



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 12 December 2012

No. 5092

### CONTENTS

*Page*

#### GENERAL NOTICES

No. 428	Communications Regulatory Authority of Namibia: Notice in terms of the regulations regarding transitional procedures for telecommunications and broadcasting service licences and spectrum use licences .....	1
No. 429	Communications Regulatory Authority of Namibia: Notice in terms of the regulations regarding licensing procedures for telecommunications and broadcasting service licences and spectrum use licences .....	2
No. 430	Communications Regulatory Authority of Namibia: Notice in terms of the regulations regarding licensing procedures for telecommunications and broadcasting service licences and spectrum use licences .....	3
No. 431	Communications Regulatory Authority of Namibia: Notice in terms of the regulations regarding the submission of interconnection agreements and tariffs .....	4
No. 432	Communications Regulatory Authority of Namibia: Notice of intention to make regulations in respect of regulations regarding licensee disputes .....	8
No. 433	Communications Regulatory Authority of Namibia: Notice of intention to amend regulations setting out broadcasting and telecommunications service license categories: Communications Act, 2009 .....	13

## General Notices

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 428

2012

#### 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 Regulation 10(9) and 16 of the “Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting Service

Licences and Spectrum Use Licences”, in Government Gazette No. 4737, Notice No. 171, dated 17 June 2011, herewith gives notice that the person referred to in the table below, is issued with the following licence effective from date of publication of this notice in the *Gazette*:

<b>Licensee</b>	<b>Licenses' Citizenship or place of incorporation</b>	<b>Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens</b>	<b>Category of class telecommunications service license issued</b>	<b>Telecommunication services intended to be provided by applicant</b>	<b>Proof of Licence Fees paid up to date?</b>
Salt Essential IT (Information Technology) (Pty) Ltd	Namibian	52%	Class Telecommunications Service License (ECS)	Electronic Communications	Licensee was previously providing a service lawfully without a license and therefore, no fees are outstanding.

The license 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.

**L. JACOBS**  
**CHAIR PERSON**  
**BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 429

2012

**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 person referred to in the table below have submitted the following applications to the Authority:

Broadcasting Service Licence Application:

<b>Applicant's Name;</b>	<b>Applicant's citizenship or place of incorporation;</b>	<b>Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;</b>	<b>Category of Broadcasting Service Licence as contemplated in the Regulations Setting out Broadcasting and Telecommunications Service Licence categories;</b>	<b>Whether applicant intends to use spectrum in the provision of broadcasting services intended to be provided;</b>	<b>Proof of Application fees paid up to date submitted?</b>
Capricorn Radio	Namibia	100%	Commercial Broadcasting Service Licence	Yes	Yes

## Spectrum Use Licence Application:

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;	Description of geographic coverage area(s);			Licence Fees Outstanding;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
				Region	District	City/Town			
Capricorn Radio	Namibia	100%	102.3 MHz	Hardap	Rehoboth	Rehoboth	Yes	Commercial Broadcasting Service	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. JACOBS  
CHAIRPERSON  
BOARD OF DIRECTORS  
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 430

2012

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 and 19 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 of the following person who is issued with the following licenses:

**Broadcasting Service Licence issued in terms of section 85 of the Communications Act:**

Licensee	Licensee'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	Whether applicant intends to use spectrum in provision of broadcasting services intended to be provided	Proof of Application fees paid up to date submitted?
Oranjemund Community Radio (Associated incorporated not for gain)	Namibia	100%	Community Broadcasting Service Licence	Own	Yes	Yes

**Spectrum Use Licence issued in terms of section 101 of the Communications Act:**

Licensee;	Licensee's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Description of geographic coverage area(s);	List of Radio frequencies or groups of radio assigned;	Services to be provided using frequency assigned;	Proof of Spectrum Use Licence Application Fees paid up to date Submitted?
Oranjemund Community Radio (Association incorporated not for gain)	Namibia	100%	Oranjemund	91.0 MHz	Community Broadcasting Service	Yes

The licenses are issued subject to the Communications Act, No 8 of 2009, conditions for Broadcasting Service Licences as published in the Government Gazette No. 5037, Notice No 309, dated 13 September 2012 and spectrum licensing conditions to be issued in terms of the Regulations Regarding Rule Making Procedure.

