



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## General Notices

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 193

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 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 persons referred to in the table below has been awarded a spectrum use licence, effective from date of publication of this notice in the *Gazette*:

**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 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);			Licence Fees outstanding;	Service intended to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
Paratus Telecommunications Namibia (PTY) Ltd	Namibia	100 %	17782.5 MHz 18792.5 MHz  17947.5 MHz 18957.5 MHz	17782.5 MHz 18792.5 MHz  17837.5 MHz 18847.5 MHz	Khomas	Windhoek	Windhoek	Yes	FIXED	Own

**REASONS FOR AWARDING THE SPECTRUM USE LICENCE**

Paratus Telecommunications (Pty) Ltd, submitted an application for a spectrum use license for telecommunications services to the Authority on 24 July 2013 for consideration, in accordance with section 101 of the Communications Act (Act No. 8 of 2009) (hereinafter referred to as the "Act") and the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011.

Wireless Technologies Namibia (Pty) Ltd was issued with a Class Comprehensive (ECS & ECNS) telecommunications service license by the Authority in terms of Section 38 of the Communications Act, 2009 as published in Government Gazette No. 4946, General Notice No. 121 dated 20 March 2012. The company name has since been changed to Paratus Telecommunications (Pty) Ltd. To date telecommunications services are provided utilizing the 2.6 GHz, 8 GHz, 14GHz and 17-18 GHz spectrum bands.

Paratus Telecommunications (Pty) Ltd submitted a spectrum use license application for 17782.5 MHz uplink/18792.5 MHz downlink and 17947.5 MHz uplink/18957.5 MHz downlink to expand backhaul capacity from base stations to maintain quality of service. All technical documents as required by Section G of the spectrum use application form was submitted on 31 October 2013.

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses, the Authority published a notice in respect of the application submitted by Paratus Telecommunications (Pty) Ltd in Government Gazette No. 5374, General Notice No. 521, dated 24 December 2013, allowing fourteen (14) days for public comments from the date of publication of this Notice in the *Gazette*. No public comments were received and subsequently no reply comments were required from Paratus Telecommunications (Pty) Ltd.

The Spectrum use application complies with the Regulations Setting out the Frequency Band Plan of Namibia as published in Government Gazette No. 5214, General Notice No. 191 dated 31 May 2013. In addition the applicant submitted network statistics to illustrate current and efficient usage of assigned spectrum and the need for assignment of additional spectrum to maintain quality of service to their customer base. Section 101 (6) requires the issuance of a spectrum use license to an applicant,

should the offering of envisaged services require spectrum in the appropriate spectrum band. The Authority is of the opinion that there is no shortage of available spectrum in the band applied for and that Paratus Telecommunications (Pty) Ltd complied with all technical requirements as stated in section G of the spectrum use application form in regard to equipment specification, coverage area, geographical location, antenna height and power output as set by the Authority.

The Authority approved the issuance of the spectrum use license for 17782.5 MHz uplink/18792.5 MHz downlink and 17947.5 MHz uplink/18957.5 MHz downlink to expand backhaul capacity from base stations within the borders of the Republic of Namibia.

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

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 194

2014

**NOTICE OF AMENDMENT IN TERMS OF REGULATION 8(1) AND (11) 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 regulations 8(1) and (11) of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence, in Government Gazette No. 4785, Notice No. 272 dated 29 August 2011 (as amended), herewith gives notice that the spectrum use licence contained in the table below for **The Namibian Broadcasting Corporation** has been amendment effective from date of publication in the *Gazette*:

Licensee's Name;	Licensee's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Reasons for the Amendment;	List of radio frequencies or groups of radio frequencies applied for in respect of Application for Amendment;	Description of geographic coverage area(s)			License Fees Outstanding;
					Region;	District;	City/Town;	
Namibian Broadcasting Corporation	Established in terms of section 2 of the Namibian Broadcasting Act, 1991 (Act No. 9 of 1991)	State Owned Enterprise	During the dual illumination process of the Digital Terrestrial Television (DTT), Paresis' current analogue frequency of 186 000 MHz will interfere with the DTT assigned at Klein Waterberg on 186 000 MHz to avoid interference.	202.000 MHz	Otjozondjupa	Otjiwarongo	Paresis	No

**REASONS FOR DECISION**

The Namibian Broadcasting Corporation (NBC) submitted an application for amendment of the spectrum use licence awarded for coverage at Paresis for analogue television services in accordance with Regulation 8(1) of the Regulations regarding Licensing Procedures for Telecommunications and

Broadcasting Service Licences and Spectrum Use Licences<sup>1</sup> to the Authority on 27 February 2014, for consideration. 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. 5442, Notice No 79, dated 7 April 2014, allowing fourteen (14) days for public comment. No comments were received within the stated time frame and subsequently no reply comments were required from the Namibian Broadcasting Corporation.

