



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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No. 5354

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## General Notices

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 464

2013

#### 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 section 101 of the Communications Act (Act No 8 of 2009) and Regulation 6 and 11 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 person referred to in the table below, has been awarded a spectrum use licence, effective from date of publication of this notice in the *Gazette*:

Licensee;	Licen-see's citizenship or place of incorporation;	Percent-age of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequen-cies or groups of radio frequen-cies consid-ered by Author-ity for assign-ment;	Pro- vision of Sig- nal Dis- tribu- tion;	Description of geographic coverage areas(s)			Services intended to be provid- ed using the spec- trum being applied for;	Type of Service Licence;	Proof of Appli- cation fees paid up to date submit- ted?  Yes/No
					Re- gion;	District;	City/ Town			
Gospel Mission Ministries Inc (ASSOCIA- TION NOT FOR GAIN) T/A Kairos Radio	Namibian	100%	96.6 MHz	Own	Hardap	Mariental	Mariental	Com- munity Service Broad- casting	Com- munity Broad- casting Service Licence	Yes

The licence is issued subject to the Communication Act, 2009 (Act No. 8 of 2009) and the Regulations Setting Out Licence Conditions for Spectrum Licences as published by the Authority from time to time.

#### REASONS FOR DECISION:

Gospel Mission Ministries Inc. t/a Kairos Radio submitted an application for a spectrum use licence for community broadcasting services to the Authority on 28 May 2013 for consideration 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.

Gospel Mission Ministries Inc. t/a Kairos Radio was issued with a community broadcasting service licence by the Authority in terms of Section 87 of the Communications Act, 2009 as published in Government Gazette No. 5179, General Notice No. 113 dated 19 April 2013. Subsequent thereto Gospel Mission Ministries Inc. t/a Kairos Radio was assigned a spectrum use licence in Rehoboth in accordance with Section 101(8) of the Communications Act, 2009.

In compliance with Section 101 of the Act and the Regulations Regarding Licencing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use License, Gospel Mission Ministries Inc. t/a Kairos Radio submitted a spectrum use licence application for additional spectrum between 87 MHz and 108 MHz to provide broadcasting services within the geographical area of Mariental.

As per technical information submitted by Gospel Mission Ministries Inc. t/a Kairos Radio, the transmitter will be operated at a power output of 250 Watt. All information related to the coverage area to be covered and equipment specification has also been provided together with the application form.

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 respect of the application submitted by Gospel Mission Ministries Inc. t/a Kairos Radio in Government Gazette No. 5282, General Notice No 355, dated 12 September 2013, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. No public comments were received and subsequently no reply comments were requested from Gospel Mission Ministries Inc. t/a Kairos Radio.

To date only the public broadcaster (Namibian Broadcasting Corporation), three commercial broadcasters and one community broadcaster provides broadcasting services in Mariental and surrounding areas. No shortage in available spectrum for FM broadcasting is evident.

The Authority identified 96.6 MHz as a suitable frequency. This frequency is within the frequency range 87 MHz to 108 MHz as applied for by Gospel Mission Ministries Inc. t/a Kairos Radio to expand its FM broadcasting services to Mariental. Gospel Mission Ministries Inc. t/a Kairos Radio complies with requirements for a spectrum use licence as set out in Regulation 6(2) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences in that all information as required in terms of the Application were submitted to the Authority.

As such, the Authority awarded the spectrum as identified to enable Gospel Mission Ministries Inc. t/a Kairos Radio to provide community broadcasting services in conjunction with a spectrum use licence in the Mariental geographical area in terms of Section 101(6) and (8) of the Act as well as Regulation 6(1) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences.

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 465

2013

**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 section 101 of the Communications Act (Act No 8 of 2009) and regulation 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the applicant referred to in the table below, submitted an application to the Authority for a spectrum use licence:

Applicant;	Applicant's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Services intended to be provided using the spectrum being applied for of (type of Service Licence)	Application Fees Paid Up to Date?		Description of Geo- graphic coverage area(s)	Radio Frequencies or group of frequencies;											
				Yes/	No		Site Name	Latitude	Longitude	Multiplex Number	Radio Frequencies or group of frequencies applied for	Channel Number	TX Power (W)	dBW	Antenna Peak Gain (dBd)	Polarization	Antenna Height (m)	Region
Namibian Broadcasting Corporation	Namibia	100	Public Broadcasting Service	Yes		Republic of Namibia	Impalila	17 46 46.7 S	25 12 54.0 E	1	610	38	100	20	7.5	Horizontal	30	Caprivi

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 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: 088642748.