**L. JACOBS**  
**CHAIRPERSON**  
**BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 431

2012

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSION 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, No 8 of 2009 herewith gives notice of the following tariffs for Telecom Namibia Limited, which will be in force, effective from date of publication of this notice in the *Gazette*:



<b>Email addresses</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Web space</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Uplink Speed</b>	256k	512k	1024k	2048k	2048k	2048k	2048k
<b>On-net voice minutes</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Monthly Charge (12-month contract) (N\$)</b>	<b>399</b>	<b>545</b>	<b>670</b>	<b>999</b>	<b>1,299</b>	<b>1,559</b>	<b>1,949</b>
<b>Monthly Charge (24-month contract) (N\$)</b>	<b>355</b>	<b>485</b>	<b>599</b>	<b>899</b>	<b>1,149</b>	<b>1,449</b>	<b>1,749</b>
<b>Monthly Charge (36-month contract) (N\$)</b>	<b>341</b>	<b>465</b>	<b>572</b>	<b>849</b>	<b>1,099</b>	<b>1,399</b>	<b>1,649</b>

<b>Fixed Broadband packages – Home</b>									
<b>Package</b>	<b>256k</b>	<b>384k</b>	<b>512k</b>	<b>768k</b>	<b>1024k</b>	<b>1536k</b>	<b>2048k</b>	<b>3072k</b>	
<b>CPE included</b>	Entry CPE providing: 1x Data, 2x POTS		Midrange CPE providing: 4x Data, 3x POTS, Wi-Fi, USB, 1x ISDN				High End CPE providing: 4x Data, 2x POTS, Wi-Fi, USB, 1x ISDN, DECT		
<b>Uplink (kbps)</b>	128	128	192	256	384	512	768	Up to 1024	
<b>Data volume</b>	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
<b>Number of Voice/Fax number</b>	1	2	2	2	3	5	5	5	
<b>Number of concurrent voice calls</b>	1	1	1	2	3	4	5	5	
<b>Fax2Email number</b>	1	1	1	1	1	1	1	1	
<b>On-net voice minutes</b>	30	30	30	50	50	50	100	100	
<b>Number of Email Address</b>	1	1	1	1	1	1	1	1	
<b>Web Space(MB)</b>	50	50	50	100	100	100	200	200	
<b>Monthly Charge (12-month contract) (N\$)</b>	N\$ 499	N\$ 749	N\$ 899	N\$ 999	N\$ 1,199	N\$ 1,449	N\$ 1,949	N\$ 2,399	
<b>Monthly Charge (24-month contract) (N\$)</b>	N\$ 399	N\$ 599	N\$ 699	N\$ 849	N\$ 999	N\$ 1,199	N\$ 1,649	N\$ 2,049	
<b>Monthly Charge (36-month contract) (N\$)</b>	N\$ 349	N\$ 549	N\$ 649	N\$ 749	N\$ 949	N\$ 1,149	N\$ 1,599	N\$ 1,949	

Fixed Broadband packages – Business										
Package	SME 256k	256k	384k	512k	768k	1024k	1536k	2048k	3072k	
CPE included	Entry CPE providing: 1x Data & 2x POTS	Midrange CPE providing: 4x Data 3x POTS, Wi-Fi, USB & 1x ISDN					High End CPE providing: 4x Data 2x POTS, Wi-Fi, USB, 1x ISDN & DECT			
Uplink(kbps)	128	128	192	256	384	512	768	768	Up to 1024	
Data volume	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	
Number of Voice/Fax numbers	1	2	2	2	3	3	5	5	5	
Number of concurrent voice calls	1	1	1	2	3	4	5	5	5	
On-net voice minutes	50	60	60	60	60	100	100	100	200	
Number of Email Addresses	2	2	2	2	2	2	2	2	2	
Web Space(MB)	50	100	100	100	100	100	200	200	200	
Fax2Email Numbers	2	2	2	2	2	2	2	2	2	
Monthly Charge (12-month contract) (N\$)	N\$ 649	N\$ 849	N\$ 1,099	N\$ 1,349	N\$ 1,549	N\$ 2,049	N\$ 2,549	N\$ 3,549	N\$ 4,599	
Monthly Charge (24-month contract) (N\$)	N\$ 599	N\$ 799	N\$ 899	N\$ 1,099	N\$ 1,349	N\$ 1,799	N\$ 2,199	N\$ 3,099	N\$ 3,999	
Monthly Charge (36-month contract) (N\$)	N\$ 549	N\$ 699	N\$ 849	N\$ 1,049	N\$ 1,249	N\$ 1,699	N\$ 2,149	N\$ 2,999	N\$ 3,949	

