



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 1 2017

NOTICE TO WITHDRAW SPECTRUM USE LICENCE IN TERMS OF REGULATIONS
10 AND 11 OF THE REGULATIONS REGARDING LICENSING PROCEDURES FOR
TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND
SPECTRUM USE LICENCES

1. INTRODUCTION

99FM (Pty) Ltd (hereinafter referred to as “the Applicant”) was awarded spectrum use licences in Gobabis, Katima Mulilo and Rehoboth to provide analogue FM radio broadcasting services on 13 September 2012 in terms of the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant submitted applications for the withdrawal of spectrum use licences awarded for analogue FM radio broadcasting services in the geographical areas of Gobabis, Katima Mulilo and Rehoboth on 23 June 2016 in accordance with section 101 of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”) and the Regulations regarding Licensing Procedures

for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011, for consideration by the Authority.

2. BACKGROUND TO APPLICATION

The Applicant holds a commercial broadcasting service licence (attached hereto as “Annexure A”), which was awarded on 25 November 2011 in terms of Regulation 11(9) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Services Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice No. 272 dated 29 August 2011. The Applicant was awarded spectrum use licences to provide analogue FM radio broadcasting services in the geographical areas of Windhoek, Henties Bay, Swakopmund, Walvis Bay, Otjiwarongo, Tsumeb, Rehoboth, Gobabis, Katima Mulilo and Oshakati as per the spectrum use licences transitioned on 13 September 2012 (attached hereto as “Annexure A”).

The Applicant submitted an application for the withdrawal of its spectrum use licences in the geographical areas of Gobabis, Katima Mulilo and Rehoboth on 23 June 2016 stating that based on its analysis of expenses required to utilise the aforementioned spectrum use licences it has concluded that the required capital investment versus listenership and strategic focus of the radio station do not align.

The Applicant thus made a business decision not to provide analogue FM broadcasting services in the abovementioned geographical areas and to return the spectrum use licences to the Authority as required by Regulation 10(2) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences.

3. PROCEDURAL COMPLIANCE

Following due process in terms of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6074, General Notice No. 257, dated 18 July 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 1 August 2016, and no comments were received.

The last day for the decision is 2 October 2016 following the last day of the time period for public comment on 1 August 2016. On 14 October 2016, the Authority postponed the decision date to 28 November 2016 to allow for the submission of the recommendation to the CRAN Board of Directors at the board meeting scheduled for 24 November 2016.

4. ANALYSIS OF SUBSTANTIVE ISSUES

Regulation 10(2) of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice No. 330 dated 29 August 2011 provides as follows -

“(2) If a licensee intends to permanently discontinue providing service in accordance with its licence, it must request the Authority to withdraw its licence....”

Accordingly the Applicant submitted applications for withdrawal of its spectrum use licences awarded to provide analogue FM radio broadcasting services in the geographical areas of **Gobabis, Katima Mulilo and Rehoboth**, in compliance with the provisions contained in the said Regulations. Although Regulation 10(3)(e) requires the Applicant to set out the date of discontinuance of service at least sixty(60) days from the date of submitting the application for withdrawal, it is noted that the Applicant is not providing analogue FM radio broadcasting services in the aforementioned geographical areas at present and is thus not utilising the aforementioned spectrum use licences as awarded.

The date of discontinuation is therefore 23 August 2016, being sixty (60) days from 23 June 2016, (date on which the application was submitted) as contemplated in regulation 10(3)(e) of the Licensing Procedure Regulations.

It should be noted that all spectrum use licence fees relating to these licences have been paid in full until 31 December 2016, as required by Regulation 10(3)(f) of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Services Licences and Spectrum Use Licences. Owing to the fact that the date of discontinuation is 23 August 2016 and the fees for the full 2016 spectrum year have been paid, the Authority will refund Applicant the prorated fees in respect of the said spectrum use licences from date of discontinuation.

The Applicant is not utilising the said spectrum use licences and therefore no listeners are affected by the withdrawal of these spectrum use licences.

Subsequently, the CRAN Board of Directors approved the withdrawal of the spectrum use licences for providing analogue FM radio broadcasting services by the Applicant in the geographical areas of Gobabis, Katima Mulilo and Rehoboth, as was awarded on 13 September 2012 and published in Government Gazette No. 5037, General Notice No. 306 and to refund the Applicant spectrum fees on a pro rata basis for the period 24 August 2016 to 31 December 2016.

5. DECISION

In terms of regulation 10 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith approves -

- (i) The withdrawal of three (3) spectrum use licences as was awarded to 99FM (Pty) Ltd for the provision of analogue FM radio broadcasting services as set out hereunder -
 - (a) Gobabis 99.400 MHz;
 - (b) Katima Mulilo 97.400 MHz; and
 - (c) Rehoboth 107.000 MHz
- (ii) To issue a credit note to the Applicant spectrum fees in respect of the said spectrum use licences on a pro rata basis for the period 24 August 2016 to 31 December 2016 given the fact that the Applicant has paid spectrum fees for the period 1 January 2016 to 31 December 2016.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 2

2017

NOTICE IN TERMS OF SECTION 101 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulations 5 and 6 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August

2011 (as amended), herewith gives notice that the application for a Community Broadcasting Service License and Spectrum Use Licence for **Kunene Community Radio** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION

Kunene Community Radio (hereinafter referred to as “the Applicant”) submitted applications for a community broadcasting service licence and a spectrum use licence in the geographical area of Opuwo on 15 October 2015 for consideration by the Authority, in accordance with sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulations 5 and 6 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011. All licence application fees in respect of the application were paid.

2. BACKGROUND TO APPLICATION

As per documentation submitted with the application the Applicant is a 100% Namibian owned Section 21 company with registration number 21/2015/0362, with no foreign ownership interests. Details of the Board of Directors are provided in Table 1 hereunder:

Table 1:

| Name of Member | Nationality of Owner |
|--|-----------------------------|
| Tjizumaue Uejakoje Rumbirao Undari | Namibian |
| Vipuakuje Mberikondjera Ivan Muharukua | Namibian |
| Ingrid Kainango Ikondua Mahenje | Namibian |
| Tjikunda Katjina Kulunga | Namibian |
| Rhingo Good-Will Kaunamueze | Namibian |
| Daniel Nicto Ngavaapopye Mbalundu | Namibian |
| Sennobia Charon Katjiuongua | Namibian |

In terms of Section 101 (7) of the Communications Act, 2009 (Act No. 8 of 2009),

“where a person applies for a licence to operate a network or provide.....broadcasting services, that person must also apply for such spectrum use licences as are necessary to render the service concerned.”

Consequently, the Applicant submitted an application for a spectrum use for FM broadcasting frequency between 87 MHz and 108 MHz also dated 26 February 2016, to provide broadcasting services in the geographical area of Opuwo, with a transmitter output power of 500 Watts and a studio link to provide transmission from the studio to the transmitter tower.

The Applicant intends to provide their own signal distribution service as required by Regulation 5(2)(g) of the Regulations Regarding Licensing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use License.

The Applicant submitted a proposed program schedule indicating its intention to provide broadcasting services on a 24-hour basis from Monday to Sunday, as required by regulation 5(2)(j) of the Regulations Regarding Licensing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence,. The Applicant intends to broadcast in four (4) languages namely; English, Otjiherero, Oludhimba and Oshiwambo.

3. ORAL SUBMISSION

The Authority requested the Applicant to make an oral submission in respect of its application on 13 September 2016.

At the oral hearing, the Applicant gave a brief overview of the expertise of the management team that will ensure the operation of the radio station in Opuwo, financial resources and capital funding provided by UNESCO, technical equipment and transmitter location as well as the intended program schedule. The Authority posed various questions to the Applicant on the community it will serve, programme content, financial resources and technical expertise.

The Authority requested further information from the Applicant on 26 September 2016 in respect of -

- (i) Provisions in financial projections for costs associated with tower rental, studio link and annual licence fees;
- (ii) The possibility to increase the transmitter output to 1 Kilowatt to increase the broadcasting coverage area taken into account that the Opuwo geographical area has very limited access to analogue FM radio services other than the national broadcaster; and
- (iii) To consider broadcasting in some of the other languages in the revised broadcasting area.

The Applicant submitted revised financial projections to the Authority on 10 October 2016 and also indicated that the Applicant is not able to secure the additional funding from UNESCO that will provide for the implementation of a 1 Kilowatt transmitter in that UNESCO will only provide funds which is sufficient to cover the capital outlay for a 500 Watt transmitter and other technical equipment required to set up a radio station.

4. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 5980, Notice No. 93, dated 31 March 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 14 April 2016, and no comments were received.

The last day for the decision 11 December 2016, being sixty (60) days from the last correspondence submitted by the Applicant on 10 October 2016.

5. ANALYSIS OF SUBSTANTIVE ISSUES

1.1 Application for community broadcasting service licence

The Opuwo area is only serviced by the Namibia Broadcasting Corporation (NBC), which is only providing services in the Otjiherero and Oshiwambo languages and the national radio service.

