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OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 160

2014

NOTICE OF WITHDRAWAL OF APPLICATION FOR TRANSFER OF CONTROL OF LICENCE

The Communications Regulatory Authority of Namibia, herewith gives notice that the Applicant referred to in the table below has withdrawn the following application made in terms of regulation 11 of the "Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service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 as amended; which application was published on the 31st of January 2014, in Government Gazette No. 5402, Notice No. 13.

Licensee;	Type of service licence;	Transferor;	Transferee and Frequencies to be transferred from Transferor to Transferees as applied for;	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens; in respect of the Transferees	Reasons for the proposed transfer;
Radio Kudu (Pty) Ltd	Spectrum Use Licence	Radio Kudu (Pty) Ltd	<u>Omulunga Radio (Pty) Ltd</u> Karibib - 94.6 MHz Omaruru – 94.6 MHz Henties Bay – 95.1 MHz Rosh Pinah – 103.4 MHz Katima Mulilo – 107.4 MHz	51%	Transfer of spectrum between licenses.
Radio Kudu (Pty) Ltd	Commercial Broadcasting Service Licence	Radio Kudu (Pty) Ltd	<u>Fresh FM (Pty) Ltd</u> Otjiwarongo - 90.9MHz Tsumeb - 92.6 MHz Rundu - 92.7 MHz Gobabis – 92.9 MHz Oranjemund – 97.3 MHz Lüderitz - 93.7 MHz Grootfontein - 95.2 MHz Keetmanshoop – 95.6 MHz Mariental - 97.3 MHz	51%	Transfer of spectrum between licenses.

L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 161

2014

**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 (No. 8 of 2009) and regulations 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, has been awarded with a spectrum use licence effective from date of publication in the *Gazette*:

Licensee;	Licensee's Citizenship or place of incorporation;	Percent- age of Stock owned by Namibian Citizens or Namibian citizens or Namibian Company controlled by Na- mibian Citizens	Services intended to be provided using the spectrum being ap- plied for (type of Service licence);	Applica- tion Fees Paid Up to Date? Yes/No;	Descrip- tion of Geograph- ic coverage area(s);	Radio Frequencies or group of frequencies											
						Site Name;	Latitude;	Longi- tude;	Mul- ti- plex Number;	Radio Frequen- cies or group of frequen- cies applied for;	Radio Frequen- cies or group of frequen- cies to be awarded;	TX Power (W);	Antenna Peak Gain (dBd);	Polariza- tion;	Antenna Height (m);	Region;	
Namibian Broadcast- ing Corpo- ration	Namibia	100	N/A ¹	Yes	Republic of Namibia	Aminuis	23 40 35.6 S	19 26 01.6 E	1	210 MHz	210 MHz	1000	30	11.5	Vertical	119.2	Omaheke
						Aranos	24 6 50.4 S	19 6 3.9 E	1	626 MHz	570 MHz	500	26.99	7.5	Horizontal	91.1	Hardap
						Aus	26 39 41.0 S	16 19 3.0 E	1	658 MHz	658 MHz	20	13.01	7.5	Horizontal	81.1	Karas
						Bethanien	26 29 0.7 S	17 14 18.0 E	1	202 MHz	202 MHz	2000	33.01	11.6	Horizontal	216.8	Karas
						Brukaros	25 51 20.2 S	17 46 53.3 E	1	186 MHz	186 MHz	100	20	8	Vertical	67.42	Karas
						Epukiro	21 33 3.6 S	19 25 19.2 E	1	178 MHz	178 MHz	1000	30	11.5	Horizontal	219.15	Omaheke
						Erongo Solar	21 43 42.2 S	15 31 21.9 E	1	178 MHz	178 MHz	100	20	10.1	Horizontal	38.5	Erongo
						Gam	20 9 27.5 S	20 43 22.7 E	1	186 MHz	186 MHz	50	16.99	11.3	Vertical	216.8	Otjo- zondjupa
						Gobabis	22 26 6.1 S	19 0 31.9 E	1	202 MHz	650 MHz	2000	33.01	11.6	Horizontal	218.8	Kunene
						Khorixas	20 21 33.4 S	14 58 52.8 E	1	202 MHz	202 MHz	2000	33.01	11.7	Vertical	140	Kunene
						Maltahöhe	24 53 26.7 S	16 53 35.9 E	1	186 MHz	586 MHz	2000	33.01	12.1	Horizontal	200	Hardap
						Okongo	17 23 24.0 S	17 37 52.0 E	1	178 MHz	178 MHz	2000	33.01	11.6	Vertical	218.6	Ohang- wena