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 466

2013

**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 sections 38 and 101 of the Communications Act and regulations 4, 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 as amended, herewith gives notice that the person referred to in the table below, have been awarded the following licences effective from date of publication of this notice in the *Gazette*:

Licensee;	Licensee's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Category of Class Telecommunications service to be provided;	Does Licensee intend to use spectrum in the provision of the telecommunication service?	Concise statement on Services intended to be provided;	Description of geographic coverage area(s);	Proof of Licence Application Fees Paid Up to Date Submitted?
Bidvest Namibia Information Technology (PTY) Ltd.	Namibia	100%	Class Comprehensive Telecommunications Service Licence (ECNS & ECS)	Although applicant intends to use spectrum in the provision of the telecommunication services, it is in the spectrum use licence exempt band as contained in the Regulations Regarding Licence Exempt Spectrum published in Government <i>Gazette</i> No. 4839, Notice No. 395 dated 25 November 2011.	Electronic communications	Namibia	Yes

The licence is issued subject to the Communications Act, 2009 (Act No 8 of 2009) and the Regulations Regarding Licence Conditions for Telecommunications Service Licences, as published in Government Gazette No 5037, Notice No.308, dated 13 September 2012.

#### REASONS FOR DECISION:

The application has complied with all procedural requirements as set out in the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences. The Authority published a notice in the Government Gazette 5243, Notice No 281, dated 19 July 2013, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. Written comments were received from Telecom Namibia Limited within the stated timeframe and have been considered.

The Authority conveyed the comments received from Telecom Namibia Limited in terms of regulation 11(3) of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, to Bidvest Namibia Information Technology (Pty) Ltd to submit reply comments within fourteen (14) days from receipt thereof. Bidvest Namibia Information Technology (Pty) Ltd submitted reply comments on 09<sup>th</sup> August 2013.

Bidvest Namibia Information Technology (Pty) Ltd submitted reply comments to the Authority on 23 August 2013 as follows-

*“Adding more service providers to the market will increase competition between service providers and this will ultimately benefit the consumer. We fail to see how the conclusion that the introduction of additional networks will increase the cost to the consumer. In reality the consumer will benefit by having access to more alternatives. We believe that investment in Information and Telecommunications Technology infrastructure in Namibia should be welcomed as it is in line with the goals of Namibia Vision 2030. We maintain that the specific frequency referred to in point 1.2 of the comments is correctly reflected as 24.000 GHz to 24.250 GHz as this is the frequency range specified by the International Telecommunications Union (ITU) in Radio Regulation (RR) 5.150.”*

Bidvest Namibia Information Technology (Pty) Ltd has been in operation since 1995 with data centres in Windhoek and Walvis Bay providing services to the Bidvest Group. As per the business plan and application forms submitted Bidvest Namibia Information Technology (Pty) Ltd intend to provide electronic communications services to their clients by providing hosted IT services and full IT solutions to their clients. In doing so, Bidvest Information Technology (Pty) will also implement

last mile access network infrastructure to reach their client base. The equipment to be deployed for last mile access utilize frequencies in the spectrum use licence exempt bands as published in Government Gazette No. 4839, Notice No. 395 dated 25 November 2011. Therefore the application for spectrum use is not required for purposes of this application, because the spectrum required is licence exempt.

An analysis of the business plan indicates that Bidvest Namibia Information Technology (Pty) Ltd will focus on small to medium enterprises to build their customer base offering complete IT solutions to meet business requirements. There is a clear understanding of the market potential and competition. The business case is deemed to be sound to offer sustainable electronic communications services in the market.

The Authority does not agree with the contention that the market is not congested as alluded to by Telecom Namibia Limited. It is evident from annual financial information received from licensees that revenue derived from electronic communication services are still growing. Taking into account that small to medium enterprises play an important economic role in Namibia and rely on ICT service providers for telecommunications and IT services in *lieu* of in-house capacity to maintain the services, the Authority recognises that awarding licenses to smaller entities will fill this gap in service provision.

