



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 417

2016

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, General Notice No. 272, dated 29 August

2011, herewith gives notice that the person referred to in the table below, submitted application for renewal of the Broadcasting Service Licences to the Authority:

Applicants Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of Broadcasting Service Licence as contemplated in the Regulations Setting out Broadcasting and Telecommunications Service Licence categories;	Provision of signal distribution;	Breach of License;	Proof of Application fees paid up to date submitted?
Media for Christ (Section 21 association not for gain)	Namibian	100%	Community Broadcasting Service	Own	No breach or alleged breach recorded	Yes

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.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 418

2016

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

The Communications Regulatory Authority of Namibia, in terms of Section 53(10) of the Communications Act, 2009 (Act No. 8 of 2009) read with regulation 8(1) 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 **Mobile Telecommunications Limited** has filed tariffs with the Authority as set out in Schedule 1.

Any person may examine copies of the tariffs submitted at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority. Copies are also available at www.cran.na where copies may be downloaded free of charge.

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

Mobile Telecommunications Limited may submit, in writing to the Authority, a response to any written comments within fourteen (14) days from the lapsing of the time to submit written submissions.

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 submissions 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; and
- (4) by facsimile to the following facsimile number: +264 61 222790.
- (5) by fax to e-mail to: 0886550852

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

SUBMISSION OF PROPOSED TARIFFS BY MOBILE TELECOMMUNICATIONS LIMITED COMMUNICATIONS ACT, 2009

The following are the proposed tariffs as submitted by Mobile Telecommunications Limited:

Package	Oka Aweh
Subscription fee (3 days)	N\$ 6.00
Voice Minutes	20
Number of SMS	50
Data Volume	20MB
Whatsapp Data	20MB

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 419

2016

NOTICE OF WITHDRAWAL OF TARIFF SUBMISSION IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms of Section 53(11) of the Communications Act, 2009 (Act No. 8 of 2009) herewith gives notice that **Salt Essential Information Technology (PTY) Ltd** has withdrawn its full tariff submission referred to in the table below as published in the Government *Gazette* No. 6092 General Notice No. 318 dated 10 August 2016, effective from date of publication.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

SUBMISSION OF PROPOSED TARIFFS BY PARATUS TELECOMMUNICATIONS LIMITED COMMUNICATIONS ACT, 2009

The following are the proposed tariffs as submitted by Salt Essential Information Technology (PTY) Ltd:

LICENSEE: Salt Essential Information Technology (PTY) Ltd.			
Product	Qty. Unit	Old Tariff per Unit N\$	New Tariff per Unit N\$
<i>Messaging & Collaboration Services</i>			
MS Exchange Messaging (1 GByte, Anti-Spam, Active-Sync, Backup, CAL, Outlook License and Software)	per mailbox	84.00	129.99
MS Exchange Messaging (1 GByte, Anti-Spam, Active-Sync, Backup, CAL, Outlook License and Software) for customers with more than 200 mailboxes	per mailbox	73.50	99.99
MS Exchange Messaging (1 GByte, Anti-Spam, Active-Sync, Backup, CAL, Outlook License but no software)	per mailbox	63.00	69.30
Mail Archiving (Backup, License, Web Access)	per user (optional)	12.80	18.99
Fax Integration (for current customers only)	per user (optional)	71.67	159.59
<i>WAN Services</i>			
WAN - Link between Customer and SALT Co-Location (Metro Ethernet - MPLS link Kbps as per last mile link, for pro rata usage on Metro E link to MPLS cloud)	per kbps	0.58	0.64
<i>DNS & Web Services - NEW PRODUCTS</i>			
Website Hosting (no Web design or content) must include min 32 kbps Ent Int + 1 Public IP	per website	N/A	608.33
Domain Name & Website Hosting (1 second level .na domain, 1 Gbyte Website space) must include min 32 kbps Ent Int + 1 Public IP	per website	N/A	938.43
Domain Name & Website Hosting (1 second level com./org./alt./edu./co.na and .com, 1 Gbyte Website space) must include min 32 kbps Ent Int + 1 Public IP	per website	N/A	648.85

Dedicated Website Hosting (no Web design or content) shared IP, must include min 32 kbps Ent Internet	per website	N/A	556.00
Domain Name & Website Hosting (1 second level .na domain, 1 Gbyte Website space) shared IP, must include min 32 kbps Ent Internet	per website	N/A	886.09
Domain Name & Website Hosting (1 second level com./org./alt./edu./co.na and .com, 1 Gbyte Website space) shared IP, must include min 32 kbps Ent Internet	per website	N/A	596.52

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 420

2016

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 New VSAT services as submitted by **Telecom Namibia Limited**, which came into force and effect on **13 September 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION

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 (hereafter referred to as “Telecom Namibia”) filed for the approval of New VSAT services tariffs on 30 June 2016.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 270 in the Government Gazette No. 6074 dated 18 July 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 1 August 2016.