When considering the award of a broadcasting service licence, the Authority is obliged to consider the following provisions of section 85(8) of the Communications Act:

- (a) *the character of the applicant or, if the applicant is a body corporate, the character of its directors*”;

The Authority has no reservations regarding the character of the Applicant because it has not received any information that suggests that Applicant is of a bad character or that they would not be fit to run a radio station.

“(b) the adequacy of the expertise, experience and financial resources available to the applicant”;

The Applicant has experience in broadcasting, media and journalism as well as translation, public relations and community development and has also received training from Deutsche Welle enabling their staff to manage the station and provide broadcasting services successfully.

The Applicant has secured funding from UNESCO to acquire a broadcasting transmitter and technical equipment contributing to the Applicant’s financials resources to set up and support the operations of the envisaged radio station.

The Applicant intends to broadcast in English, Otjiherero, Oludhimba and Oshiwambo providing entertainment, news, educational and community programs in the languages spoken in Opuwo and surrounding areas.

The Applicant plans to make use of cost effective campaigns, utilising social media, public meetings and word of mouth to create awareness for the first phase of inception. Depending on their financial performance they will then engage other advocacy marketing, such as a website, expo’s, advertising and live radio shows.

Considering that this will be only broadcaster except for the national broadcaster to provide analogue FM radio services in the geographical are of Opuwo, the Authority is of the opinion that the Applicant will contribute to the growth of the community by providing access to information in locally spoken languages.

“(c) the desirability or otherwise allowing any person or association of persons, to have control or a substantial interest in-

(i) more than one broadcasting service;

(ii) more than one radio station and one television station and one registered newspaper with a common coverage and distribution area or significantly overlapping coverage and distribution areas”;

There is no evidence presented before the Authority that Applicant has a controlling or substantial interest in any broadcasting service licensee or a registered newspaper with a common coverage and distribution area.

“(d) whether the applicant is likely to comply with such technical broadcasting standards as the Authority may prescribe”;

The Applicant has provided proof of access to the NBC tower to implement their transmitter. The technical training received equipped the Applicant’s staff to provide its own signal distribution and programme production enabling the Applicant to provide broadcasting services. The Authority is of the opinion that the Applicant is likely to comply with the broadcasting standards as the Authority may prescribe now going forward.

“(e) whether the conditions of a broadcasting licence will unjustly benefit one licensee above another”;

There is no indication that if awarded a licence, the conditions imposed would unjustly benefit the Applicant above another licensee, especially in light of the fact that the broadcasting service and spectrum use licence conditions are generic to all licensees.

“(f) the allocation of spectrum in such a manner as to ensure the widest possible diversity of programming and the optimal utilization of such resources. Provided that priority may be given to broadcasters transmitting the maximum number of hours per day”;

The Applicant has applied for a community broadcasting service licence with the intention to provide broadcasting services in a geographical area that remained unserved by established commercial and community broadcasters to date. The programme schedule provides for educational, health and religious content, news and music in various Namibian languages aimed at servicing an audience of all ages which will allow for the optimal use of spectrum given that broadcasting services will be provided seven (7) days a week.

“(g) the reservation of radio wave spectrum resources for future use; and”

As indicated above, the number of broadcasters within the geographical area of Opuwo is limited to the three (3) channels provided by the national broadcaster and the area has sufficient frequencies available for new entrants in the broadcasting market. The Authority is of the opinion that the addition of another broadcaster will be beneficial to all Namibians living and travelling through these areas and thus does not see the need to reserve the spectrum for future use.

“(h) the desirability of giving priority to community based broadcasts.”

The Applicant has applied for a community broadcasting service licence. Taking into account that the Authority has noted limited interest from commercial broadcasters to service the geographical area of Opuwo, the Authority is of the opinion that it is in the best interest of the inhabitants of the area to consider the application favourably.

In light of the above analysis, the Authority is of the opinion that the Applicant complies with all provisions as set out in section 85(8) of the Communications Act to be considered during the evaluation process to award a broadcasting service licence and accompanying spectrum use licences to provide the envisaged services.

After consideration of the information submitted with the application and evaluation thereof in terms of the criteria as set out in Section 85(8) of the Communications Act, the Management Licensing Committee at its meeting held 25 October 2016 resolved to recommend approval of the service licence application for a community broadcasting service licence submitted by the Applicant.

1.2 Application for spectrum use licence

Pursuant to the provisions of section 101(6) of the Act, an Applicant may only be issued with a spectrum use licence, where the operation of a network or the provision of broadcasting service or the use thereof entails the use of radio waves.

As indicated above, section 101(7) of the Communications Act stipulates as follows:

“When a person applies for a licence to operate a network or provide telecommunications services or broadcasting services, that person must also apply for such spectrum licences as are necessary to render the service concerned.”

Section 101(8) places a duty on the Authority to consider the application for spectrum in conjunction with the application for a service licence and to ensure that such spectrum use licence as may be required is issued to enable the Applicant to render the services for which the service licence is issued.

Read jointly, these sections suggest that if an Applicant has applied for a broadcasting service licence, it must also have such spectrum use licence as is necessary to render the service concerned and further that a spectrum use licence is required in addition to a broadcasting service licence. It also indicates that a spectrum use licence cannot be issued for the provision of broadcasting services in the absence of a broadcasting service licence.

Subsequently a recommendation to approve the award of a broadcasting service licence, would naturally be accompanied by an approval of spectrum use licences as applied for, because frequencies for analogue FM radio broadcasting may only be utilised with a broadcasting service licence. As indicated above, the Authority is also satisfied with the technical information submitted with the spectrum use licence as it meets the requirements of section 101 of the Communications Act.

The Authority therefore recommends approval of the applications for a spectrum use licences in the geographical area of Opuwo submitted by the Applicant as indicated below -

- | | | | |
|------|-------------|-------------|------------|
| (i) | Opuwo | 94.300 MHz | 500 W; and |
| (ii) | Studio Link | 449.200 MHz | |

6. DECISION

In terms of sections 85 and 101 of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses, the Authority herewith -

- (i) Award a community broadcasting service licence to Kunene Community Radio based on the criteria as set out in Section 85(8) of the Communications Act which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government *Gazette* No. 5037, General Notice No. 309 dated 13 September 2012;
- (ii) Award spectrum use licences to Kunene Community Radio for-
- | | | | |
|-----|-------------|-------------|------------|
| (a) | Opuwo | 94.300 MHz | 500 W; and |
| (b) | Studio Link | 449.200 MHz | |

which licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding License Conditions for Spectrum Use Licensee as published in Government *Gazette* No. 5354, General Notice No. 469, dated 2 December 2013.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 3

2017

NOTICE IN TERMS OF SECTION 101 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulations 5 and 6 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated

29 August 2011 (as amended), herewith gives notice that the application to provide analogue FM radio broadcasting services in the geographical areas of Oshakati for **HitRadio Namibia CC** has been approved, further that application to provide analogue FM radio broadcasting services in the geographical area of Okahandja has been declined.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

HitRadio Namibia, previously known as Parktown Investments CC (hereinafter referred to as “the Applicant”) submitted applications for two (2) spectrum use licences to provide analogue FM radio broadcasting services in the geographical areas of Oshakati and Okahandja on 6 May 2015 in accordance with section 101 of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011, for consideration by the Authority.

1. BACKGROUND TO APPLICATION

The Applicant holds a commercial broadcasting service licence (attached hereto as Annexure “A”), which was awarded on 15 May 2012 in terms of section 85 of the Act and Regulation 11(9) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Services Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice No. 272 dated 29 August 2011. The applicant provides analogue FM radio broadcasting services in the geographical areas of Windhoek, Swakopmund, Walvis Bay, Erongo Mountain, Otjiwarongo, Grootfontein and Lüderitz as per the spectrum use licences awarded on 11 June 2012 and 13 March 2013, respectively.

The Applicant wishes to expand its broadcasting services further to the geographical areas of Okahandja and Oshakati. The application forms were submitted together with coverage predictions, the location of broadcasting transmitters and technical equipment specifications. The Applicant intends to operate the transmitters as per the power output stated hereunder -

- (a) Okahandja 100W; and
- (b) Oshakati 1000W

The Applicant did not provide clarity as to whether they intend to construct their own transmitter towers or lease infrastructure from existing infrastructure providers.

2. REQUEST FOR INFORMATION

Subsequently the Authority requested the Applicant to provide the outstanding information on 24 August 2015 and 9 December 2015 respectively, as listed hereunder -

- (i) Site agreements with custodians of the towers Applicant’s intends to broadcast from in Okahandja and Oshakati or alternatively;
- (ii) If a new a site is to be constructed to provide an Environmental Impact Assessment (EIA) and authorisation from the Local Authority in the respective towns.

The Applicant submitted all outstanding information on 1 August 2016 for consideration by the Authority.

3. PROCEDURAL COMPLIANCE

Following due process in terms of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority

published a notice in the Government Gazette 5867, General Notice No. 518, dated 2 November 2015, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 16 November 2015, and no comments were received.

The last day for the decision is 3 October 2016 following the last day of correspondence delivered to the Applicant on 1 August 2016, being sixty (60) days there from. On 14 October 2016, the Authority postponed the decision date to 28 November 2016 to allow for the submission of the recommendation to the CRAN Board of Directors at the board meeting scheduled for 24 November 2016.