Fixed Broadband – High End Packages				
Package	4096k	6144k	8192k	10240k
CPE included	High End CPE providing: 4x Data , 2x POTS, Wi-Fi, USB, 1x ISDN & DECT			
Uplink(kbps)	up to 1024	Up to 1024	Up to 1024	Up to 1024
Data volume	Unlimited	Unlimited	Unlimited	Unlimited
Number of Voice/Fax numbers	5	5	5	5
Number of concurrent voice calls	5	5	5	5
On-net voice minutes	300	300	400	400
Number of Email Addresses	2	2	2	2
Web Space(MB)	200	200	200	200
Fax2Email Numbers	2	2	2	2
Monthly Charge (12-month contract) (N\$)	N\$ 5,149	N\$ 6,999	N\$ 9,049	N\$ 10,899
Monthly Charge (24-month contract) (N\$)	N\$ 4,749	N\$ 6,799	N\$ 8,799	N\$ 10,599
Monthly Charge (36-month contract) (N\$)	N\$ 4,449	N\$ 6,349	N\$ 8,249	N\$ 9,999

<b>Online Broadband Packages</b>							
<b>Package</b>	<b>512k</b>	<b>1024k</b>	<b>2048k</b>	<b>4096k</b>	<b>6144k</b>	<b>8192k</b>	<b>10240k</b>
<b>CPE</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Downlink Speed</b>	512k	1024k	2048k	4096k	6144k	8192k	10240k
<b>Number of Voice/Fax numbers</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Number of concurrent voice calls</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Bandwidth Usage</b>	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
<b>Email addresses</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Web space</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Uplink Speed</b>	256k	512k	1024k	2048k	2048k	2048k	2048k
<b>On-net voice minutes</b>	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
<b>Monthly Charge (12-month contract) (N\$)</b>	<b>545</b>	<b>605</b>	<b>755</b>	<b>1,249</b>	<b>1,559</b>	<b>2,179</b>	<b>2,799</b>
<b>Monthly Charge (24-month contract) (N\$)</b>	<b>485</b>	<b>540</b>	<b>675</b>	<b>1,115</b>	<b>1,390</b>	<b>1,945</b>	<b>2,499</b>
<b>Monthly Charge (36-month contract) (N\$)</b>	<b>465</b>	<b>519</b>	<b>645</b>	<b>1,069</b>	<b>1,332</b>	<b>1,892</b>	<b>2,392</b>

<b>ONCE-OFF CHARGES</b>
<b>Within MRA: N\$ 222</b>
<b>Outside MRA: N\$ 333</b>

**L. JACOBS  
CHAIR PERSON  
BOARD OF DIRECTORS  
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 432

2012

**NOTICE OF INTENTION TO MAKE REGULATIONS  
IN RESPECT OF REGULATIONS REGARDING LICENSEE DISPUTES**

The Communications Regulatory Authority of Namibia, in terms of the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as No. 334, in Government Gazette No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations, which contains the following:

1. A concise statement of purpose
2. A draft of the proposed Regulations Regarding Licensee Disputes

Written comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice.

Written reply comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within fourteen (14) days from the date on which written comments are due to be submitted.



**Concise statement of purpose**

In terms of section 129 of the Communications Act, No 8 of 2009 and Regulations regarding Rule Making Procedures, the Authority wishes to make Regulations Regarding Licensee Compliers. The purpose of the regulations is to deal with the procedures for resolving disputes between licensees, once submitted to the Authority.

**Proposed Regulations Regarding Licensee Disputes****Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and –
  - (1) “Access Agreement” refers to interconnection agreements and agreements concluded for the provision of access to network elements or combined network elements, interconnection between network elements, sharing of infrastructure, provision of network capacity for resale, and any other service not subject to a tariff concluded on a national and international basis;
  - (2) “Access Dispute” refers to disputes in negotiating/amending an Access Agreement and/or implementing an access agreement, as well as to challenges to an approved RAO and/or an approved Access Agreement in terms of the Authority’s Regulations regarding Access;
  - (3) “Act” means the Communications Act No. 8 of 2009;
  - (4) “Dispute” refers to any dispute in respect of alleged non-compliance or breach of any provision of the Act, regulation made by the Authority in terms of the Act, licence issued by the Authority in terms of the Act, and/or agreement for the provision of services regulated by the Act, including Access Disputes which are lodged as complaints with the Authority; and
  - (5) “Reference Access Offer” or “RAO” means standard agreement terms and conditions offered by a service provider for the provision of access.

**Submission of documents to the Authority**

2. In these regulations “submit in writing to the Authority” means 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 61 222 790; or
  - (5) in any other manner or at alternative addresses set out by the Authority from time to time.

**Applicability**

3. These regulations are applicable to all Disputes between -
  - (1) Licensees; and

- (2) Persons providing a service without a licence in terms of regulation 5(2) of the Regulations Setting out Broadcasting and Telecommunications Service Licence Categories published as No. 124 in Government Gazette 4714 dated 18 May 2011 and Licensees.