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

3. FINANCIAL AND ECONOMIC ANALYSES OF THE NEW VSAT SERVICES SUBMITTED BY TELECOM NAMIBIA LIMITED

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

The tariff information is as follows:

Table 1: Tariff Information

Description	Voice Monthly (N\$)	Package Charge	Previous price	% Change
Subscription	395		395	0%
Minimum Usage (Calls)	855		Not Included	
Total Monthly Charge	1250			

Additional voice line/s – Per Gazetted tariff (N\$117)

- CPE – Required CPE will be charged separately.
- Call charges – Standard Gazetted VSAT Call Charges will apply.

The tariffs for New VSAT services are the revision of previously approved tariffs by Namibia Communications Commission (NCC) that were necessitated by a number of factors including among others;

- A need to re-align the pricing models of Telecom Namibia toward cost pricing orientated models.
- High operating and maintenance expenses incurred by Telecom Namibia in maintaining and operating the network and services, as well as costs of running the network which demands for tariff adjustments to minimise the impact thereof.

The price of the package includes N\$ 855.00 for call charges. Upon enquiries Telecom Namibia confirmed that there has been split between fixed charges and call usage benefits in order not to burden customers with excess charges.

The fixed fee is N\$ 395.00 per month while the rest of the subscription (N\$ 855.00 per month) is translated into call charges independent of call types. Customers can make calls for up to N\$ 855.00 within the package on a “use it or lose it principle” hence the adjustment should the customer not use all resources for billing purposes.

The adjustment will be done in the same billing cycle for the calls made. Customers will only be charged for additional calls if they exceed their resources of N\$ 855 worth of calls. In order for Telecom Namibia to recover its costs, the expected total subscription charges are N\$ 1,250.00 per month. However, fixing this as the subscription fee would burden customers, as they would then be expected to pay for calls over and above the N\$ 1,250.00 per month.

Table 2: VSAT Internet access

				AOL	MTN Business at 10MBPS Down-load	Paratus Telecom
	Current Monthly Price N\$	Revised Monthly Price N\$	% Change	Approved price	Approved price	
Rent: VSAT 192k Standard Package Unlimited Data	1,755	1,409	-19.72			
Rent: VSAT 256k Standard Package Unlimited Data	3,450	1,809	- 47.57			

Rent: VSAT 384k Standard Package Unlimited Data	5,295	2,119	- 59.98			
Rent: VSAT 512k Standard Package Unlimited Data	7,867	2,439	- 69.00	480	2,000	2,440
Rent: VSAT 1024k Standard Package Unlimited Data	16,209	5,459	- 66.32	649		
Rent: VSAT 2048k Standard Package Unlimited Data	36,244	9,749	- 73.10	999	6,620	

Once off Charges encompasses the following and are project based:

- (a) Installation/Transfer charge – hourly rate of N\$ 580.00
- (b) Transport cost – based on applicable AA rates (beyond Minimum Rental Area Only)
- (c) S&T, Accommodation & Overtime – Based on required material for given installation.
- (d) Material - based on required material for given installation.
- (e) CPE – Based on the CPE used depending on the specific installation.

Comparing the above VSAT as submitted by Telecom Namibia Limited with other approved VSAT products for Africa Online and MTN Business (Pty) Ltd is very difficult. This is due to the fact that Telecom Namibia products are all unlimited with varying upload and download speed whereas competitor's data volumes are capped with varying speeds as well. Keeping the speed constant and only consider data volume, it's evident that Telecom Namibia would like to be become more competitive. The proposed prices have been aligned with that of the competitors.

The tariffs are not deemed anti-competitive and are not reasonably 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 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.

The date of implementation was indicated as 1st September 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 1st July 2016 the Authority send a letter to Telecom Namibia requesting additional information to which Telecom Namibia responded on the same day (1st July 2016) submitting the Terms and Conditions as requested. The date of implementation therefore did not change; it remains the 1st of September 2016.

The Authority postponed the date of commencement of the tariff with thirteen (13) days in terms of section 53(13) of the Act to examine the reasonableness of the tariff to 13 September 2016.