4. ANALYSIS OF SUBSTANTIVE ISSUES

The Applicant is an established commercial broadcasting service licensee providing analogue FM radio broadcasting services and intends to extend its services to two geographical areas in central and northern Namibia namely: Okahandja and Oshakati.

Analogue FM Radio broadcasting services in the aforementioned areas are currently provided by -

- (i) **Okahandja** – Namibian Broadcasting Corporation, Media for Christ, 99FM, Radio 100, Radio Kudu, Omulunga Radio, Fresh FM, Radiowave CC and Cosmos Digital Namibia t/a Radio Kosmos(1 community broadcaster, 7 commercial broadcasters and the public broadcaster); and
- (ii) **Oshakati** – Namibian Broadcasting Corporation, Omulunga Radio, Radio 100, Radio Kudu, Radio 99, Radiowave , Cosmos Digital Namibia t/a Radio Kosmos, Fresh FM, Media for Christ, Ohangwena Community Radio, Maroela Trust t/a Shipi FM (3 community broadcasters, 7 commercial broadcasters and the public broadcaster).

The issuance of spectrum use licences by the Authority is guided by -

- (i) Section 101 of the Communications Act, 2009;
- (ii) International Telecommunications Union Regulations and subsequent international agreements signed by Namibia as a member state of the International Telecommunications Union; and
- (iii) Regulations Setting Out the Frequency Band Plan for Namibia as published in Government Gazette No. 5214, General Notice No. 191 dated 31 May 2013.

Section 101(7) of the Communications Act stipulates as follows:

“When a person applies for a licence to operate a network or provide telecommunications services or broadcasting services, that person must also apply for such spectrum licences as are necessary to render the service concerned.”

The Applicant already holds a commercial broadcasting service licence as published in Government Gazette No. 4946, General Notice No. 122 dated 15 May 2012 and thus may apply for additional spectrum licences to provide services as contained in its broadcasting service licences. The ownership structure of the Applicant is indicated below -

| Name of Applicant | Percentage of Namibian Ownership |
|-------------------|----------------------------------|
| Hitradio Namibia | 100% |

The two (2) spectrum use licence application forms as submitted by the Applicant requested the Authority to consider frequencies between 88 MHz and 108 MHz, which request conforms to the provisions contained in the abovementioned regulations.

The Authority identified the frequencies and power output levels as listed hereunder for consideration-

- | | | | |
|------|-----------|-------------|-----------|
| (i) | Okahandja | 104.000 MHz | 100W; and |
| (ii) | Oshakati | 101.100 MHz | 1000W |

4.3 Application for Okahandja

All broadcasting service licensees with high power transmitters located at the Gross Hertzog provide broadcasting services to Windhoek, Rehoboth and Okahandja utilising one frequency given that this transmitter site is situated on top of a mountain. The Applicant has already been awarded a spectrum use licence on 11 June 2012 with a power output of 1KW located on Gross Hertzog.

The Authority therefore, conducted an analysis of the signal strength and sound quality currently provided by the Applicant in Okahandja as well as the area between Windhoek and Okahandja from the transmitter site located on Gross Hertzog in Windhoek. The analysis was conducted to determine if any degradation of signal strength and sound quality is experienced that may necessitate the issuance of an additional spectrum use licence to Applicant for utilisation in Okahandja given the fact that the Applicant already holds a spectrum use licence in Windhoek.

Based on the findings contained in the investigation report, the Authority is of the opinion that there is no need to award an additional spectrum use licence to the Applicant for the geographical area of Okahandja due to the fact that analogue FM radio broadcasting services are already provided by the Applicant from their transmitter located at Gross Hertzog without degradation of service based on signal strength and sound quality.

4.2 Application for Oshakati

The award of an additional spectrum use licence in Oshakati to the Applicant will be aligned with the objectives of the Act in that it will promote private investment in the broadcasting industry and expand the variety of broadcasting services available on the aforementioned geographical area, providing Namibians living in this area with wider access to information and services.

The Authority, further notes that the Applicant has submitted all outstanding information and that the said application complies with all regulatory requirements in respect of spectrum use licences. The Applicant has paid all spectrum fees up to 2016.

The Authority noted -

- (i) that the application for a spectrum use licence to provide analogue FM radio services in the geographical area of Oshakati submitted by the Applicant be approved; and
- (ii) that the application for a spectrum use licence in the geographical area of Okahandja submitted by the Applicant be declined on the basis that the Authority has found that the power output being transmitted from the Applicant's transmitter located at Gross Hertzog in Windhoek is sufficient to provide analogue FM radio broadcasting services in the geographical area of Okahandja and that there exist no requirement to assign an additional frequency to provide the said services.

5. DECISION

In terms of section 101 of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses, the Board of Directors herewith -

- (i) Approves the award of one (1) additional spectrum use licence to Hitradio Namibia for the provision of analogue FM radio broadcasting services as indicated below -

- (a) Oshakati 101.100 MHz 1000W.
- (ii) Which licence is awarded subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding Licence Conditions for Spectrum Use Licences as published in Government Gazette No. 5354, General Notice No. 469, dated 2 December 2013; and
- (iii) Decline the application for a spectrum use licence in the geographical area of Okahandja on the basis that the Authority has found that the power output being transmitted from the Applicant's transmitter located at Gross Hertzog in Windhoek is sufficient to provide analogue FM radio broadcasting services and that there exist no requirement to assign an additional frequency to provide the said services in the geographical area of Okahandja.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 4

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its commercial broadcasting service licence for **Omulunga Radio** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

Omulunga Radio (hereinafter referred to as "the Applicant") submitted an application for the renewal of its commercial broadcasting service licence on 30 June 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the "Act") and regulations 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

1. BACKGROUND TO APPLICATION

The Applicant was awarded a commercial broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Grootfontein, Gobabis, Keetmanshoop, Lüderitz, Mariental, Omuthiya, Oranjemund, Oshakati, Otjiwarongo, Ruacana, Rundu, Swakopmund, Tsumeb, Uutapi, Walvis Bay and Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-

(a) in the case of radio broadcasting licence, of five years;”

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 30 June 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

2. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6133, Notice No 382, dated 27 September 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 11 October 2016, and no comments were received.

The last day for a decision is 11 December 2016, being sixty (60) days from the time period provided for public comments. Procedurally however, the license lapses on the 25 of November 2016.

3. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting licence on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 30 June 2016.

When considering an application for renewal the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant is a well-established broadcaster and provides analogue FM radio broadcasting services in sixteen (16) geographical locations located in eastern, central, northern and southern Namibia since 2011.

The Applicant has not committed any regulatory offenses since the award of its broadcasting services licence on 25 November 2016.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees;
- (ii) Has complied with all licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government *Gazette* No. 5037, General Notice No. 309 dated 13 September 2012 with the exception of payment of licence fees;
- (iii) Has not committed any regulatory offenses since the award of the licence in 2011.

4. DECISION

In terms of sections 87(5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith approves -

- (1) The renewal of the commercial broadcasting service licence awarded to Omulunga Radio on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 5

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its commercial broadcasting service licence for **Fresh FM (Pty) Ltd** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

Fresh FM (Pty) Ltd (hereinafter referred to as “the Applicant”) submitted an application for the renewal of its commercial broadcasting service licence on 30 June 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulations 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

1. BACKGROUND TO APPLICATION

The Applicant was awarded a commercial broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Grootfontein, Oshakati, Otjiwarongo, Rundu, Swakopmund, Tsumeb, Walvis Bay and Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) *in the case of radio broadcasting licence, of five years;”*

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 30 June 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

2. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6133, Notice No 382, dated 27 September 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 11 October 2016, and no comments were received.

The last day for a decision is 11 December 2016, being sixty (60) days from the time period provided for public comments. Procedurally however, the license lapses on the 25 of November 2016.

3. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting licence on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 30 June 2016.

When considering an application for renewal the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) *The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.*

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant is a well-established broadcaster and provides analogue FM radio broadcasting services in two (2) geographical locations namely Windhoek and Oshakati Namibia since 2011. The Applicant extended its services to the geographical areas of Swakopmund and Walvis Bay in 2012 and to Grootfontein, Rundu, Otjiwarongo and Tsumeb in 2016 respectively.

The Applicant has not committed any regulatory offenses since the award of its broadcasting services licence on 25 November 2016.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees;
- (ii) Has complied with all licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government *Gazette* No. 5037, General Notice No. 309 dated 13 September 2012 with the exception of payment of licence fees;
- (iii) Has not committed any regulatory offenses since the award of the licence in 2011.

4. DECISION

In terms of sections 87(5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses, the Authority herewith approves -

- (i) The renewal of the commercial broadcasting service licence awarded to Fresh FM (Pty) Ltd on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 6

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its commercial broadcasting service licence for **Cosmos Digital Namibia (Pty) Ltd** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

Cosmos Digital Namibia (Pty) Ltd (hereinafter referred to as “the Applicant”) submitted an application for the renewal of its commercial broadcasting service licence on 30 June 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulations 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

1. BACKGROUND TO APPLICATION

The Applicant was awarded a commercial broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Grootfontein, Gobabis, Karibib, Keetmanshoop, Mariental, Omaruru, Oshakati, Otjiwarongo, Rundu, Swakopmund, Tsumeb, Walvis Bay and Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) *in the case of radio broadcasting licence, of five years;”*

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 30 June 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

1. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6092, Notice No 317, dated 10 August 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 24 August 2016, and no comments were received.