### **Procedures for Disputes**

4. (1) A party must submit a dispute in writing to the Authority.
- (2) A dispute must contain -
- (a) the name and contact details of the party submitting the dispute and the name and contact details of the person on whose behalf the dispute is submitted, if different;
  - (b) the name of the other party or parties;
  - (c) a complete, accurate and concise statement of the facts setting out the dispute;
  - (d) a clear and concise statement of the specific remedy sought; and
  - (e) any other relevant information.
- (3) Upon receiving a dispute, the Authority will issue an acknowledgement of receipt and a reference number, and if the dispute is not frivolous or vexatious, inform the other party or parties of the dispute by providing a copy.
- (4) The other party or parties must submit in writing to the Authority a response within fourteen (14) days, and simultaneously provide a copy of the response to the party submitting the dispute. If the dispute involves radio frequency interference, the other party must submit a response to the authority within 48 hours.
- (5) The party submitting the dispute may submit in writing to the Authority its reply to the response within seven (7) days, and simultaneously provide a copy of the reply to the other party or parties. In the case of radio frequency interference disputes the party submitting the dispute may submit its reply within 48 hours to the authority
- (6) All written submissions must be clear and concise and conform to any further requirements determined by the Authority from time to time.
- (7) The Authority may request additional information or documentation from the parties relating to the dispute, and may stipulate the time periods within and the manner in which such information or documentation should be submitted.

### **Decisions**

5. After the submission of all written submissions required by regulation 4, the Authority may do any one or more of the following, and in no particular order -
- (1) order mediation in terms of section 132 of the Act;
  - (2) initiate an investigation in terms of sections 122 – 127 of the Act;
  - (3) conduct oral hearings in terms of the following regulation;
  - (4) refuse to grant the relief sought in the dispute, either wholly or partly;
  - (5) grant the relief sought in the dispute, either wholly or partly;

(6) impose any appropriate penalty, including a fine; or

(7) take any other action or decision, as may be appropriate in the circumstances, or refuse to take any action or decision, as may be appropriate in the circumstances.

### **Oral hearings**

6. (1) If the Authority considers it appropriate, it may also hear oral submissions in respect of any dispute contemplated in these regulations.

(2) The Authority must invite the parties to make oral submissions at least fourteen (14) days prior to the hearing.

(3) Unless otherwise specified by the Authority, hearings are open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the proceeding.

(5) All oral submissions must -

(a) include a statement indicating the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority.

(6) The Authority may request further oral or written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

(7) At the conclusion of the hearing, a concise report summarising the oral submissions will be prepared and placed in the relevant file by the Authority.

### **Condonation**

7. (1) In the event that a party is unable to comply with the times set out in these regulations, that party may request from the Authority an extension of time, provided that any extension of time granted by the Authority will not exceed fourteen (14) days calculated from the original due date.

(2) Subject to the proceeding sub-regulation 1, in respect of Access Disputes, should the party having been requested access fail to provide the submissions required in terms of these regulations timeously, the Authority may assume the alleged facts of the party requesting access is correct and proceed to render a decision.

### **Confidential information**

8. (1) Any person providing information or documentation may designate information as confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that he may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that he may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act. Closed hearings will be treated as confidential meetings in terms of section 29 of the Act, and the notice of the closed meeting required by section 29(4) must be maintained in the relevant file.

### ***Ex parte communications***

9. A person may not communicate with the members of the Board, the CEO or staff members of, or consultants to the Authority, to discuss the subject matter of a dispute proceeding, except as provided for herein.

### **Record of Disputes**

10. (1) All documents deemed relevant by the Authority to the dispute proceedings contemplated by these regulations must be maintained by the Authority separately for each proceeding in files located at the head offices of the Authority and, if practicable, on the Authority's website.

(2) Except for confidential information, any person may examine the files 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 from time to time, and, if available, on the Authority's website where copies may be downloaded free of charge.

### **Publication of decisions and access agreements**

11. (1) All decisions made in terms of these regulations will be communicated to the parties to the dispute and other relevant parties in writing and, at the discretion of the Authority, may be published in the *Gazette*.

(2) The Authority will keep a register of decisions and copies of all decisions, which will be held at the head offices of the Authority and if practicable, on the Authority's website.

(3) Any person may examine the register of decisions, and copies of decisions 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, and, if available, on the Authority's website where copies may be downloaded free of charge.

### **Reconsideration**

12. (1) The Authority may, on its own, reconsider any decision made in terms of these regulations within the time set out in section 31 of the Act.