The objects of the Communications Act, 2009 in terms of section 2 support amongst others, the promotion of competition, encouragement of private investment and promotion of a wide range of telecommunications services throughout Namibia. The Authority regards the award of a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) to Bidvest Namibia Information Technology (Pty) Ltd to be aligned with the objects of the Communications Act, 2009. In light of the foregoing, the Authority has awarded a Class Comprehensive Telecommunications Service Licence (ECNS & ECS) to Bidvest Namibia Information Technology (Pty) Ltd

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 467

2013

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS OF  
 INTERCONNECTION AGREEMENTS AND TARIFFS**

The Communications Regulatory Authority of Namibia, in terms of regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, and section 53 of the Communications Act, Act No. 8 of 2009, herewith gives notice of the following tariffs for Mobile Telecommunications Limited, which will be in force, effective from date of publication of this notice in the *Gazette*:

**REDUCTION OF TARIFFS ON DATA BUNDLES**

<b>PACKAGES</b>	<b>Old/Current Monthly Subscription N\$</b>	<b>New/Proposed Monthly Subscription N\$</b>
Netman	139.00	99.00
Netman Plus	489.00	449.00
Netman 1GB	239.00	149.00
Netman1GB Plus	589.00	499.00
Netman 2GB	299.00	199.00
Netman 2GB Plus	649.00	549.00
Netman Unlimited	949.00	849.00

<b>PACKAGES</b>	<b>Old/Current Monthly Subscription N\$</b>	<b>New/Proposed Monthly Subscription N\$</b>
Netman Unlimited Plus	1,299.00	1,199.00
OfficeBox 3G LITE	239.00	149.00
OfficeBox 3G Plus	589.00	549.00
OfficeBox Unlimited	949.00	849.00
OfficeBox Unlimited Plus	1,299.00	1,199.00

## **REASONS FOR APPROVAL OF TARIFFS**

**Mobile Telecommunications Limited (hereinafter referred to as “MTC”)** filed for the approval of reduction of tariffs of postpaid data monthly subscription fees with the Authority on 19 September 2013 in terms of section 53 (1) and (7) of the Communications Act No. 8 of 2009 (hereinafter referred to as “the Act”). The submission was made to implement the new pricing as promotional pricing in terms of section 53(2) of the Act and obtain approval in terms of section 53 (1) and (7) to reduce tariffs of data bundles and introduce new data bundles going forward pending a final decision by the Board of Directors of the Authority.

The proposed tariffs were published as General Notice No. 403 in the Government Gazette No. 5311 dated 11 October 2013 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” as published in Government Gazette No 4714, General Notice No. 126 dated 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 Government Gazette, which period lapsed on 25 October 2013. No public comments were received on the tariffs as published during the commenting period, and as such no reply comments were required from Mobile Telecommunications Limited.

MTC submitted the new tariffs originally under section 53(2) for a promotional period of 3 months. Under the promotion a dongle was offered with the data bundles at a reduced price of N\$ 199.00. The date of the request was 19 September 2013 and the promotion started on 20 September 2013. The promotion will thus end on 20 December 2013.

The submission of the tariffs leads to an overall reduction of the prices for data bundles for postpaid customers as per the Table below.

<b>PACKAGES</b>	<b>PERCENT (%) REDUCTION</b>
Netman	28.78%
Netman Plus	8.18%
Netman 1GB	15.28%
Netman1GB Plus	33.44%
Netman 2GB	15.41%
Netman 2GB Plus	33.44%
Netman Unlimited	10.54%
Netman Unlimited Plus	7.7%
OfficeBox 3G LITE	37.66%
OfficeBox 3G Plus	6.79%
OfficeBox Unlimited	10.54%
OfficeBox Unlimited Plus	7.7%

MTC indicated that the promotion will cease at the end of the three-month period and that the tariffs will therefore become permanent on 20 December 2013 as required by section 53(8) of the Act.



All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to. All pertinent information as required by section 53(9) was submitted to the Authority. The tariffs are deemed reasonable and do not impair competition. It is also not deemed by the Authority as being unreasonably discriminatory in terms of section 53(19) of the Act.