The last day for a decision is 25 October 2016, being sixty (60) days from the time period provided for public comments. On 14 October 2016, the Authority postponed the decision date to 28 November 2016 to allow for the submission of the recommendation to the CRAN Board of Directors at the board meeting scheduled for 24 November 2016.

2. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting licensing on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 30 June 2016.

When considering an application for renewal the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant is a well-established broadcaster and has expanded its broadcasting services from four (4) geographical areas in 2011 to a further nine (9) geographical areas in eastern, central and southern Namibia provide access to information to more Namibians. This expansion is found to be in line with the objectives of the Act to promote local investment and competition as well as providing a wider variety of ICT services.

The Applicant has not committed any regulatory offenses since the award of its broadcasting services licence on 25 November 2016.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees;
- (ii) Has complied with all licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012; and
- (iii) Has not committed any regulatory offenses resulting in penalties or fines to be paid to the Authority.

3. DECISION

In terms of sections 87(5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith approves -

- (i) The renewal of the commercial broadcasting service licence awarded to Cosmos Digital Namibia (Pty) Ltd on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 7

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its commercial broadcasting service licence for **West Coast FM (Pty) Ltd** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION

West Coast FM (Pty) Ltd (hereinafter referred to as “the Applicant”) submitted an application for the renewal of its commercial broadcasting service licence on 15 August 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulations 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

2. BACKGROUND TO APPLICATION

The Applicant was awarded a commercial broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135

of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Swakopmund and Walvis Bay.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) in the case of radio broadcasting licence, of five years;”

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 15 August 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

3. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6133, Notice No 382, dated 27 September 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 11 October 2016, and no comments were received.

The last day for a decision is 11 December 2016, being sixty (60) days from the time period provided for public comments. Procedurally however, the license lapses on the 25 of November 2016.

4. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting license on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 15 August 2016.

When considering an application for renewal the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences.

“(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant is a well-established small broadcaster providing analogue FM radio services to the geographical areas of Walvis Bay and Swakopmund since 2011.

The Applicant has not committed any regulatory offenses since the award of its broadcasting services licence on 25 November 2016.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees;
- (ii) Has complied with all licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012; and
- (iii) Has not committed any regulatory offenses resulting in penalties or fines to be paid to the Authority.

5. DECISION

In terms of sections 87(5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith approves -

- (i) The renewal of the commercial broadcasting service licence awarded to West Coast FM (Pty) Ltd on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 8

2017

NOTICE IN TERMS OF SECTIONS 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its commercial broadcasting service licence for **Radiowave CC** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:**1. INTRODUCTION**

Radiowave CC (hereinafter referred to as “the Applicant”) submitted an application for the renewal of its commercial broadcasting service licence on 30 June 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulation 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

2. BACKGROUND TO APPLICATION

The Applicant was awarded a commercial broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Erongo Mountain, Grootfontein, Gobabis, Katima Mulilo, Karibib, Keetmanshoop, Lüderitz, Mariental, Oshakati, Otjiwarongo, Rundu, Swakopmund, Tsumeb, Usakos, Walvis Bay and Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) *in the case of radio broadcasting licence, of five years;”*

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 30 June 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

3. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6092, Notice No 317, dated 10 August 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 24 August 2016, and no comments were received.

The last day for the decision is 25 October 2016, being sixty (60) days from the time period provided for public comments. On 14 October 2016, the Authority postponed the decision date to 28 November 2016 to allow for the submission of the recommendation to the CRAN Board of Directors at the board meeting scheduled for 24 November 2016.

4. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting licensing on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016

to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 30 June 2016.

When considering an application for renewal the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant is a well-established broadcaster and has been providing analogue FM radio broadcasting services in sixteen (16) geographical areas since 2011. In its submission the Applicant also indicated that it is planning to extend its services to a further six (6) geographical areas namely Oranjemund, Rosh Pinah, Grunau, Khorixas, Kalkfeld and Maltahöhe providing access to information and FM radio broadcasting services to more Namibians. This expansion is found to be in line with the objectives of the Act to promote local investment and competition as well as providing a wider variety of ICT services specifically to the under and unserved areas.

The Applicant has not committed any regulatory offenses since the award of its broadcasting services licence on 25 November 2016.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees;
- (ii) Has complied with all licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012; and
- (iii) Has not committed any regulatory offenses resulting in penalties or fines to be paid to the Authority.

5. DECISION

In terms of sections 85 and 87(1) and (5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith approves -

- (i) The renewal of the commercial broadcasting service licence awarded to Radiowave CC on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012;

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 9

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its commercial broadcasting service licence for **Radio Kudu (Pty) Ltd** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

Radio Kudu (Pty) Ltd t/a One FM (hereinafter referred to as “the Applicant”) submitted an application for the renewal of its commercial broadcasting service licence on 30 June 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulations 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

1. BACKGROUND TO APPLICATION

The Applicant was awarded a commercial broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Grootfontein, Gobabis, Henties Bay, Karibib, Katima Mulilo, Keetmanshoop, Lüderitz, Mariental, Omaruru, Oranjemund, Oshakati, Otjiwarongo, Rosh Pinah, Rundu, Swakopmund, Tsumeb, Walvis Bay and Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) in the case of radio broadcasting licence, of five years;”

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 30 June 2016 together with supporting documentation comprising of a copy of the

service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

2. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6133, Notice No 382, dated 27 September 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 11 October 2016, and no comments were received.

The last day for a decision is 11 December 2016, being sixty (60) days from the time period provided for public comments. Procedurally however, the license lapses on the 25 of November 2016.

3. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting licence on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 30 June 2016.

When considering an application for renewal the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant is a well-established broadcaster and provides analogue FM radio broadcasting services in eighteen (18) geographical locations located in eastern, central, northern and southern Namibia since 2011.

The Applicant has not committed any regulatory offenses since the award of its broadcasting services licence on 25 November 2016.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees;
- (ii) Has complied with all licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No.

5037, General Notice No. 309 dated 13 September 2012 with the exception of payment of licence fees;

- (iii) Has not committed any regulatory offenses since the award of the licence in 2011.

4. DECISION

In terms of sections 87(5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith approves -

- (i) the renewal of the commercial broadcasting service licence awarded to Radio Kudu (Pty) Ltd t/a One FM on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 10

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its community broadcasting service licence for **Katutura Community Trust t/a Base FM** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

Katutura Community Trust t/a Base FM (hereinafter referred to as "the Applicant") submitted an application for the renewal of its community broadcasting service licence on 1 July 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the "Act") and regulations 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

1. BACKGROUND TO APPLICATION

The Applicant was awarded a community broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) *in the case of radio broadcasting licence, of five years;”*

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 30 June 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

2. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6141, Notice No 402, dated 04 October 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 18 October 2016, and no comments were received.

The last day for a decision is 19 December 2016, being sixty (60) days from the time period provided for public comments. Procedurally however, the license lapses on the 25 of November 2016.

3. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting licence on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 30 June 2016.

When considering an application for renewal the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences.

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant is a well-established broadcaster and provides analogue FM radio broadcasting services in eighteen (18) geographical locations located in eastern, central, northern and southern Namibia since 2011.

The Applicant has not committed any regulatory offenses since the award of its broadcasting services licence on 25 November 2016.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees;
- (ii) Has complied with all licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012 with the exception of payment of licence fees;
- (iii) Has not committed any regulatory offenses since the award of the licence in 2011.

4. DECISION

In terms of sections 87(5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licenses, the Authority herewith approves -

- (i) The renewal of the community broadcasting service licence awarded to Katutura Community Trust t/a Base FM on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 11

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its commercial broadcasting service licence for **99FM (Pty) Ltd** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:**1. INTRODUCTION**

99FM (Pty) Ltd (hereinafter referred to as “the Applicant”) submitted an application for the renewal of its commercial broadcasting service licence on 23 June 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulation 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

2. BACKGROUND TO APPLICATION

The Applicant was awarded a commercial broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant provides analogue FM radio broadcasting services in the geographical areas of Otjiwarongo, Oshakati, Swakopmund, Tsumeb, Walvis Bay and Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) in the case of radio broadcasting licence, of five years;”

The Applicant duly submitted an application for renewal of its commercial broadcasting service licence on 23 June 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

3. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6092, Notice No 317, dated 10 August 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 24 August 2016, and no comments were received.

The last day for a decision is 25 October 2016, being sixty (60) days from the time period provided for public comments. On 14 October 2016, the Authority postponed the decision date to 28 November 2016 to allow for the submission of the recommendation to the CRAN Board of Directors at the board meeting scheduled for 24 November 2016.

4. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a commercial broadcasting licensing on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 23 June 2016.

When considering an application for renewal, the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences.

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant has been providing analogue FM radio broadcasting services in six (6) geographical areas since 2011.

The Applicant committed a regulatory offense in that it changed its ownership structure on 1 March 2014 without the authorisation of the Authority.

