

PRESS STATEMENT

RATIONALE FOR THE SHUTDOWN OF ROYAL MEDIA SERVICES' TRANSMITTERS

The Commission, on 2nd and 3rd February 2013, shut down 17 Royal Media Services' broadcast transmitters in 11 different sites or locations of the country that were being operated using unauthorized frequencies and without the required licences in blatant breach of the law. Section 35 of the Kenya Information and Communications Act, 1998, outlaws the setting up and operation of communications apparatus without authorization from CCK.

The 17 transmitter stations were located in Narok, Menengai Hill (Nakuru), Mukuyuni (Makueni), Nanyuki, Karue Hill (Embu), Vuria Hill (Taveta), Gatara (Murang'a), Migori, Enchoro Hill (Sotik), Mwingi, and Mabrui (Malindi). The Commission issued a 30-day notice to Royal Media Services to cease operating the unauthorized stations on 3rd December 2012, which this broadcaster ignored and continued to transmit broadcast signals from the 17 transmitter stations in total disregard of the law.

The 17 transmitters in question were being operated using self-assigned or 'grabbed' frequencies. Indeed, some of the transmitters were located in non-designated broadcasting sites, and were causing harmful interferences to other duly licensed and compliant broadcasters. In some instances, these interferences were so intense that the services of the affected broadcasters were rendered completely inoperable.

More disturbing, the safety of our airspace has in recent times come under threat as these illegal transmitter stations have on a number of occasions caused interferences to radio communication between pilots and the control tower. In this regard, the Commission has received numerous complaints from the Kenya Civil Aviation Authority as well as from our national carrier, Kenya Airways, about threats to the safety of our airspace due to interferences emanating from these illegal transmitters. The erection of transmitters, particularly on high-altitude areas without the required authority also puts the safety of helicopters and small aircraft which usually fly at low altitude at the risk of crashing into the masts. The National Environment Management Authority has raised concerns that the towers have been erected without carrying out environmental impact assessment as required by the law.

It is important to note that the Commission is the only state organ charged by law with the responsibility of managing the country's frequency spectrum resources. Management of the frequency spectrum is critical in ensuring orderly exploitation of this scarce and limited resource. All spectrum users, therefore, are required to operate under a licence issued by CCK and which must be kept in force through adherence to the operational parameters stipulated in the licence. Frequency spectrum is a national resource belonging to the people of Kenya, which must be managed centrally to ensure optimal and orderly use as well as to avoid interferences among various spectrum users.

The 17 illegal transmitter stations that were shut down over the weekend are not the only ones that Royal Media Services has allocated itself. Indeed, there are other 22 FM and 2 TV frequencies that the said broadcaster assigned himself between 2008 and 2012, and which the Commission has been enjoined by the courts from taking any action pending the hearing of the appeal arising from our notice to the said broadcaster on 17th May 2012.

The Commission has attempted to engage Royal Media Services to cease self-appropriation of spectrum without success. In 2006, the Commission, after consultations with the relevant government organs, regularized a total of 67 FM and 10 TV frequencies that Royal Media Services had acquired in the same manner between 2002 and 2006 on the understanding that the broadcaster would henceforth cease using unauthorized frequencies and deploying transmitters in non-designated broadcasting sites. Contrary to this agreement, Royal Media Services has continued allocating itself frequencies and erecting masts in non-designated broadcasting sites in total disregard of the law and our regulatory notices. We cannot sit by as the ICT sector law is being derogated with reckless abandon at the risk of compromising on the safe operation of aviation services, and jeopardizing investments in the ICT sector. We have a mandate to execute, and execute we shall without fear or favour.

The implications of unauthorized use of spectrum are quite adverse and include the following:

- It increases incidences of harmful interferences to other spectrum users including aviation, thus presenting a threat to safety of life. This may result in Kenya being boycotted/blacklisted by airlines leading to extensive losses in tourism and other economic activities including investment;
- It amounts to an act of impunity and flies in the face of the regulatory requirement to provide an equal platform for all players;
- It denies the Commission the spectrum resources to address plurality and diversity and to cater for devolution requirements as envisaged in the constitution.

For purpose of clarity, I wish to note that the Commission has not switched off any frequencies that have been assigned legally to Royal Media Services or to any other licensee nor those that are subject to court cases. We only focused on frequencies that Royal Media Services had assigned itself in total disregard of the law. I also wish to note that this matter has been a subject of debate in parliament in light of the grave implications of use of unauthorized spectrum to the safety and integrity of our airspace, and protection of investments in the ICT sector.

Table 1: FM and TV Frequencies that CCK regularized on 14th August 2006 which Royal Media Services had earlier assigned itself