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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No. 468

2013

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS  
 OF INTERCONNECTION AGREEMENTS AND TARIFFS**

The Communications Regulatory Authority of Namibia, in terms section 53 of the Communications Act, No 8 of 2009 and regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice of the following Telecom Namibia Limited tariffs for voice services, which will be in force, effective from date of publication of this notice in the *Gazette*:

<b>International call charges (PostPaid)</b>	<b>Time Period</b>	<b>Current N\$/Minute</b>	<b>New N\$/Minute</b>
RSA ( <b>Mobile</b> )	Peak	2.49	2.30
Zimbabwe ( <b>Mobile</b> )	Peak	2.99	4.35
	Off Peak	1.99	4.35
Angola ( <b>Fixed</b> )	Peak	2.49	2.30
	Off Peak	2.49	2.30
Angola ( <b>Mobile</b> )	Peak	2.49	2.30
	Off Peak	2.49	2.30
Germany, UK, & Portugal ( <b>Fixed</b> )	Peak	3.35	3.00
	Off Peak	2.80	2.55
Germany, UK, & Portuga ( <b>Mobile</b> )	Peak	3.90	3.50
	Off Peak	3.30	2.99
Netherlands,Sweden,Switzerland, Spain, Australia, France, & Kenya ( <b>Fixed</b> )	Peak	4.05	3.65
	Off Peak	3.25	2.99
Netherlands,Sweden,Switzerland, Spain, Australia, France, & Kenya ( <b>Mobile</b> )	Peak	4.75	4.30
	Off Peak	3.80	3.45
USA ( <b>Fixed &amp; Mobile</b> )	Peak	3.90	3.50
	Off Peak	3.30	2.99
Rest of the World ( <b>Fixed &amp; Mobile</b> )	Peak	5.40	4.90
	Off Peak	4.30	3.90

<b>International call charges (PrePaid)</b>	<b>Time Period</b>	<b>Current N\$/Minute</b>	<b>New N\$/Minute</b>
RSA ( <b>Mobile</b> )	Peak	2.99	2.75
Zimbabwe ( <b>Mobile</b> )	Peak	3.60	5.15
	Off Peak	2.40	5.15
Angola ( <b>Fixed</b> )	Peak	3.40	3.12
	Off Peak	3.40	3.12

Angola ( <b>Mobile</b> )	Peak	3.40	3.12
	Off Peak	3.40	3.12
Germany, UK, & Portugal ( <b>Fixed</b> )	Peak	4.60	4.15
	Off Peak	3.85	3.50
Germany, UK, & Portugal ( <b>Mobile</b> )	Peak	5.40	4.85
	Off Peak	4.50	4.10
Netherlands, Sweden, Switzerland, Spain, Australia, France, & Kenya ( <b>Fixed</b> )	Peak	5.55	5.00
	Off Peak	4.45	4.10
Netherlands, Sweden, Switzerland, Spain, Australia, France, & Kenya ( <b>Mobile</b> )	Peak	6.50	5.90
	Off Peak	5.25	4.80
USA ( <b>Fixed &amp; Mobile</b> )	Peak	5.35	4.80
	Off Peak	4.55	4.15
Rest of the World ( <b>Fixed &amp; Mobile</b> )	Peak	7.45	6.75
	Off Peak	5.95	5.40

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 469

2013

**REGULATIONS SETTING OUT LICENCE  
CONDITIONS FOR SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act, No 8 of 2009 and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as No. 334, in Government Gazette No. 4630 dated 17 December 2010, hereby publishes these “Regulations Setting Out Licence Conditions for Spectrum Use Licences” effective from the date of publication in the *Gazette*.

**Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and –

“Act” means the Communications Act, 2009 (Act No. 8 of 2009).

“efficient use” means efficient use of spectrum as defined in ITU Recommendation: ITU-R SM.1046-2 as amended from time to time.

**Purpose**

2. These regulations impose conditions on spectrum use licensees in addition to the conditions imposed by the Act.

**Applicability**

3. These regulations are applicable to all spectrum use licences issued in terms of section 101 of the Act and to persons that may provide telecommunications services without a licence as in regulation 5(2) of the Regulations Setting out Broadcasting and Telecommunications Service Licences Categories, published in Government Gazette 4714, Notice 124, dated 18 May 2011 (As amended in Government Gazette 5148, Notice 74, dated 13 March 2013).

**Authorisation**

4. (1) All spectrum use licensees are duly authorised to -
  - (a) Transmit any signal by radio waves, use radio apparatus to receive any signal transmitted by radio waves or instruct, permit or prohibit any persons in their employ or under their control to perform any of these actions; and
  - (b) Use or cause any person in their employ or under their control to use a transmitter for any prescribed purposes or to use a radio frequency or group of radio frequencies or radio receiver for any purpose and in the manner prescribed or determined in the licence concerned.
- (2) The spectrum use licence certificate (as contained in “Annexure A”) shall not confer any ownership rights of the frequency indicated on the licence, but only give the licensee a right of use.
- (3) The Authority may request a licensee to prove that the allocated frequency is been used efficiently. After considering such a written report from a licensee, the Authority may revoke a spectrum licence issued, should it be deemed that the licensee is hoarding spectrum or not using it efficiently.