The facts of the matter are as follows:

- (i) The Applicant submitted to the Authority on 17 June 2011, information forms indicating that 100% of its shares are held by Christina Magdalena Greef and Desert Trade Investment (Pty) Ltd (wherein Christina Magdalena Greef is a 100% shareholder), after which a licence was issued by the Authority pursuant to section 85 of the Act;
- (ii) On the 1st of September 2014 Applicant submitted an application for authorization in terms of section 85(3) of the Communications, which application indicated that the Times New Media Group Limited proposes to acquire 55% of the shares in 99 FM from Christina Magdalena Greef. This means that between June 2011 and September 2014 the shareholding of Christina Magdalena Greef decreased from 100% to 55% and 99FM failed to notify the Authority of the transaction within 15 (fifteen) days thereafter, as is required in terms of Section 35(2) of the Act;
- (iii) The Applicant therefore, did not comply with section 35(2) of the Act in that it failed to inform the Authority that it changed its ownership structure within 15 days from date of transaction, which resulted in a transfer of interest to other parties; and

- (iv) The Applicant pleaded guilty to the offense The Authority levied a fine of fifty thousand Namibian Dollars (N\$50,000.00) as authorised by the CRAN Board of Directors. The Applicant paid the fine of fifty thousand Namibian Dollars (N\$50,000.00) in full and final settlement on 7 March 2016.

The Authority is of the opinion that the offense committed does not warrant the cancellation of the license. This is in view of the fact that the Applicant showed remorse in the process and also indicated that they simply did not acquaint themselves with the requirements for changing shareholders. The Applicant was cooperative, admitted guilt and paid the fine. Taking this into account and the fact that Applicant is generally compliant with all other regulatory obligations, the Licensing Management Committee is of the view that this license should be renewed notwithstanding.

The Authority noted that the Applicant -

- (i) Is in good standing with the Authority with no outstanding regulatory levies, service licence fees or spectrum fees; and
- (ii) Has complied with all licence conditions (save for the transgression indicated above) as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

5. DECISION

In terms of sections 87(5) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith approves -

- (i) The renewal of the commercial broadcasting service licence awarded to 99FM (Pty) Ltd on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 24 November 2016 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 12

2017

NOTICE IN TERMS OF SECTION 87 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 9 of the “Regulations Regarding

Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the application for the renewal of its community broadcasting service licence for **NCBC Radio Ecclesia** has been declined.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION

NCBC Radio Ecclesia (hereinafter referred to as “the Applicant”) submitted an application for the renewal of its community broadcasting service licence on 30 August 2016 for consideration by the Authority, in accordance with sections 87(2) and (3) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and regulations 9 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (As amended). All licence application fees in respect of the application were paid.

2. BACKGROUND TO APPLICATION

The Applicant was awarded a community broadcasting service licence as published in Government Gazette No. 4839, General Notice No. 393 dated 25 November 2011 in terms of Section 135 of the Communications Act, 2009 and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4737, General Notice No. 171 dated 17 June 2011.

The Applicant was licensed to provide analogue FM radio broadcasting services in the geographical area of Windhoek.

Section 87(1) of the Act provides as follows -

“(1) A broadcasting licence is issued for a period-
(a) in the case of radio broadcasting licence, of five years;”

The Applicant duly submitted an application for renewal of its community broadcasting service licence on 30 August 2016 together with supporting documentation comprising of a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule.

3. PROCEDURAL COMPLIANCE

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 6133, Notice No 382, dated 27 September 2016, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 11 October 2016, and no comments were received.

The last day for a decision is 11 December 2016, being sixty (60) days from the time period provided for public comments. Procedurally however, the license lapses on the 25 of November 2016.

4. ANALYSIS OF SUBSTANTIVE ISSUES

Section 87 (3) of the Communications Act provides as follows -

“(3) An application for the renewal of a licence must be made no earlier than six months and not later than 60 days before the date of expiry of the existing licence.”

The Applicant was awarded a community broadcasting licensing on 25 November 2011 and is therefore required to submit an application for renewal between 24 May 2016 and 24 September 2016 to comply with the aforementioned section of the Communications Act. The Applicant submitted its application for renewal of its commercial broadcasting service licence on 30 August 2016.

When considering an application for renewal, the Authority should consider such an application in terms of section 87 (4) and (5) of the Communications Act that provide as follows -

“(4) The Authority may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary to make a finding.

The Authority requested the Applicant to submit a copy of the service licence previously awarded by the Authority, a business plan for the forthcoming five years, geographical locations of all transmitter towers, shareholder details and a programme schedule. The information was utilised to measure compliance with the Act as well as licence conditions for broadcasting service licences

(5) The Authority must renew a licence unless, in its opinion, the licensee has contravened this Act or a condition of the licence or the renewal of the licence will not be in accordance with the objects of this Act.”

The Applicant has contravened the Communications Act, 2009 and the conditions of its broadcasting service licence due to the fact that Applicant has not provided the analogue FM radio broadcasting services as provided for by the scope of the service licence nor utilised the spectrum use licences that was awarded in conjunction with the said service licence.

This is specifically in line with section 87(7) of the Act which provides that a license lapses after the expiry of the 5 year period as prescribed in section 87(1) in the event that no broadcasts are made under the license.

Analysis of the application for renewal has also shown that the Applicant’s application is not aligned with the broadcasting service licence and spectrum use licence awarded to date in that technical equipment specifications provides for digital radio broadcasting services that will result in direct interference with existing analogue FM radio broadcasters in the same spectrum band.

The Authority noted that the Applicant -

- (i) Has not complied with the provisions of the Communications Act, 2009; and
- (ii) Has not complied with the licence conditions as set forth in Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Subsequently, the Authority resolved at its meeting held 25 October 2016 to recommend that the Applicant’s community broadcasting service licence is not renewed in accordance with 87 (7) of the Communications Act in that no broadcasts have been made in terms of the license..

Section 101(6) of the Communications Act, 2009 provides as follows -

“A spectrum licence is required as provided in subsection (2) in addition to any licence to operate a network or to provide telecommunications service or a broadcasting service issued under this Act, where the operation of such a network or the provision of the service or the use thereof entails the use of radio waves as contemplated in that subsection.”

Subsequently, a decision to decline the renewal of the Applicant’s community broadcasting service licence, would naturally be accompanied by a cancellation of the spectrum use licence that was

awarded in conjunction with the aforementioned service licence in terms of section 101(7) and (8) of the Communications Act, 2009, because frequencies for analogue FM radio broadcasting may only be utilised with a broadcasting service licence.

5. DECISION

In terms of sections 87(5) & (7) of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses, the Authority herewith -

- (i) Declines the renewal of the community broadcasting service licence awarded to NCBC Radio Ecclesia on 25 November 2011 based on the criteria as set out in Section 87(5) of the Communications Act; and
- (ii) Revokes the spectrum use licences in the geographical area of Windhoek as stated hereunder as from 25 November 2016 based on the expiry of NCBC Radio Ecclesia's current community broadcasting service licence on 24 November 2016 –
 - i. 93.1 MHz; and
 - ii. 850.400 MHz.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 13

2017

NOTICE IN TERMS OF SECTION 53(7) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved tariffs for OKA AWEH as submitted by **Mobile Telecommunications Limited**, which came into force and effect on **20 December 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION/PURPOSE OF PAPER

In terms of section 53 (1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”), Mobile Telecommunications Limited (hereinafter referred to as “MTC”), filed for new tariffs for OKA AWEH on 22 September 2016.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 418 in the *Government Gazette* No. 6155 dated 25 October 2016 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in *Government Gazette* No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 8 November 2016.

No public comments were received during the commenting period in respect of the tariffs published and as such no reply comments were required from MTC.

3. FINANCIAL AND ECONOMIC ANALYSIS OF THE MOBILE TELECOMMUNICATIONS LIMITED FOR OKA AWEH

MTC submitted the new tariffs as a promotion for a period of 88 days in terms of section 53(2) of the Act from 12 September to 20 December 2016. During the promotional period MTC offered 5MB more Whatsapp data.