The radio frequencies in respect of the licence being amended require a broadcasting service licence. Please note however, that as per section 93 of the Communications 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. As such, the Authority has not issued a broadcasting service licence to the Namibian Broadcasting Corporation. In accordance with the Policy Guidelines for Digital Terrestrial Television<sup>2</sup>, 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. The Namibian Broadcasting Corporation was awarded spectrum use licences for Paresis and Klein Waterberg for implementation of Digital Terrestrial Television services on 24 June 2013 as published in Government Gazette No. 5231, Notice No. 234.

The Namibian Broadcasting Corporation submitted documentation with its application for spectrum use licences for Digital Terrestrial Televisions services stating its intention to conduct a hard switchover at Paresis. A hard switchover implies that analogue television services will be switched off simultaneously with the switch on of digital terrestrial television services resulting therefore, in discontinuation of the use of the analogue spectrum assigned to the Namibian Broadcasting Corporation.

To date the Namibian Broadcasting Corporation has not secured distribution channels for set-top box decoders at towns within the coverage areas of Klein Waterberg and Paresis (including Otjiwarongo and Outjo amongst others). As a result, the Namibian Broadcasting Corporation is forced to change its initial implementation plan and opt for dual broadcasting of analogue and digital terrestrial television services during the transitioning period known as “dual illumination” to allow viewers to acquire set-top box decoders for digital terrestrial television services once distribution outlets have been established by the Namibian Broadcasting Corporation.

The continued use of the analogue spectrum for television services at Paresis will result in interference with the digital terrestrial spectrum for terrestrial services at Klein Waterberg due to the power output and coverage reach between the two locations and technical characteristics of analogue television services. Subsequently, the Namibian Broadcasting Corporation submitted an application for amendment of the analogue spectrum frequency from 186 MHz to 202 MHz at Paresis until the discontinuation of analogue television services on 27 February 2014. The Namibia Broadcasting Corporation has duly paid all spectrum use licence fees for 2014.

The Authority is of the opinion that it will be in the best interest of the consumers to allow for a dual illumination period in Otjiwarongo, Outjo and surrounding areas to facilitate the migration from analogue to digital terrestrial television services. The dual illumination period will allow the Namibian Broadcasting Corporation to implement the necessary sales channels to distribute set-top boxes in the affected areas whilst maintaining the old analogue television broadcasting services in the interim. The amendment of the analogue broadcasting spectrum assigned to the Namibian Broadcasting Corporation to a new analogue frequency until switch off of analogue television services will have no technical implications or impact to other broadcasting service licensees in the affected coverage areas.

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<sup>1</sup> As published in Government Gazette No. 4785, General Notice. No. 272 dated 29 August 2011 (as amended).

<sup>2</sup> Published in Government Gazette No. 5346, General Notice No. 316 dated 21 November 2013.

In light of the above, the Authority approves the amendment of the analogue spectrum use licence for 186 MHz issued on 13 September 2012 as published in Government Gazette No. 5037, Notice No. 306 to 202 MHz subject to the condition that the Namibia Broadcasting Corporation informs television viewers of the change in frequencies and provide the necessary customer information to retune their television sets to the new frequency. Power output at Paresis shall remain at 100W as per existing allocation.

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

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 195

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, 2009 (Act No. 8 of 2009) read with 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 persons referred to in the table below have submitted the following application to the Authority:

**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 frequencies applied for;	List of radio frequencies or groups of radio frequencies being considered for assignment by the Authority;	Description of geographical coverage are(s);	License Fees Outstanding;	Service to be provided using frequency applied for;	Type of Service Licence (s);
Mobile Telecommunications Networks Business Solutions (Namibia) (PTY) LTD.	South African	10%	Uplink 13750–14500 MHz / MHz Downlink 10700 – 12750 MHz	MHz Uplink 14123 MHz/ MHz Downlink 11073 MHz	National	Yes	FIXED	Class Comprehensive telecommunications service licence (ECS & ECNS)

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.

<sup>1</sup> Subject to Section 46(2) of the Communications Act, 2009 (Act No. 8 of 2009)

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: 0886550852.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 196

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 38 of the Communications Act, 2009 (Act No. 8 of 2009) and Regulation 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, herewith gives notice of the following licensee who is assigned with the following licence effective from date of publication of this Notice in the *Gazette*:

### Class Comprehensive Telecommunications Service Licence (ECNS & ECS)

Licensee;	Licensee's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens;	Category of Class Telecommunications service awarded;	Does applicant 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 Application Fees paid up to date submitted?
Misty Bay Investments 140 CC	Namibia	100%	Comprehensive Telecommunications Service Licence (ECNS & ECS).	The licensee will utilize licence exempt spectrum in terms of the Regulations regarding Licence Exempt Spectrum published in Government Gazette No. 4839, Notice No. 395 dated 25 November 2011 subject to adherence to technical conditions stated therein.	Electronic Communications	Republic of Namibia or any part thereof.	Yes

The licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding Licence Conditions for Spectrum Use Licensee as published in Government Gazette No. 5037, Notice No. 308, dated 12 September 2012.