**Spectrum Use Licence Area**

5. (1) The spectrum use licence area is the Republic of Namibia or any specific geographical area in the Republic of Namibia, as specified on spectrum use licence certificate and/ or annexes attached to the spectrum use licence certificate.

**Duration of spectrum use licences**

6. (1) Subject to section 101 of the Act, the authorisation to utilise spectrum stipulated in a spectrum use licence shall automatically expire on 31 December of every calendar year, without prior written notice.
- (2) In terms of section 101(14) of the Act and in accordance with regulation 9 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence No 272 of 29 August 2011, spectrum use licensees must apply to renew their licences, on a form provided by the Authority, two (2) months prior to the expiry thereof.
- (3) In terms of section 42(3) of the Act, in the event that a licensee fails to pay licence fees payable, the Authority may declare the licence to be forfeited in which case no licence renewal will be issued.
- (4) A spectrum use licence issued in respect of telecommunications and broadcasting service licences shall lapse six months after the date of issuance thereof.
- (5) If the Authority-
  - (a) is satisfied that a licensee has-
    - (i) within six months after issue of licence, failed to commence to carry on services in respect of which it is licenced;
    - (ii) failed to pay licence fees payable; or
    - (iii) ceased to carry on services in respect of which it is licenced,

the Authority may by written notice to the licensee inform such licensee that it intends to cancel such licensee's spectrum use licence and in such notice state the grounds for such intended action.

- (6) A licensee may, within 30 days from the date of receipt of a notice referred to in subsection (1), make written representations to the Authority in connection with the matter.
- (7) After consideration of the representations referred to in subsection (5) or, if no such representations have been made, upon the expiry of the period mentioned in that subsection, the Authority may-
  - (a) if it is satisfied that it is just and equitable to do so in the particular case, by written notice to the licensee withdraw the notice referred to in subsection (5); or
  - (b) by written notice to the licensee and by notice in the *Gazette* prohibit such licensee, with effect from a date specified in those notices, from providing services in respect of which such licensee is licensed.

### **National Spectrum Band Plan**

7. (1) The spectrum use licensees shall comply with the International Telecommunication Union's regulations as set out for Region 1 indicated in the national spectrum band plan, as prescribed in terms of Regulations setting out the Frequency Band Plan for Namibia published in Government Gazette 5214, Notice No. 191 dated 31 May 2013. and any amendments that are made thereto from time to time.

### **Technical conditions**

8. (1) Spectrum use licensees must comply with the following technical conditions:
  - (a) The Licensees must provide telecommunications and broadcasting services as per the frequencies assigned by the authority as contained in the band plan referred to in regulation 7 above. The power limitations and geographic coverage areas will be as contained in the licence issued.
  - (b) Licensees must prevent electric and other disturbances of radio reception or of transmissions over any telecommunications lines as contained in the band plan.
  - (c) Licensees must not change, without the prior written consent of the Authority, the location of a transmitter and the specific geographical area to which services may be rendered as reflected in the licence certificate.
  - (d) Licensees providing broadcasting services must do so in the manner in which the information must be modulated upon the radio waves in question, including whether the service must be digital or analog as reflected in the licence certificate issued by the Authority.

### **Payment of Spectrum Use Licence Fees**

9. (1) Licence fees for the renewal of existing spectrum use licences are payable by 31 December of every calendar year.
- (2) The Authority may only award spectrum use licences after payment of the applicable fees to the Authority as prescribed by the Authority from time to time.
- (3) The Authority must issue an invoice to the licensee and a receipt upon receipt of the verified and correct payment.
- (4) The Authority will issue a renewal letter, after proof of payment of the annual licence fee.

**Amendment, renewal or modification of licence**

10. (1) Should a spectrum use licensee wish to amend his, her or its licence, the licensee must comply with the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, published in Government Gazette No. 4785, Notice Number 272, dated 29 August 2011, as may be amended from time to time, pertaining to the amendment of licences.
- (2) The Authority retains the right to modify a licence in terms of Section 101 (13) of the Act, provided that the Authority complies with the applicable procedures prescribed in the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, published in Government *Gazette* No. 4785, Notice Number 272, dated 29 August 2011, as may be amended from time to time.