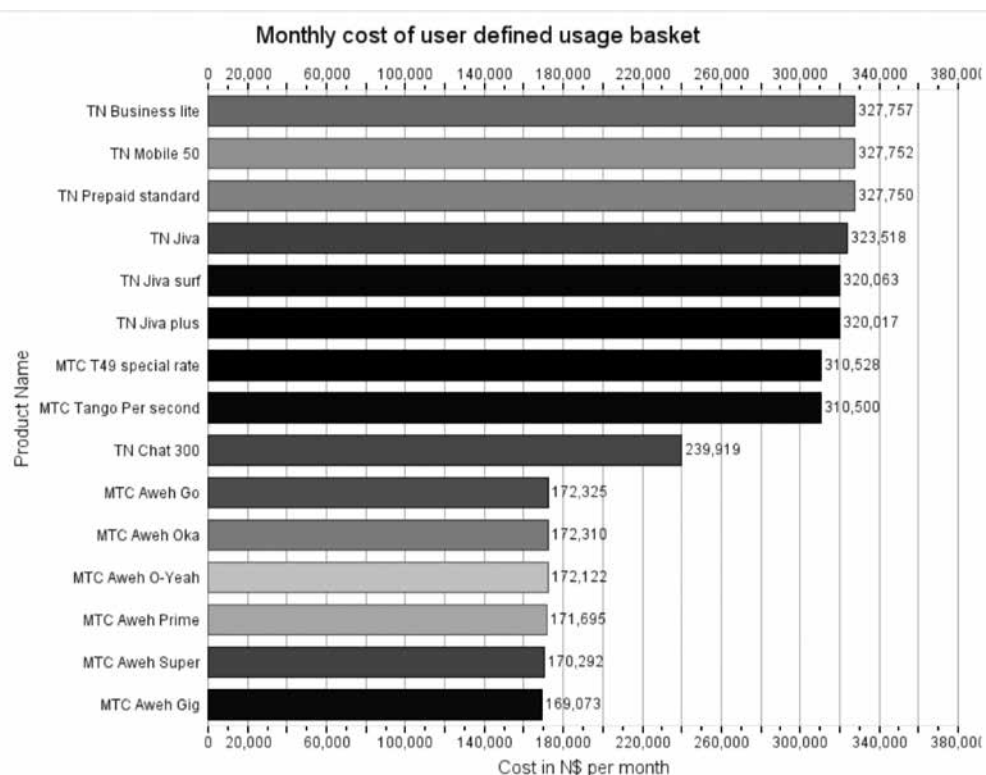
MTC also submitted the tariffs for approval in terms of section 53(1) and (7) of the Act.

The tariff information is as follows:

Table 1: Proposed Tariffs

| PACKAGE | SUBSCRIPTION FEE (3 days) | VOICE (min) | SMS (Qty) | DATA (MB) | WHATSAPP DATA (MB) |
|----------|---------------------------|-------------|-----------|-----------|--------------------|
| OKA Aweh | N\$ 6.00 | 20 | 50 | 20 | 20 |

FIGURE 1: COMPARISON FOR OKA AWEH



The product is aimed at cash strapped customers. The price was compared to all other prepaid mobile products in Namibia in Figure 1 above. It is not the cheapest product but compares well with Aweh-O-Yeah and Aweh Go. It will be the fifth cheapest product in the market.

The tariffs are not deemed anti-competitive and are not unreasonably discriminatory in that:

1. They do not prevent, restrict or distort competition in the market for the supply of telecommunications;
2. There is no abuse of individual or collective dominant position by MTC for the supply of telecommunications in respect hereof; and
3. There is no restrictive practice or activity whose anti-competitive effects outweigh its pro-competitive effects.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to:

1. All pertinent information as required by section 53(9) was submitted to the Authority in that MTC filed the tariff in the prescribed manner with the Authority for approval.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as:
 - 2.1 The rates and charges for services, including all deposits, non-recurring charges and monthly charges as indicated above;
 - 2.2 The terms and conditions applicable to the provision of services by MTC, including rights and remedies available to customers in the event of unauthorized charges or other disputes or claims over billing or the provision of services, and any other information requested by the Authority pursuant to this section.
3. The tariff application indicated that the date on which the tariff comes into operation, as required by section 53(8) of the Act, which date may not be less than sixty (60) days (or such shorter period as the Authority may prescribe for specific classes of service) from the date of filing, would be 20 December 2016.

4. APPROVAL

The Authority herewith approved the proposed tariffs for OKA AWEH as submitted by Mobile Telecommunications Limited for implementation effective from 20 December 2016.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 14

2017

NOTICE IN TERMS OF SECTION 53(7) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved tariffs for JOLA Broadband Services as submitted by **MWireless (Pty) Ltd t/a AfricaOnline**, which came into force and effect on **24 November 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:**1. INTRODUCTION/PURPOSE OF PAPER**

In terms of section 53 (1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”), MWireless (Pty) Ltd t/a AfricaOnline (hereinafter referred to as “AOL”), filed for new tariffs for JOLA Broadband Services on 12 September 2016.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 398 in the Government *Gazette* No. 6141 dated 4 October 2016 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government *Gazette* No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 18 October 2016.

Public comments were received in respect of the tariffs as published during the commenting period from Paratus Telecommunications (Pty) Ltd Group on 4 October 2016. There was no need for AOL to respond in terms of regulation 9 (2) of the Regulations Regarding the Submission of Interconnection Agreements and Tariffs since there was an error in the *Gazette* and therefore the Authority responded to the comments submitted by Paratus Telecom.

3. PUBLIC COMMENTS IN TERMS OF THE JOLA VSAT BROADBAND SERVICES TARIFF

Pursuant to the publications in the Government *Gazette*, public comments were received from Paratus Telecommunications (Pty) Ltd on 4 October 2016. The comments and reply comments are summarised below.

Paratus Telecommunications (Pty) Ltd

Paratus Telecom requested clarification on the tariff as published in General Notice No. 398 in Government Gazette No. 6141 dated 4 October 2016. This is because the notice indicated that the tariff was for AOL but the tariff schedule indicated that the tariff was for Telecom Namibia Limited.

The Authority’s Comments

In a letter dated 26 October 2016, the Authority clarified that there was an error in the *Gazette* and that both the notice and the schedule referred to tariffs submitted to AOL.

4. **FINANCIAL AND ECONOMIC ANALYSIS OF THE MWIRELESS (PTY) LTD T/A AFRICAONLINE TARIFFS FOR JOLA BROADBAND SERVICES**

AOL submitted the new tariffs as a promotion for a period of 2 months in terms of section 53(2) of the Act from 13 September to 12 November 2016. During the promotional period AOL offered 25% discount on the first month's installment and free installation.

AOL also submitted the tariffs for approval in terms of section 53(1) and (7) of the Act.

The tariff information is as follows:

Table 1: Proposed Tariffs

| Download | Upload | Cap | Monthly Fee (N\$) |
|-----------------|---------------|------------|--------------------------|
| 1024 | 256 | 10 Gig | 850 |
| 1024 | 256 | 30 Gig | 1 950 |
| | | | |
| 3072 | 768 | 10 Gig | 1 200 |
| 3072 | 768 | 30 Gig | 2 400 |
| 3072 | 768 | 50 Gig | 3 375 |
| | | | |
| 5120 | 1280 | 10 Gig | 1 575 |
| 5120 | 1280 | 30 Gig | 2 760 |
| 5120 | 1280 | 50 Gig | 3 960 |
| 5120 | 1280 | 75 Gig | 5 520 |
| 5120 | 1280 | 100 Gig | 6 995 |
| | | | |
| 10240 | 1536 | 30 Gig | 3 600 |
| 10240 | 1536 | 50 Gig | 4 600 |
| 10240 | 1536 | 75 Gig | 6 000 |
| 10240 | 1536 | 100 Gig | 7 450 |
| 10240 | 1536 | 150 Gig | 10 000 |

| |
|--------------------------|
| Installation fees |
|--------------------------|

| |
|--------------|
| N\$ 1,750.00 |
|--------------|

| |
|---------------------|
| Travel Rates |
|---------------------|

| |
|------------|
| N\$ 5.5/km |
|------------|

| |
|--------------------------------|
| Hardware/Equipment Fees |
|--------------------------------|

| |
|--------------------------|
| Dish 98cm – N\$ 9,750.00 |
|--------------------------|

| |
|----------------------------|
| Dish 120cm – N\$ 10,750.00 |
|----------------------------|

| |
|-------------|
| Note |
|-------------|

| |
|------------------------------------|
| Free usage 22h00 to 06h00 evenings |
|------------------------------------|

| |
|-------------------|
| 24 month contract |
|-------------------|

| |
|--------------------------|
| Use it or lose it – data |
|--------------------------|

| |
|------------------------------------|
| Includes 6 static public IPv4(/29) |
|------------------------------------|

| |
|-----------------------------|
| Email notification on usage |
|-----------------------------|

Table 2: Comparison for 50 GB Packages

| OPERATOR | PRODUCT | CAP - GIG | UPLOAD/DOWN-LOAD SPEED -Kbps | RETAIL PRICE- N\$/ MONTH |
|---------------------|----------------------------|-----------|------------------------------|--------------------------|
| Paratus | YUR SAT Capped 50 | 50 | 1024/10240 | 7,050.00 |
| Africa Online (AOL) | NAWASAT | 60 | 512/6144 | 8,999.00 |
| Africa Online (AOL) | YOLA VSAT | 50 | 768/3072 | 3,375.00 |
| Africa Online (AOL) | YOLA VSAT | 50 | 1280/5120 | 3,960.00 |
| Africa Online (AOL) | YOLA VSAT | 50 | 1536/10240 | 4,600.00 |
| AOL | Afri KA – Consumer 15000 | 50 | 2560/15360 | 3,499.00 |
| AOL | Afri KA – Professional2000 | 50 | 512/2048 | 2,999.00 |
| Telecom Namibia | VSAT | 50 | | Not Available |
| MTN Business | BIZSAT | 50 | 384/1024 | 15,060.00 |

Table 3: Comparison for Unlimited Packages

| OPERATOR | PRODUCT | CAP - GIG | UPLOAD/ DOWNLOAD SPEED -Kbps | RETAIL PRICE- N\$/ MONTH |
|-----------------|----------------------------|-----------|------------------------------|--------------------------|
| Paratus | Uncapped Bronze | Unlimited | 512 / 2048 | 935,00 |
| AOL | Afri KA – Professional1000 | Unlimited | 512/1024 | 7,999.00 |
| AOL | YOLA VSAT | 150GB | 1536/10240 | 10,000.00 |
| Telecom Namibia | VSAT | Unlimited | 384/1024 | 16,209.00 |
| Paratus | Uncapped Africa | Unlimited | 512 /4096 | 4,590.00 |
| Paratus | Uncapped Silver | Unlimited | 512 /2048 | 2,220.00 |
| Paratus | Uncapped Gold | Unlimited | 1024 /10240 | 10,720.00 |
| Paratus | Uncapped Platinum | Unlimited | 1024 /10240 | 15,510.00 |

The product is a low cost VSAT product aimed at farmers and lodges.