#### The reasons for the decision are as follows:

##### 1.1 Introduction

In accordance with sections 38 and 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 (as amended), Misty Bay Investment 140 CC submitted an application for a class comprehensive telecommunications service licence (ECNS & ECS) for implementation of an electronic communications network and services to the Authority on the 1 June 2012. Subsequent thereto, an application for a spectrum use licence for the range between 3415 and 3695 MHz was submitted to the Authority on 19 July 2013.

##### 1.2 Procedural Compliance

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 of application in the Government Gazette No. 5282, Notice No. 357, dated 12 September 2013, allowing fourteen (14) days for public comments from the date of publication. Only Telecom Namibia Limited submitted written comments. Pursuant to regulation 11(3) of the Regulations Regarding Licensing Procedures for Telecommunications

and Broadcasting Service Licences and Spectrum Use Licences (as amended), the Authority conveyed (as per letter date 02 October 2013) the comments received from Telecom Namibia Limited to Misty Bay Investments 140 CC. Misty Bay Investments 140 CC was required to submit reply comments within fourteen (14) days from receipt thereof. Misty Bay Investments 140 CC submitted reply comments on 04 October 2013.

### **3.3 Class Comprehensive Telecommunications Service Licence (ECS & ECNS) Application**

The Authority requested Misty Bay Investments 140 CC to submit all outstanding information required to evaluate their service licence application including a detailed business plan and funding sources in terms of Regulation 4(5) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences. As per letter dated 06 November 2013, Misty Bay Investments 140 CC responded indicating that it intends to provide Wireless Access Networks and Internet access for business customers under the Bitstream brand name focusing on businesses with 50 to 250 users. Further that it will distinguish themselves from the competitors by offering increased reliability, expert technical assistance and service excellence.

Based on the analysis of the business case, the Authority concluded that Misty Bay Investments 140 CC has identified the market segment they wish to enter and their competitors within this market segment. As per their letter dated 15 January 2014, Misty Bay Investments 140 CC confirmed that it is envisaged to utilize existing towers in Walvis Bay and Swakopmund based on infrastructure sharing agreements with infrastructure owners, hence the low capital investment required.

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 Authority also acknowledges the fact the Misty Bay Investments 140 CC will offer telecommunications services within a niche market segment located in the Walvis Bay and Swakopmund geographical areas as illustrated by the business case submitted. We are therefore of the opinion that the Misty Bay Investments 140 CC will be able to provide the necessary technical support and telecommunications services and bridge the gap in service provisioning, which is in line with the objectives of the Communications Act, 2009, which *inter alia* support the promotion of competition, encouragement of private investment and promotion of a wide range of telecommunications services throughout Namibia.

### **3.4 Spectrum Use Licence Application**

The Authority, in terms of section 101 of the Communications Act, 2009 (Act No. 8 of 2009) and regulation 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, also gives notice that the application for the spectrum use licence has been declined for the following reasons;

As indicated above, Misty Bay Investments 140 CC applied for two 40 MHz channels in the spectrum band 3415 MHz to 3695 MHz. The Authority could not consider the assignment of two 40 MHz channels within the spectrum band applied for due to the fact that the vacant spectrum, if assigned will cause interference to existing spectrum use licensees providing commercial services. This is because the two 40 MHz channels that are available are not sufficient. Misty Bay Investments 140 CC stated in their reply comments dated 04 October 2013 that they have no objection should the Authority consider to assign spectrum in an alternative spectrum band.



Subsequently the Authority conducted an analysis of available spectrum to be assigned for deployment of point-to-multipoint fixed links in other spectrum band and requested Misty Bay Investments 140 CC on 06 February 2014 to consider the application for spectrum use licences in 3600 MHz to 3800 MHz spectrum bands.

Misty Bay Investments 140 CC further submitted equipment specifications for telecommunications equipment to be deployed in the 2.4 GHz and 5.8 GHz spectrum bands, respectively. These spectrum bands are considered licence exempt in terms of the Regulations regarding Licence Exempt Spectrum published in Government Gazette No. 4839, Notice No. 395 dated 25 November 2011 subject to adherence to technical conditions stated therein. The Authority confirmed that all equipment to be utilized comply with the technical conditions set out in the aforementioned regulations as per the equipment specifications submitted.

In light of the above, the Authority therefore declined the application for spectrum use licences from 3530 MHz to 3560 MHz and 3560 MHz to 3590 MHz due to insufficient vacant spectrum available for assignment. The Authority is further of the opinion that the utilization of licence exempt spectrum will not hinder the applicant in providing the envisaged services to their customer base.

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

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