**Reporting, monitoring and compliance**

11. (1) The Authority may, in the format determined by the Authority, request any information from spectrum use licensees which the Authority deem necessary for the discharge of its functions and duties to monitor and ensure compliance with the Act and these Regulations.
- (2) The Authority may, in the course of carrying out its obligations under the Act require a Licensee to provide information, so as to enable it to:
- Monitor and enforce consumer protection, quality of service, compliance with licence conditions and other requirements of the Act and applicable regulations;
  - Facilitate efficient use of scarce resources (spectrum); and
  - Collect and compile information to be used for the purpose of sectoral analysis, planning, reporting and conducting inquiries.
- (3) Except where otherwise addressed in applicable regulations, the Authority must, in respect of each request for information referred to in this regulation provide a detailed specification of such request together with, applicable response times and identify a contact person to whom queries may be addressed.
- (4) All licensees must submit bi- annual reports to the Authority, in July for the June report, and in January of the following year for the December, specifying the following information –
- Location and coordinates of each site;
  - Spectrum and technology utilized at each site; and
  - Power output of transmitters installed at each site.

**Universal Services and Access**

12. The Authority may in the manner as prescribed by the Authority in applicable regulations, grant universal service obligations in regard to spectrum use licensees regarding the utilisation of spectrum allocated to such users.

**Regulatory offences**

13. The Authority will prosecute regulatory offences and enforce these licence conditions in terms of sections 114 - 116 of the Act.

**Revocation of licence**

14. The licence may be revoked in terms of sections 42 and 115 of the Act and section 4 of the licensing conditions as may be applicable.

**Amendment of licence conditions**

15. The Authority may amend these conditions from time to time in terms of the rule-making regulations.

**Supervision by authority**

16. The Authority shall supervise compliance with these conditions in terms of sections 114 -116 of the Act.

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

**“Annexure A”****SPECTRUM USE LICENCE**

The right to use the radio frequencies contained in “**Annexure A**” attached hereto, is conferred to:

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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, as published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011.

The license is issued subject to the Communications Act, regulations made in terms of the Communications Act and conditions for Spectrum Use Licences to be published in terms of the Regulations Regarding Rule-Making Procedure.

It may however, be suspended or cancelled at any time by the Authority in terms of the Communications Act and applicable Regulations. The licence expires on 31<sup>st</sup> December each year. The Authority will issue a renewal letter, after proof of payment of the annual licence fee.

**DATE OF ASSIGNMENT OF FREQUENCY:**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 470

2013

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

The Communications Regulatory Authority of Namibia, in terms of section 135 (5) and regulation 9 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, herewith gives notice that the applicant referred to in the table below, is a person lawfully providing a service without a licence, and has submitted an information form to the Authority for licence review purposes:

Applicant;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Existing Type of Telecommunications Service Licence(s) / Providing a Service Without a License Existing Licence;	Proposed New Type of Telecommunications Licence(s);	Legal basis on which the service is provided;
Tele-passport Communications (Pty) Ltd	Namibia	60%	Providing a service lawfully without a licence in terms of section 135(5) of the Communications (No 8 of 2009)	Class Telecommunications Service Licence (ECS)	Applicant was lawfully providing telecommunications services without a licence on date of commencement of the Communications Act. This is because the Namibian Communications Commission Act 4 of 1992 (now repealed), did not require a licence for the provision of the telecommunications services that was provided by applicant.  The services are required to be licenced under the Communications Act, 8 of 2009

The public may submit comments in writing to the Authority within a period of thirty (30) 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 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](mailto:legal@cran.na)
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 471

2013

**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 11 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the persons referred to in the table below have submitted the following applications to the Authority:

## Spectrum Use Licence Applications

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 of radio frequencies or groups of radio frequencies applied for	List of radio frequencies or groups of radio frequencies being considered for assignment by the Authority	Description of geographic coverage area(s)			License Fees Outstanding	Service to be provided using frequency applied for	Party providing Signal Distribution
					Region	District	City/Town			
YFI Technologies Namibia (Pty) Ltd	Namibia	100 %	MHz Uplink 14339 - 14357 / Downlink 11055 MHz	MHz Uplink 14348 MHz / Downlink 11055 MHz	Namibia	Namibia	Namibia	Yes	Fixed-Satellite	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 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: 088642748.

**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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