



GOVERNOR EXECUTIVE ORDER NO.11 OF 2023
EXECUTIVE ORDER ON ESTABLISHMENT OF A
FRAMEWORK FOR BROADBAND DEPLOYMENT RIGHT
OF WAY PROCEDURES AND ASSOCIATED FEES IN
KOGI STATE

- Whereas It is the policy of the Government of Kogi State to create an enabling environment for business and entrench measures and strategies to ensure ease of doing business in Kogi State.
- Whereas, The Government of Kogi State is desirous of providing all residents in Kogi State, especially rural communities, access to reliable, affordable broadband connectivity.
- Whereas, Broadband connectivity across Kogi State will enhance the Government's ability to increase economic prosperity, attract new businesses, enhance job growth, extend the reach of affordable, high-quality healthcare, enrich student learning with digital tools, and facilitate access to the digital marketplace.
- Whereas, In order to achieve the Government objectives of attracting local and foreign investment for the development of broadband and other telecommunication infrastructure across Kogi State, there is a need for certainty and transparency on the right of ways charges.

NOW, THEREFORE, I, Yahaya Adoza Bello, Governor of Kogi State, by the authority vested in me under Section 5(2) Constitution of the Federal Republic of Nigeria 1999(as amended) and all other enabling Laws and powers in that regard, do hereby order as follows:

1. Streamlined Right-of-Way (ROW)

1.1. Application Process:

- (a)** To obtain RoW approval for broadband deployment, service providers shall submit a single comprehensive application to the Director General, Kogi State Utility Infrastructure Management and Compliance Agency
- (b) The application shall include:**

- Current Company address and Valid Phone Contact
- The subject of your application must clearly state, “Application for Right of Way.”
- Proof of Tax Identification Number (TIN)
- Indicate area of interest for installation
- Certificate of Incorporation of Company with CAC
- Certified True Copy of (CTC) of Articles & Memorandum of Association
- Certified True Copies (CTC) of Form CO7 (List of Company Directors)
- Tax Clearance Certificate or Evidence of Current Tax Clearance Certificates
- Certificates of qualified Technical Staff (where applicable)
- The project proposal includes the list of routes, scope of work, budget, evidence of funding, portfolio of prior fiber deployment, site survey/assessment plan, risk assessment plan, compensation plan, and occupational health and safety plan.
- Evidence of payment

1.2. Technical Review of Approval

- (a) The Kogi State Utility Infrastructure Management and Compliance Agency in partnership with and the Kogis State Geographic Information Services (KOGIS) Ministry of Information and Communication, shall establish A Technical Committee to review applications
- (b) The Technical Committee shall assess the proposed project based on safety, technical feasibility, environmental impact, and alignment with state digital infrastructural goals
- (c) The Kogi State Utility Infrastructure Management and Compliance Agency shall grant RoW approval within 21 days of a complete application, provided all technical requirements are met.

1.3 RoW permits and Fees.

- (a) the Kogi State Utility Infrastructure Management and Compliance Agency shall issue a RoW permit to the service provider upon approval.
- (b) The permit shall specify the approved route, construction conditions, and timeframe for project completion.
- (c) Service providers shall pay the following non-refundable fees:
 - RoW Permit Fee of 0 to NGN145 (One Hundred and Forty-Five Naira) per linear meter

The applicant shall make payment to the Account
Name: Kogi State Government TSA Account Bank:
All commercial Banks in Nigeria.

2. Predictable and Aggregated Fees

2.1 Aggregate Fee Structure,

- (a) The Government adopts a policy of charging aggregate fees for broadband deployment on a per linear meter basis
- (b) The maximum aggregate fee is set at NGN145 per linear meter, encompassing all associated costs
- (c) This structure eliminates hidden charges and facilitates financial predictability for service providers.

2.2 Fee Components

- (a) The aggregate fee covers the following:

- RoW access and usage charges
- Administrative and processing costs
- Environmental impact mitigation fees
- Utility coordination and relocation costs, if applicable.

- (b) Detailed breakdowns of fee components for different categories of infrastructure and deployment zones shall be made available by the

3. Coordination and Monitoring

3.1 Inter-Agency Collaboration

- a) The agency shall collaborate to ensure seamless RoW application, review, and approval processes.
- b) The Technical Committee shall meet regularly to address emerging issues and streamline procedures.

3.2 Public Awareness and Transparency

- a) The Government shall embark on a comprehensive public awareness campaign to educate stakeholders on the benefits of broadband, RoW procedures, and applicable fees
- b) Information materials, workshops, and town hall meetings will be organized to facilitate public understanding and engagement.

3.3 Monitoring and Evaluation

- a) The Kogi State Utility Infrastructure Management and Compliance Agency shall , in partnership with the KOGIS and Ministry of Information and Communication shall regularly monitor the implementation of this Order and track key performance indicators, including application processing time, project completion rates, and broadband coverage expansion.
- b) Periodic reviews will be conducted to identify areas for improvement and update procedures as needed.

3.3 This Order shall be implemented in a manner consistent with applicable laws of Kogi State.

This order is not intended to, and does not, create any right or benefits, substantive or procedural, enforceable at law or in equity by any party against the Kogi State Government, its departments, agencies or entities, its officers, employees, or agents, or any other person.

This Executive Order shall take effect immediately upon issuance.

DATED THIS 2ND DAY OF NOVEMBER 2023

A red ink signature, appearing to be 'Alh. Yahaya Bello', is written over a horizontal line. The signature is highly stylized and somewhat illegible.

ALH. YAHAYA BELLO CON, GSSRS, NEAPS
GOVERNOR OF KOGI STATE