The price was compared to other VSAT products in the market. There are a number of other operators providing VSAT services in the market such as Paratus Telecommunications (Pty) Ltd, Telecom Namibia Limited and MTN Business Namibia (Pty) Ltd. The comparisons are difficult because the speeds are different and the packages offered are different. These packages will however, provide the consumer with more choice in terms of price and speed.

The tariffs are not deemed anti-competitive and are not unreasonably discriminatory in that:

- a) They do not prevent, restrict or distort competition in the market for the supply of telecommunications;
- b) There is no abuse of individual or collective dominant position by AOL for the supply of telecommunications in respect hereof; and
- c) There is no restrictive practice or activity whose anti-competitive effects outweigh its pro-competitive effects.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to:

1. All pertinent information as required by section 53(9) was submitted to the Authority in that AOL filed the tariff in the prescribed manner with the Authority for approval.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as:

- 2.1 The rates and charges for services, including all deposits, non-recurring charges and monthly charges as indicated above;
 - 2.2 The terms and conditions applicable to the provision of services by AOL, including rights and remedies available to customers in the event of unauthorized charges or other disputes or claims over billing or the provision of services, and any other information requested by the Authority pursuant to this section.
3. All pertinent information as required by section 53(18) was submitted to the Authority.
 4. The tariff application indicated that the date on which the tariff comes into operation as required by section 53(8) of the Act, which date may not be less than sixty (60) days (or such shorter period as the Authority may prescribe for specific classes of service) from the date of filing would be 12 November 2016. A letter was drafted to AOL on 20 October 2016 to postpone the date of commencement of the tariff with fourteen (14) days in terms of section 53(13) of the Act, in order to examine the reasonableness of the tariff to 24 November 2016.

5. DECISION

The Authority herewith approved the proposed tariffs for new JOLA Broadband Services as submitted by MWireless (Pty) Ltd t/a AfricaOnline for implementation effective from 24 November 2016.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 15

2017

NOTICE IN TERMS OF SECTION 53(7) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved tariffs for the JIVA Plus and JIVA Surf packages as submitted by **Telecom Namibia Limited**, which came into force and effect on **24 November 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION/PURPOSE OF PAPER

In terms of section 53 (1) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”), Telecom Namibia Limited (hereafter referred to as “Telecom Namibia”) filed for the approval of tariffs for the new JIVA Plus and JIVA Surf tariffs on 14 September 2016.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 397 in the Government Gazette No. 6141 dated 4 October 2016 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government Gazette No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 18 October 2016.

No public comments were received during the commenting period in respect of the tariffs published and as such no reply comments were required from Telecom Namibia.

The date of commencement of the tariff is 16 November 2016.

3. FINANCIAL AND ECONOMIC ANALYSIS OF THE NEW JIVA PLUS AND JIVA SURF TARIFFS SUBMITTED BY TELECOM NAMIBIA LIMITED

Telecom submitted the new tariffs as a promotion for a period of 3 months in terms of section 53(2) of the Act from 15 September to 15 December 2016. During the promotional period Telecom offered JIVA Plus at N\$ 27.00/7 days and JIVA Surf at N\$ 37.00/7 days. Telecom also submitted the tariffs for approval in terms of section 53(1) and (7) of the Act.

The Jiva Plus and Jiva Surf tariffs for are an addition of previously approved tariffs that were introduced to compete with MTC AWEH Gig tariff and were submitted as follows:

Table 1: Proposed Tariffs

| Package | Jiva Plus |
|-----------------------------------|-------------|
| Subscription fee (7 days) | N\$ 35 |
| Voice Minutes | 100 |
| Number of SMS | 700 |
| Data Volume | 1.3GB |
| Social Media | 500MB |
| Package | Jiva Surf |
| Subscription fee (7 days) | N\$ 40 |
| Voice Minutes | 150 |
| Number of SMS | 1000 |
| Data Volume | 1.3GB |
| Social Media | 500MB |
| Night Surfer (Unlimited Internet) | 00h00-06h00 |

Table 2: Comparison

| Package | TN Jiva Plus | TN Jiva Surf | MTC Aweh Gig |
|---------------------------|--------------|--------------|--------------|
| Subscription fee (7 days) | N\$ 35 | N\$ 40 | N\$ 30 |
| Voice Minutes | 100 | 150 | 100 |
| Number of SMS | 700 | 1000 | 700 |
| Data Volume | 1.3GB | 1.3GB | 1GB |
| Social Media | 500MB | 500MB | 500MB |

The JIVA Plus tariffs as submitted by TN Mobile are the same as the Aweh Gig package offered by Mobile Telecommunication Limited (MTC). The difference herein is on the subscription fees and the data volume offered. Although JIVA Plus costs N\$5.00 more than MTC's Aweh Gig, the 1.3GB that comes with it makes up for the difference in comparison to MTC Gig's 1GB.

JIVA Surf offers fifty (50) more voice minutes compared to AWEH Gig, as well as a night surfer option, providing unlimited data for the seven days of the subscription period during certain periods of the day.

These packages will provide more choice to the customers and improve competition.

The tariffs are not deemed anti-competitive and are not unreasonably discriminatory in that:

1. They do not prevent, restrict or distort competition in the market for the supply of telecommunications;
2. There is no abuse of individual or collective dominant position by Telecom Namibia for the supply of telecommunications in respect hereof;
3. There is no restrictive practice or activity whose anti-competitive effects outweigh its pro-competitive effective.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to in that:

1. All pertinent information as required by section 53(7) was submitted to the Authority in that Telecom Namibia filed the tariff in the prescribed manner with the Authority for approval.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as:
 - 2.1 The rates and charges for services, including all deposits, non-recurring charges and monthly charges;
 - 2.2 The terms and conditions applicable to the provision of services by TN, including rights and remedies available to customers in the event of unauthorized charges or other disputes or claims over billing or the provision of services, and any other information requested by the Authority pursuant to this section.
3. The date of implementation was indicated as 16 November 2016 (which date is not less than 60 days from the date of the filing of the tariff) as required by section 53(8) of the Act. On the 19 September 2016 the Authority send a letter to Telecom Namibia requesting additional information to which Telecom Namibia responded on 20 September 2016 submitting the Terms and Conditions as requested. The date of implementation therefore did not change; it remains the 16th of November 2016.

A letter was drafted to Telecom Namibia on the 27th of October 2016 to postpone the date of commencement of the tariff with eight (8) days in terms of section 53(13) of the Act, in order to examine the reasonableness of the tariff to 24 November 2016.

4. DECISION

The Authority herewith approved the proposed tariffs for JIVA Plus and JIVA Surf Products as submitted by Telecom Namibia Limited for implementation effective from 24 November 2016.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 16

2017

NOTICE IN TERMS OF SECTION 53(7) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved tariffs for additional LTE Data Bundle tariffs as submitted by **Paratus Telecommunications (Pty) Ltd**, which came into force and effect on **24 November 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION/PURPOSE OF PAPER

In terms of section 53 (1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”), Paratus Telecommunications (Pty) Ltd (hereafter referred to as “Paratus Telecom”) filed for the approval of tariffs for the additional LTE Data Bundle tariffs on 4 August 2016.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 351 in the Government Gazette No. 6102 dated 23 August 2016 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government Gazette No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 24 June 2016

No public comments were received during the commenting period in respect of the tariffs published and as such no reply comments were required from Paratus Telecom.

3. FINANCIAL AND ECONOMIC ANALYSIS OF THE NEW LTE DATA BUNDLE TARIFFS SUBMITTED BY PARATUS TELECOMMUNICATIONS (PTY) LTD

Paratus Telecom submitted the new tariffs for permanent approval in terms of section 53(1) and (7) of the Act.

The tariff information is as follows:

TARIFF INFORMATION

Table 1: LTE Postpaid Packages

| | PT | PT |
|----------------------|--------|--------|
| | 30GB | 60 GB |
| Connection Fee - N\$ | 285.00 | 285.00 |
| Monthly Fee - N\$ | 575.00 | 775.00 |
| Includes Wingle(CPE) | Yes | Yes |

| | | |
|---------------------------------|-------------|-------------|
| Data CAP - GB | 30 | 60 |
| Max Clients (MAC) | 1 | 10 |
| Renewal period (months) | 1 | 1 |
| Contract Period (months) | 12 | 12 |
| Out of Bundle Rate - N\$ per GB | See Bundles | See Bundles |
| Max Speed - Mbps | 50 | 50 |

Comparative Analysis

Table 2: Postpaid Packages

| Data Cap | OPERATORS | | | N\$/MB | | |
|----------|-----------------|------------|-----------------|-----------------|-------|-----------------|
| | Paratus Telecom | MTC | Telecom Namibia | Paratus Telecom | MTC | Telecom Namibia |
| 20GB | | N\$ 549.00 | | | 0.027 | |
| 30 GB | N\$ 575.00 | | | 0.019 | | |
| 60 GB | N\$ 775.00 | | N\$ 998.00 | 0.013 | | |
| 90GB | | N\$ 999.00 | | | 0.01 | 0.01 |

None of the other operators (Mobile Telecommunications Limited and Telecom Namibia Limited) have packages for 30GB and 60GB. It is very difficult to compare the offerings from the different operators in the market since each of them offers different packages and different speeds. However, it is clear that the additional packages offered by Paratus Telecom will offer the customer more choice. At the same time these packages would create more competition in the 4G LTE market.

It is therefore recommended that the Board approve the proposed tariffs.

The tariffs are not deemed anti-competitive and are not unreasonably discriminatory in that:

1. They do not prevent, restrict or distort competition in the market for the supply of telecommunications;
2. There is no abuse of individual or collective dominant position by Paratus Telecom for the supply of telecommunications in respect hereof;
3. There is no restrictive practice or activity whose anti-competitive effects outweigh its pro-competitive effective.

All requirements in terms of section 53 of the Act that deal with the approval of tariffs have been adhered to in that:

1. All pertinent information as required by section 53(7) was submitted to the Authority in that Telecom filed the tariff in the prescribed manner with the Authority for approval.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as:
 - 2.1 The rates and charges for services, including all deposits, non-recurring charges and monthly charges;
 - 2.2 The terms and conditions applicable to the provision of services by Telecom, including rights and remedies available to customers in the event of unauthorised charges or other disputes or claims over billing or the provision of services, and any other information requested by the Authority pursuant to this section.

4. The date of implementation would be 10 November 2016 which is not less than 60 day from the last day since the last request for amendment of the tariff was received on 4 August 2016. A letter was drafted to Paratus Telecom on 20 October 2016 to postpone the date of commencement of the tariff with fourteen (14) days in terms of section 53(13) of the Act, in order to examine the reasonableness of the tariff to 24 November 2016.

4. APPROVAL

The Authority herewith approved the proposed tariffs for additional LTE Products as submitted by Paratus Telecommunications (Pty) Ltd for implementation effective from 24 November 2016.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 17

2017

NOTICE IN TERMS OF SECTION 53(7) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved tariffs for the SmartEntry packages as submitted by **Telecom Namibia Limited**, which came into force and effect on **1 December 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION/PURPOSE OF PAPER

In terms of section 53 (1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”), Telecom Namibia Limited (hereinafter referred to as “Telecom”), filed for new tariffs for SmartEntry Packages on 1 September 2016.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 379 in the Government Gazette No. 6133 dated 27 September 2016 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government Gazette No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 11 October 2016.

No public comments were received during the commenting period in respect of the tariffs published and as such no reply comments were required from Telecom.

3. FINANCIAL AND ECONOMIC ANALYSIS OF THE TELECOM NAMIBIA TARIFFS FOR SMARTENTRY PACKAGES

Telecom submitted the new tariffs as a promotion for a period of 3 months in terms of section 53(2) of the Act from 1 September 2016 to 30 November 2016. During the promotional period Telecom offered the package without the connection fee of N\$ 175.00 and customers will receive an additional 1GB of free data upon first subscription during the promotional period.

Telecom also submitted the tariffs for approval in terms of section 53(1) and (7) of the Act.

The tariff information is as follows:

Table 1(a): Proposed Tariffs for SmartEntry

| | |
|---------------------------------|------------|
| Connection Fee - N\$ | N\$ 175.00 |
| Monthly Fee - N\$ | N\$ 139.00 |
| Includes Smartphone | Yes |
| Minutes | 200 |
| SMS | 150 |
| Data Volume | 150 MB |
| Contract Period (months) | 24 |
| Includes Sim Card | Yes |

Table 1(b): Proposed Tariffs for SmartEntry Lite

| | |
|---------------------------------|------------|
| Connection Fee - N\$ | N\$ 175.00 |
| Monthly Fee - N\$ | N\$ 99.00 |
| Includes Smartphone | No |
| Minutes | 200 |
| SMS | 150 |
| Data Volume | 150 MB |
| Contract Period (months) | 24 |
| Includes Sim Card | Yes |

TABLE 2: COMPARISON FOR SMARTENTRY PACKAGES

| Package | TN SmartEntry | TN SmartEntry Lite | MTC Select (S) |
|---------------------------------|----------------------|---------------------------|-----------------------|
| Connection Fee - N\$ | N\$ 175.00 | N\$ 175.00 | N\$ 175.00 |
| Monthly Fee - N\$ | N\$ 139.00 | N\$ 99.00 | N\$ 159.00 |
| Includes Smartphone | Yes | No | Yes |
| Minutes | 200 | 200 | 200 |
| SMS | 150 | 150 | 200 |
| Data Volume | 150 MB | 150 MB | 200MB |
| Contract Period (months) | 24 | 24 | 24 |
| Includes Sim Card | Yes | Yes | Yes |

The price was compared to the closest product in the market for Mobile Telecommunications Limited (MTC). These packages are very competitive and at the same time will provide the consumer with more choice in terms of low-end packages for the lower-end income consumer.

The tariffs are not deemed anti-competitive and are not unreasonably discriminatory in that:

1. They do not prevent, restrict or distort competition in the market for the supply of telecommunications;

2. There is no abuse of individual or collective dominant position by Telecom for the supply of telecommunications in respect hereof; and
3. There is no restrictive practice or activity whose anti-competitive effects outweigh its pro-competitive effects.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to:

1. All pertinent information as required by section 53(9) was submitted to the Authority in that Telecom filed the tariff in the prescribed manner with the Authority for approval.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as:
 - 2.1 The rates and charges for services, including all deposits, non-recurring charges and monthly charges as indicated above;
 - 2.2 The terms and conditions applicable to the provision of services by Telecom, including rights and remedies available to customers in the event of unauthorized charges or other disputes or claims over billing or the provision of services, and any other information requested by the Authority pursuant to this section.
3. The tariff application indicated that the date on which the tariff comes into operation as required by section 53(8) of the Act, which date may not be less than sixty (60) days (or such shorter period as the Authority may prescribe for specific classes of service) from the date of filing would be 1 December 2016.

4. APPROVAL

The Authority herewith approved the proposed tariffs for SmartEntry Packages as submitted by Telecom Namibia Limited for implementation effective from 1 December 2016.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 18

2017

NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of regulation 9 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011, herewith gives notice that the entity referred to in the table below, submitted application for renewal of the Spectrum Use Licences to the Authority:

| Applicant's Name; | Applicant's citizenship or place of incorporation; | Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens; | List frequencies or groups of radio frequencies assigned; | Description of geographic coverage area(s); | | | Service to be provided using frequency applied for; | Party providing Signal Distribution | Breach of Licence | Proof of Application fees paid up to date submitted? |
|--|--|---|---|---|----------|----------|---|-------------------------------------|--------------------------------------|--|
| | | | | Region | District | Town | | | | |
| Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) | International Treaty Organization | Treaty Body of the United Nations | 6382.523 MHz 6382.690 MHz 6382.774 MHz 4157.8971 MHz | Khomas | Windhoek | Windhoek | FIXED SA-TALITE (Earth-to-space) | Own | No breach or alleged breach recorded | Yes |
| | | | | Oshikoto | Tsumeb | Tsumeb | FIXED SA-TALITE (Earth-to-space) | | | |

The public may submit comments to the Authority within fourteen (14) days from the date of publication of this notice in the *Gazette*.

The applicant may submit written reply comments within fourteen (14) days from the due date of the written public comments.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: legal@cran.na;
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

F. KISHI
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 19

2017

**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES
FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND
SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of regulations 11 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, as published in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the Applicant referred to in the table below has submitted the following application to the Authority:

Spectrum Use Licence Application

| Applicant's Name | Applicant's Citizenship or place of incorporation; | Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens | List of radio Frequencies or group of frequencies applied for | List of radio Frequencies or group of frequencies being considered for assignment by the Authority | Description of geographic coverage area (s) | | | Maximum Output power & Coordinates | Service to be provided using frequencies applied for | Party providing Signal Distribution |
|---|--|---|---|--|---|----------|---------------------|------------------------------------|--|-------------------------------------|
| | | | | | Region | District | City/Town | | | |
| Trustco Administrative Support Services (Pty) Ltd | Namibia | 100% | 410.000 - 450.000 MHz | TX/RX 451.5250/461.525 MHz (STL) | Khomas | Windhoek | Trustco Head Office | 25 W | Fixed | Own |

The public may submit comments in writing to the Authority within a period of fourteen (14) days from the date of publication of this notice in the *Gazette*.

The applicant may submit written reply comments within fourteen (14) days from date of notification of the written public comments.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: legal@cran.na;
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

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