

CRAN SETS THE RECORD STRAIGHT

LAPSING OF COMMERCIAL BROADCASTING SERVICE LICENCE AND SPECTRUM LICENCE - OTJI

INVESTMENTS CC T/A OTJI FM

FOR IMMEDIATE RELEASE

30 JUNE 2020

The Communications Regulatory Authority of Namibia (CRAN), without necessarily responding to all the allegations made by Otji FM, in a media release issued on 26 June 2020, herewith sets the record straight.

Background:

1. Otji-Investments CC Trading as Otji FM and herein after referred to as Otji FM, was awarded a Commercial Broadcasting Service Licence on 10 November 2014, in terms of Section 85 of the Communications Act (No.8 of 2009).
2. Otji-Investments CC was further awarded a Spectrum Use Licence for 102.3 MHz on 10 November 2014 for the provision of broadcasting within the geographical area of Otjiwarongo.

“Licensees are obliged to adhere to and comply with all CRAN licence conditions and to pay the required service licence and spectrum fees in respect of the licence awarded, failure to results in the automatic lapsing of a licence” said Jochen Traut, Acting Chief Executive Officer CRAN.

Traut added that in the particular instance, Otji FM was obliged to commence with the provision of services within six (6) months after the date of issuance of the said licences, and to pay the required service licence fees in respect of the licences awarded.

“Otji FM failed to comply with the specific licence conditions in respect of the provision of services within six (6) months of the award of the licence and further failed to pay service licence fees in respect of the licence awarded for the period 2015 to 2018. Resulting in the automatic lapsing of Otji FM's licences” Traut said.

Traut added that a routine investigation was conducted in terms of Section 122 of the Communications Act, to assess the Licensees obligation in respect of the provision of broadcasting services in the Geographical area of Otjiwarongo. It was found that the Licensee was neither providing any broadcasting services nor utilising the spectrum assigned. Notice was therefore given to the Licensee on 27 June 2018 for the intention to cancel the Broadcasting Service Licence and the Spectrum Licence. The Licensee responded on 01 August 2018 confirming that it is not providing any broadcasting services and intends to sell the licence.

“CRAN duly informed Otji-Investments CC on 24 October 2018 that the Commercial Broadcasting Licence and the Spectrum Use Licence awarded to Otji-Investment cc automatically lapsed on 09 May 2015, due to non-compliance to licence conditions and non-payment of licence fees and therefore Otji-Investment CC no longer hold a licence to provide broadcasting services within the borders of the Republic of Namibia” said Traut.

Traut states that all licensees are reminded to adhere to and comply with licence conditions, and make the required payments in order to retain their licenses. CRAN categorically denies allegations made by Otji FM with regards to unfair treatment of stakeholders by CRAN. We pride ourselves in being a transparent and approachable regulator that serves all stakeholder fairly and professionally.

In October 2019, Otji FM submitted a new application for a Broadcasting Service Licence and Spectrum Licence, inclusive of the N\$10,000 application fee, for the frequency band 87.5 – 108 MHz. Due to the fact that Otji FM did not settle all outstanding Spectrum Fees owing to CRAN (for the period 2014 to 2015) the outstanding fees were set off against the N\$10,000 and the balance was refunded to Otji FM on 24 March 2020. The application and all supporting documents attached thereto were, however, returned to the applicant as CRAN was at the time not accepting applications due to the moratorium that was placed at the time for the award of licences for the provision of analogue FM radio broadcasting. The fifteen (15) months moratorium was effective from 22 January 2019 and lapsed on 22 April 2020.

A Public notice was issued on 09 June 2020 informing all stakeholders that the review of the FM radio broadcasting Channelling Plan was finalised and is due for publishing in the *Government Gazette* within the next 60 days. A notice shall thereafter be issued in the *Government Gazette*

informing broadcasters and applicants, which frequencies (in frequency band 87.5 – 108 MHz), (for specified geographic areas), are available for application and assignment.

It is only after the publication of this notice that the Authority will commence with the process of receiving applications for FM Broadcasting Services. In the interim, the Authority is accepting applications for radio broadcasting services that do not intend to utilise spectrum.

Broadcasting Services Licensees who are awarded frequencies that will be modified due to the outcome of the review will be notified accordingly.

“Ends”

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