



REPORT OF THE ADJUDICATOR

Complaint reference number:	22057
WASPA member(s):	US Cellcom LLC (IP) / Mira Networks (Pty) Ltd (SP)
Membership number(s):	1046 / 0011
Complainant:	Secretariat
Type of complaint:	Failure to pay sanction
Date complaint was lodged:	2013-10-17
Date of the alleged offence:	N/A
Relevant version of the Code:	12.4
Clauses considered:	14.3.23
Relevant version of the Ad. Rules:	N/A
Clauses considered:	N/A
Related cases considered:	N/A

Complaint

The Complainant in this matter alleged that the IP in this matter fail to comply with the sanctions issued against it in terms of adjudications 17132 and 17149.

After sending the invoice, no payment has been received.

Service provider's responses

The IP responded by requesting an invoice from WASPA of the outstanding amount.

Sections of the Code considered

14.3.23. If no appeal is lodged, or if the adjudicator has specified certain sanctions as not being suspended pending an appeal, the failure of any member to comply with

any sanction imposed upon it will itself amount to a breach of the Code and may result in further sanctions being imposed.

14.3.24. The member must provide the secretariat with confirmation of compliance with any applicable sanctions within five working days of receiving the adjudicator's report.

14.3.25. The member must pay any applicable fine(s) imposed by an adjudicator within five working days of receipt of invoice.

14.4.8. If a sanction specifies that a member be suspended from WASPA for a defined period, then this means that the Secretariat shall:

- a) update the member's status to reflect as "suspended" on the WASPA web site;
 - b) notify the relevant network operators of the member's suspension and recommend the suspension of WASP services to that member for the period specified in the ruling; and
 - c) notify WASPA's general membership of the member's suspension.
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Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her. The Adjudicator has taken note of the Complaint and the IP's subsequent reply.

From the relevant facts indicated in the various adjudications the Adjudicator in this matter has no hesitation in finding the IP in breach of section 14.3.25, such breach being deduced from section 14.3.23.

The Complaint is therefore upheld.

Sanctions

In determining an appropriate sanction, the following factors were considered:

The prior record of the IP with regard to breaches of the relevant sections of the Code of Conduct; and

The IP's subsequent response.

The IP's membership is suspended with immediate effect until it effects payments in terms of sanctions issued under adjudications 17132 and 17149.