Radio Frequencies or group of frequencies																	
Licensee;	Licensee's Citizenship or place of incorporation;	Percent- age of Stock owned by Namibian Citizens or Namibian citizens or Namibian Company controlled by Na- mibian Citizens	Services intended to be provided using the spectrum being ap- plied for of (type of Service licence);	Applica- tion Fees Paid Up to Date? Yes/No;	Descrip- tion of Geograph- ic coverage area(s);	Site Name;	Latitude;	Longi- tude;	Mul- tiplex Number;	Radio Frequen- cies or group of frequen- cies applied for;	Radio Frequen- cies or group of frequen- cies to be awarded;	TX Power (W);	dBW;	An- tenna Peak Gain (dBi);	Polariza- tion;	An- tenna Height (m);	Region;
						Omuthiya	18 22 0,0 S	16 34 19,8 E	1	514 MHz	514 MHz	2000	33.01	10.5	Horizontal	182.42	Oshikoto
						Otjibingwe	22 21 25,0 S	16 7 41.0 E	1	498 MHz	578 MHz	500	26.99	10.5	Horizontal	92.42	Erongo
						Stampriet	24 20 31,5 S	18 25 8,6 E	1	186 MHz	186 MHz	1000	30	14.9	Horizontal	217.2	Hardap
						Ur	27 31 33,5 S	18 33 14,1 E	1	194 MHz	658 MHz	1000	30	13.6	Horizontal	75	Karas

¹The radio frequencies applied for require a broadcasting service licence. Note, however that as per section 93 of the Act, until a date determined by the minister, Chapter IV on broadcasting services is not applicable to the NBC or to any broadcasting activities carried on by the NBC

The licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding Licence Conditions for Spectrum Use Licence as published in Government Gazette No. 5354, General Notice No. 469, dated 2 December 2013.

Reasons for the decision are as follows:

The Namibian Broadcasting Corporation (NBC) submitted applications for sixty two (62) spectrum use licences for digital terrestrial television services to replace existing analogue television services at various intervals dating from 25 January 2012 to 17 October 2012 in accordance with Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice. No. 272 dated 29 August 2011 (as amended) (hereinafter referred to as the “Licensing Procedures Regulations”) to the Authority for consideration.

In accordance with the Policy Guidelines for Digital Terrestrial Television published in Government Gazette No. 5346, General Notice No. 316 dated, 21 November 2013, the Namibian Broadcasting Corporation has to implement a digital terrestrial television network and migrate all analogue television services to these frequencies by 17 June 2015.

All technical information related to site locations, power output and equipment to be used as required by Section G of the spectrum use licence application form has been submitted to the Authority.

The Authority awarded spectrum use licences to the Namibian Broadcasting Corporation for Phase 1 of the planned implementation of digital terrestrial television services pursuant to Government Gazette No. 5231, General Notice No. 234 dated 24 June 2013.

The Authority requested the Namibian Broadcasting Corporation in writing to submit the list of sites to be implemented for Phase 2 of the planned implementation of digital terrestrial television services on 14 October 2013 to allow for timely completion of the licensing process. The Namibian Broadcasting Corporation responded to the request on 17 February 2014, providing a list of 16 sites for implementation until January 2015. It was further requested to assign VHF frequencies to 3 sites namely Aranos, Gobabis and Maltahöhe *in lieu of* the UHF frequencies contained in the Regulations Setting Out the Frequency Channeling Plan for Digital Terrestrial Television as published in Government Gazette No. 5201, General Notice No. 166 dated 29 May 2013. The envisaged lists of Phase 2 sites to be implemented and initial frequencies applied for is listed hereunder -

1)	Aminuis	210 MHz
2)	Aranos	626 MHz
3)	Aus	658 MHz
4)	Bethanien	202 MHz
5)	Brukaros	186 MHz
6)	Epukiro	178 MHz
7)	Erongo Solar	178 MHz
8)	Gam	186 MHz
9)	Gobabis	202 MHz
10)	Khorixas	202 MHz
11)	Maltahöhe	186 MHz
12)	Okongo	178 MHz
13)	Omuthiya	514 MHz
14)	Otjibingwe	498 MHz
15)	Stampriet	186 MHz
16)	Ur	194 MHz

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

published a notice in the Government *Gazette* No. 5148, General Notice No 72, dated 13 March 2013, allowing fourteen (14) days for public comment. This notice contained all 62 applications submitted by the Namibian Broadcasting Corporation. No comments were received within the stated timeframe and subsequently no reply comments were required from the Namibian Broadcasting Corporation.