STATION ID		LOCATION	FREQUENCY (MHz)
Citizen Radio	1.	Nairobi	106.7
	2.	Nyadundo	103.6
	3.	Londiani	100.5
	4.	Kisumu	97.6
	5.	Webuye	94.5
	6.	Eldoret	90.4
	7.	Nyeri	104.3
	8.	Nyambene	94.3
	9.	Chuka	93.2
	10.	Kitui	98.6
	11.	Vuria	91.8
	12.	Mbwa Hills	100.8
	13.	Mombasa	97.3
	14.	Malindi	97.4
	15.	Kisii	106.6
	16.	Siaya	98.4
	17.	Busia	99
	18.	Kapenguria	96.2
	19.	Marsabit	98
	20.	Wajir	97
	21.	Narok	95.5
	22.	Garissa	95.7
	23.	Kibwezi	92.2
	24.	Maralal	95.9
	25.	Machakos	94.2
	26.	Homa bay	105.2
	27.	Kanyenye-ini	94.1
Inooro	28.	Nairobi	98.9
	29.	Nyandundo	98.7
	30.	Nyambene	95.1
	31.	Londiani	89.8
	32.	Eldoret	107
	33.	Nyeri	97.8
	34.	Chuka	102
	35.	Mombasa	99.2
	36.	Kanyenye-ini	96.9
Ramogi	37.	Nairobi	107.1
	38.	Londiani	95.4
	39.	Kisumu	107.6
	40.	Kisii	94.9
	41.	Homa bay	97
	42.	Mombasa	96
Mulembe	43.	Nairobi	97.9
	44.	Webuye	89.6
	45.	Eldoret	95.8
	46.	Busia	101
Y-FM	47.	Nairobi	96
	48.	Nyandundo	106
	49.	Londiani	102.5
	50.	Kisumu	103.1
	51.	Eldoret	87.6
	52.	Nyeri	88.6
	53.	Nyambene	104
	54.	Mombasa	90.4
	55.	Malindi	106
	56.	Kisii	90.2
	57.	Kibwezi	89.9
Musyi	58.	Nairobi	90.4
	59.	Kitui	103.6
	60.	Kibwezi	95.4
	61.	Mombasa	100
Muuga	62.	Machakos	102.3
	63.	Nyambene	88.9
Chamnge	64.	Eldoret	97
	65.	Londiani	95
Abagusii	66.	Nairobi	103.2
	67.	Kisii	98.6
Citizen TV	68.	Nairobi	TV Channel 39
	69.	Nyeri	TV Channel 46
	70.	Nyambene	TV Channel 31
	71.	Mombasa	TV Channel 56
	72.	Nyadundo	TV Channel 50
	73.	Londiani	TV Channel 12
	74.	Kisii	TV Channel 40
	75.	Kisumu	TV Channel 21
	76.	Webuye	TV Channel 50
	77.	Eldoret	TV Channel 31

Table 2: List of unauthorized frequencies (Notice of 17th May 2012) which the courts enjoined the Commission from enforcement

SITE (LOCATION)	FREQUENCY	STATION IDENTITY	WHEN INSPECTED	DATE OF NOTICE OF VIOLATION
Enchoro Hill	88.3MHz	Egesa FM	June 2009	4th February 2010, 29th June 2009, 21st August 2009
Enchoro Hill	98.5MHz	Chamge FM	June 2009	29th June 2009, 21st August 2009
Enchoro Hill	90.2MHz	Radio Citizen	June 2009	29th June 2009, 21st August 2009
Migori	95.4 MHz	Ramogi FM	June 2009	29th June 2009, 21st August 2009
Migori	93.2 MHz	Radio Citizen	June 2009	29th June 2009, 21st August 2009
Msambweni	96.2 MHz	Bahari FM	Nov 2009	4th February 2010
Msambweni	101.1MHz	Radio Citizen	Nov 2009	4th February 2010
Nyahururu (Maili Nne)	95.3MHz	Radio Citizen	Dec 2009	13th July 2010
Nyahururu (Maili Nne)	103.2MHz	Inooro FM	Dec 2009	13th July 2010
Nyadundo	98.6MHz	Chamge FM	Dec 2009	13th July 2010
RIAT Kiboswa Kisumu	96.8MHz	Chamge FM	Dec 2009	4th February 2010, 13th July 2010
RIAT Kiboswa Kisumu	100.4MHz	Mulembe FM	Dec 2009	13th July 2010
Siaya	99.6 MHz	Radio Citizen	Dec 2009	13th July 2010
Siaya	101.0MHz	Ramogi FM	Dec 2009	13th July 2010
Mazeras	94.2 MHz	Bahari FM	May 2010	13th July 2010
Mazeras	98.9 MHz	Inooro FM	May 2010	13th July 2010
Kilifi	94.5 MHz	Radio Citizen	May 2010	13th July 2010
Kilifi	102.2MHz	Bahari FM	May 2010	13th July 2010
Webuye	99.0 MHz	Radio Citizen	Nov 2008	13th July 2010
Malindi	TV CH 39	Citizen TV	May 2010	13th July 2010
Meru	104.7MHz	Muuga FM	Sep 2010	
Vuria Hill	97.1MHz	Bahari FM	Dec 2010	4th January 2011
Narok	92.6MHz	Citizen TV	Dec 2010	4th January 2011
		Inooro FM	June 2011	23rd August 2011

Table 3: Current list of unauthorized transmissions (Notice of 3rd December 2012) that CCK detected recently and were shut down over the weekend

NO.	SITE	FREQUENCY	STATION ID
1	Nanyuki	103.0 MHz	Radio Citizen
2	Nanyuki	94.0 MHz	Muuga FM
3	Karue Hill	95.4 MHz	Radio Citizen
4	Karue Hill	TV Channel 36	Citizen TV
5	Vuria Hill	TV Channel 36	Citizen TV
6	Narok	103.5 MHz	Maa FM
7	Muranga - Gatara	TV Channel 53	Citizen TV
8	Migori	TV Channel 46	Citizen TV
9	Enchoro Hill	TV Channel 53	Citizen TV
10	Nakuru	89.5 MHz	Radio Citizen
11	Nakuru	100.2 MHz	Inooro FM
12	Mwingi	94.7 MHz	Musyi FM
13	Mwingi	98.0 MHz	Radio Citizen
14	Mwingi	100.4 MHz	Empty Carrier
15	Mukuyuni	89.9 MHz	Musyi FM
16	Mukuyuni	100.5 MHz	Radio Citizen
17	Mambrui- Malindi	97.6 MHz	Radio Citizen

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