(2) Any person may submit to the Authority in writing a request to reconsider any decision made in terms of these regulations within 30 days of notice of the decision, and the Authority must reconsider such decision within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions being received, or it may provide an opportunity for further submissions in the manner set out by the Authority.

**L. JACOBS**  
**CHAIRPERSON**  
**BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 433

2012

**NOTICE OF INTENTION TO AMEND REGULATIONS SETTING OUT BROADCASTING AND TELECOMMUNICATIONS SERVICE LICENSE CATEGORIES: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia, in terms of the regulation 4(3) of the Regulations Regarding Rule-Making Procedure published in General Notice No. 334 of 17 December 2010 -

- (a) publishes this notice of intention to amend, the Regulations Setting Out Broadcasting and Telecommunications Service License Categories published in General Notice No. 124 of 18 May 2011, as set out in the Schedule 1; and
- (b) sets out the concise statement of the reasons and purpose for the proposed regulations in Schedule 2.

The public may make oral submissions on the proposed regulations to the Communications Regulatory Authority, at a time, date and place notified by the Authority.

The public may also make written submissions to the Communications Regulatory Authority within thirty (30) days from the date of publication of this notice in the Gazette, in the manner set out below for making of written submissions.

Written replies to written submission may be submitted to the Communications Regulatory Authority within fourteen (14) days from the date of notification of written comments by the Authority.

All written submissions must -

- (a) 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
- (b) be clear and concise.

All written submission must send or given in any of the following manner:

- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (c) by electronic mail to the following address: legal@cran.na; and
- (d) by facsimile to the following facsimile number: +264 61 23 8646.

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

## SCHEDULE 1

AMENDMENT TO REGULATIONS SETTING OUT BROADCASTING AND  
TELECOMMUNICATIONS SERVICE LICENSE CATEGORIES COMMUNICATIONS  
ACT, 2009

The Communications Regulatory Authority, in terms of section 37, 38 and 84 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009), amends the Regulations Setting Out Broadcasting and Telecommunications Service License Categories published in General Notice No. 124 of 18 May 2011.

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

**Definitions**

1. In these regulations, a word or expression to which a meaning is assigned in the Act has the same meaning, and unless the context otherwise indicates -

“the Regulations” means the Regulations Setting out Broadcasting and Telecommunications Service License Categories, published in Government Notice No. 124 of 18 May 2011;

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

**Amendment of regulation 1 of the Regulations**

2. Regulation 1 of the Regulations is amended by -

- (a) the deletion of the definition of “Broadcasting back-haul system service”;
- (b) insertion after the definition of “Amateur service” of the following definitions:

“Citizen Band service” means a private, two-way, short-distance radio service used for the purpose of speech communications for personal and business operations, which may also be used as a paging system”;

“Class Comprehensive Multiplex and Signal Distribution” means providing an electronic communications network service for signal distribution as well as operation of multiplexer equipment for the purpose of delivering broadcasting services;”;

- (c) insertion after the definition of “Maritime service” of the following definition:

“Multiplex” means the operation of multiplexer equipment for the purpose of delivering broadcasting services.”

**Amendment of Regulation 4 of the Regulations**

3. Regulation 4 of the Regulations is amended by the substitution for subsection (1) of the following subsection:

- “(1) The following are categories of broadcasting service licences -
  - (a) Commercial;

- (b) Community;
- (c) Public;
- (d) Signal Distribution;
- (e) Class comprehensive Multiplex and Signal Distribution; and
- (f) Multiplex.”

#### **Amendment of Regulation 5 of the Regulations**

4. Regulation 5 of the Regulations is amended by the substitution for paragraph (j) of subregulation (2) thereof of the following paragraph:

- “(j) Citizen Band Service.”

#### **Amendment of Regulations**

5. The regulations are amended by the deletion of the expression “Broadcasting back-haul system service” wherever it occurs in the Regulations.

### SCHEDULE 2

#### PURPOSE OF THE PROPOSED AMENDMENT TO REGULATIONS SETTING OUT BROADCASTING AND TELECOMMUNICATIONS SERVICE LICENSE CATEGORIES COMMUNICATIONS ACT, 2009

In terms of section 37 (5) and section 84(1) and Regulations regarding Rule Making Procedures section 12, the Authority wishes to amend Regulations Setting Out Broadcasting and Telecommunications Service License Categories as was published in Government Gazette No. 4714 dated 18 May 2011. The amendment is necessitated to align service license categories to developments in the telecommunications and broadcasting industry and policy guidelines as provided by the Ministry of Information and Communication Technology. The purpose of the amendment is to delete the license category of broadcasting back-haul system service and its definition as a license exempt category and the inclusion of citizen band radio, as this is not the same as amateur services.

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