The Authority published the final notice related to the Regulations Setting out the Frequency Channeling for Digital Terrestrial Television in Government *Gazette* No. 5201, General Notice No. 166 dated 29 May 2013 after following a rulemaking process that commenced with the first notice published for public comment on 28 September 2012 and concluded with a public hearing on 8 April 2013. The Namibian Broadcasting Corporation also attended the public hearing.

Furthermore, the Authority cannot consider the award of VHF frequencies (174 MHz to 230 MHz) as requested by the Namibian Broadcasting Corporation for Gobabis and Aranos taken into account that no VHF frequencies were coordinated with Botswana and that ITU iteration in accordance with the GE06 Agreement which only allowed for coordination of UHF frequencies (470 MHz to 694 MHz). Finally the Authority cannot consider the request submitted by the Namibian Broadcasting Corporation to award the frequency 210 MHz in Aminius *in lieu of* 186 MHz as applied for due to the fact that 210 MHz is reserved for analogue services at the ITU and thus only UHF frequencies has been included in the Frequency Channeling Plan for digital terrestrial television in accordance with the GE06 agreement.

Namibian Broadcasting Corporation should thus be awarded with spectrum use licences in accordance with the frequencies and power outputs specified in the Regulations Setting Out the Frequency Channeling Plan for Digital Terrestrial Television as published in Government *Gazette* No. 5201, General Notice No. 166 dated 29 May 2013.

In light of the above and in terms of section 101(1) and (2) of the Communications Act and the Licensing Procedures Regulations, the Authority awarded the Namibian Broadcasting Corporation with the frequencies as stipulated in the table above for the implementation of digital terrestrial broadcasting service in the geographical areas indicated in the table.

L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 162

2014

NOTICE IN TERMS OF REGULATIONS 6 OF THE REGULATIONS REGARDING
HEARING PUBLISHED IN GOVERNMENT GAZETTE 5037, NOTICE NO. 310 DATED
13 SEPTEMBER 2012, COMMUNICATIONS ACT NO.8 OF 2009

The Communications Regulatory Authority of Namibia in terms of Regulation 6 of the Regulations regarding Hearings published in Government Gazette 5037, Notice No.310 dated 13 September 2012 herewith gives notice that it will hold a hearing regarding the proposed **Regulations regarding the National Numbering plan for the use in the provision of telecommunications services in the Republic of Namibia** as published in the Government Gazette 5414, General Notice No. 46, dated 27 February 2014.

DATE: 9 July 2014

TIME: 08H30

VENUE: GZ FUNCTION CENTRE (corner of Bismarck and Dr. W. Kulz Street)

The Proposed Regulations are made in terms of section 81 of the Communications Act (Act No. 8 of 2009) and set out the numbering plan for use in the provision of telecommunications services that are applicable to Individual, Comprehensive service Licensees (ECNS and ECS).

The draft regulations prescribe a National Numbering Plan for use in the provision of telecommunications services; to provide a long-term framework for the National Numbering Plan that can continue to be developed to support developments of the telecommunications market for the benefit of all Namibian consumers of telecommunications services.

In the public interest, the Authority deems it necessary to hold a hearing in respect of the Proposed Regulations Regarding the National Numbering Plan applicable to Services Licensees.

The public is invited to make comments and/or oral submissions at the hearing on the Regulations regarding the National Numbering Plan applicable to Services Licences.

All written comments and notice of oral submissions to be made during the hearing must be submitted to the Authority on or before the 7th of July 2014 by 17h00.

All written comments and notice of oral submission must be submitted to the Authority either physically or electronically -

1. By hand to the head offices of the Authority, namely Communications House, 56 Robert Mugabe Avenue, Windhoek;
2. By post to the head offices of the Authority namely Private Bag 13309, Windhoek;
3. By electronic mail to the following address legal@cran.na;
4. By facsimile to the following facsimile number +264 61 222 790; or
5. By fax to email to: 0886550852.

All Oral submissions must -

1. Include a statement of the name and contact details of the person making the oral submissions and the name and contact details of the person for whom the oral submission is made, if different;
2. Be clear and concise.

Questions, queries and further clarification must be directed to legal@cran.na or contact the Legal Advice Department at Tel: +264 61 222666.

**L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY**
