optic Deployment No. 1, 2024, comes into effect on 27th December, 2024.



Naufal Ahmad
Director General

Katsina State Directorate of Information and Communications Technology