3. DECISION

The Authority herewith approves the proposed tariff for Telecom Namibia as submitted for implementation effective from 13 September 2016.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 421

2016

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 YUR SAT Packages as submitted by **Paratus Telecommunications Limited**, which came into force and effect on **15 September 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION

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 Telecommunication Limited (hereinafter referred to as “Paratus Telecom” “filed for the approval of the tariffs YUR SAT on 1st June 2016.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 265 in the Government *Gazette* No. 6074 dated 18 July 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 Government *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the Government *Gazette*, which period lapsed on 1st August 2016.

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

3. FINANCIAL AND ECONOMIC ANALYSES OF THE NEW TARIFFS YUR SAT SUBMITTED BY PARATUS TELECOMMUNICATIONS LIMITED

The tariff information is as follows:

Name	Upload/Download speeds	CAP limit	Reseller	Retail	% Discount
Uncapped bronze	256kbs / 1024 kbps	Uncapped	N\$ 1,065.00	N\$ 1,175.00	9.36%
Capped 20	512 kbs / 2048 kbps	20 Gig	N\$ 2,090.00	N\$ 2,300.00	9.13%
Uncapped Silver	512 kbs / 2048 kbps	Uncapped	N\$ 2,020.00	N\$ 2,220.00	9%
Uncapped Namibia	512 kbs / 3072 kbps	Uncapped	N\$ 2,528.00	N\$ 2,780.00	9.06%
Capped 40	512 kbs / 4096 kbps	40 Gig	N\$ 4,180.00	N\$ 4,740.00	11.8%
Uncapped Africa	512 kbs / 4096kbps	Uncapped	N\$ 4,040.00	N\$ 4,590.00	11.98%
Capped 50	1024 kbs /10240 kbps	50 Gig	N\$ 6,280.00	N\$ 7,050.00	10.92%
Uncapped Gold	1024 kbs /10240 kbps	Uncapped	N\$ 9,630.00	N\$ 10,720.00	10.16%
Uncapped Platinum	1024 kbs /10240 kbps	Uncapped	N\$ 13,970.00	N\$ 15,510.00	9.93%
	1 Gig Top Up		N\$ 350.00	N\$ 385.00	9.09%

Once Off Costing Options	Retail
Yealink cordless phone	N\$ 1,360.00
Wireless Access Point	N\$ 1,320.00
Hardware Option 1 (1-10 Users)	N\$ 10,056.79
Hardware Option 2 (10+ users)	N\$ 18,911.75
Travel (per Km cost)	N\$ 4.50
Installation fee	N\$ 1,500.00

Terms:

Prices are quoted in Namibian Dollars.

Pricing is based on a 24-month contract and excludes 15% VAT.

The cost of accommodation is excluded from the pricing.

Pricing only includes wall amount kit. Additional work and material will be charged separately.

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
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/DOWN-LOAD SPEED -Kbps	RETAIL PRICE- N\$/ MONTH
Paratus	Uncapped Bronze	Unlimited	512 / 2048	935,00
AOL	Afri KA – Professional1000	Unlimited	512/1024	7,999.00
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 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 MWireless (Pty) Ltd t/a Africa Online, 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.

As Paratus Telecom is not a dominant operator they are not required to offer resale discounts according to section 51(2) of the Act. The discounts offered are thus voluntary.

VSAT services are further offered by three other licensees (Africa Online, MTN and Telecom Namibia) - all based on their own infrastructure. This service segment is thus sufficiently competitive and therefore the Authority does not have to intervene on wholesale prices. The bi-annual data submission by operators for June 2015 further indicated that Telecom Namibia is the main provider of VSAT services in Namibia with 337 subscribers. SALT Essential was the only other licensee indicating that it had VSAT subscribers.

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 since the tariff is not deemed below cost;
2. There is no abuse of individual or collective dominant position by Paratus 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 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(9) was submitted to the Authority in that Paratus 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 Paratus 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.
3. All pertinent information as required by section 53(18) was submitted to the Authority such as:

- 3.1 The tariff was accompanied by all relevant documents such as accounting and cost information as required by section 53(18) of the Act.

On 16 June 2016 the Authority drafted a letter to Paratus indicating that the tariff submission did not indicate 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.

On 9 August 2016 the Authority received a letter from Paratus Telecom indicating that the date of implementation would be 15 September 2016 which date is not less than sixty (60) days from the date of filing.

4. DECISION

The Authority herewith approves the proposed tariff for Paratus Telecommunication Limited as submitted for implementation effective from 15 September 2016.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA
