



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 13 June 2019

No. 6931

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 152

2019

THE COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA, HEREWITH GIVES NOTICE OF THE FOLLOWING DECISION WHICH IS APPLICABLE TO ALL TELECOMMUNICATIONS SERVICE LICENSEES FROM DATE OF PUBLICATION OF THIS NOTICE IN THE *GAZETTE*

1. BACKGROUND SUMMARY

A complaint was submitted to the Authority in the matter of **Mr. Simon Ipinge // Telecom Namibia Limited.**, which complaint was filed on 29 June 2016. The complaint pertains to an automatic renewal clause in the speedlink contracts provided by Telecom Namibia, which allowed for an automatic renewal of contracts regardless of whether the consumer has consented or not.

On 27 March 2018, the Authority made a decision on the procedural and practical aspects of the amendment of clause 2.1 of the Telecom Namibia Standard Agreement. This decision was amended on 18 September 2018 and 2 April 2019 and reads as follows:

“ 1. That clause 2.1 of the said terms and conditions is amended as follows:

In respect of mobile contracts:

- a) *This agreement shall endure for the following initial subscription periods as per the effective date reflected on application form, and shall remain in force for the duration of the Initial Period. 30 days before the expiry of the duration of the Agreement, Telecom Namibia Limited shall in writing notify the Subscriber that his/her contract is lapsing on XXXXXX date and that he or she is entitled to extend the Agreement by a further contract period, in which event the Subscriber would be entitled to an offer for a new device.*
- b) *The extension of the subscription agreement in accordance with this clause shall be in writing and shall be signed by or on behalf of both parties. In the event of such extension, the remaining provisions of the subscription agreement will apply.*
- c) *Where the agreement is not extended in accordance with the provisions of clause 2.1 (a) but nevertheless continues to operate indefinitely in accordance with clause 2.1 hereof, then the subscriber shall be automatically transferred to a standard package with a reduced subscription and no handset. ”*

In respect of fixed contracts:

- a) *This agreement shall endure for the following initial subscription periods as per the effective date reflected on application form, and shall remain in force for the duration of the Initial Period. 30 days before the expiry of the duration of the Agreement, Telecom Namibia Limited shall in writing notify the Subscriber that his/her contract is lapsing on XXXXXX date and that he or she is entitled to extend the Agreement by a further contract period. In which event the Subscriber would be entitled to receive advice from Telecom Namibia on the package to subscribe to depending on whether they want to renew or proceed with the agreement.*
 - b) *The extension of the subscription agreement in accordance with this clause shall be in writing and shall be signed by or on behalf of both parties. In the event of such extension, the remaining provisions of the subscription agreement will apply.*
 - c) *Where the Agreement is not extended in accordance with the provisions of clause 2.1 a) it shall continue to operate indefinitely on a 30 day period.*
2. **The principle addressed in the amendments must be applied to all new and existing contracts that lapse after date on which this decision is communicated to Respondent.**
 3. **Respondent must submit standard packages to the Authority for approval in terms of section 53 of the Communications Act, within 30 days from date on which this decision is communicated to it. This is however, only in respect of those packages for which it does not have lite packages, regardless of whether its mobile or fixed contracts.**
 4. **For the first 12 months after implementation of this decision, Respondent must provide the Authority with quarterly reports indicating the consumers whose contracts have lapsed and how such consumers were handled in line with this decision.**

5. **Respondent and any person who has a substantial interests in this decision may take the decision on review within a period of 6 months from the date on which they become aware of this decision.”**

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 153

2019

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

**F. K. MBANDEKA
CHIEF EXECUTIVE OFFICER
COMMUNICATIONS REGULATORY AUTHORITY**

SCHEDULE 1**SUBMISSION OF PROPOSED TARIFFS
BY MOBILE TELECOMMUNICATIONS LIMITED
COMMUNICATIONS ACT, 2009**

Annexure A: MTC Spectra Business Tariffs

Enterprise Subscription (monthly)	Link Tariff including Internet (N\$)	Link Tariff excluding Internet (N\$)
100 Mbps	116,160.45	39,660
90 Mbps	106,924.03	38,074
80 Mbps	95,043.58	33,844
70 Mbps	83,163.13	29,613
60 Mbps	71,282.69	25,383
50 Mbps	59,402.24	21,152
40 Mbps	48,730.49	18,130
30 Mbps	36,547.87	13,598
20 Mbps	25,062.57	9,763
10 Mbps	12,938.06	5,288
9 Mbps	12,076.91	5,192
8 Mbps	10,735.03	4,615
7 Mbps	9,393.15	4,038
6 Mbps	8,051.28	3,461
5 Mbps	6,709.40	2,884
4 Mbps	6,232.84	3,173
3 Mbps	4,674.63	2,380
2 Mbps	3,116.42	1,586
1 Mbps	1,822.61	1,058

Additional Terms and Conditions:

24 Months Contract = 6% Monthly Discount

36 Months Contract = 10% Monthly Discount

Annexure B: MTC Spectra Home Tariffs

Home Subscription (monthly)	Mbps	Link Tariff (N\$)
100 Mbps	100	5999
50 Mbps	50	2499
25 Mbps	25	1099
10 Mbps	10	779

Additional Terms and Conditions:

24 Months Contract = 6% Monthly Discount

36 Months Contract = 10% Monthly Discount

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

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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*.

Q-Kon Namibia 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;
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F. K. MBANDEKA
CHIEF EXECUTIVE OFFICER
COMMUNICATIONS REGULATORY AUTHORITY

SCHEDULE 1

**SUBMISSION OF PROPOSED NEW POINT OF SALE CONNECTIVITY SERVICE
BY Q-KON NAMIBIA,
COMMUNICATIONS ACT, 2009**

STARTLIGHT SERVICE

Service Bundles	Speed (upload/download)	Price (Incl VAT)
Solo	1Mbps/4Mbps	1 139.65
Office	1Mbps/4Mbps	3 333.85
Team	1Mbps/4Mbps	2 263.20
Business	1Mbps/4Mbps	5 502.75

- Installation cost: N\$ 15 500.00
- Installation include:
 - ✓ 1.0m Satellite Antenna
 - ✓ Integrated iLNB
 - ✓ 30m IF Cable, Connectors, Wall mount
 - ✓ Q-CAP Wi-Fi Router
- 100% payments before installation
- Standard 12 months Equipment Manufacture warranty applies

TWOOBII SERVICE

Service Bundles	Speed (upload/download)	Expected usage	Voice calls	Price (Exc VAT)
Business 4-30	1Mbps/4Mbps	30GB	Support 2 voice calls	1 422.00
Business 6-45	2Mbps/6Mbps	45GB	Support 4 voice calls	2 276.00
Business 8-60	3Mbps/8Mbps	60GB	Support 6 voice calls	3 129.00
Business 10-75	3Mbps/10Mbps	75GB	Support 8 voice calls	3 698.00
Business 10-100	3Mbps/10Mbps	100GB	Support 8 voice calls	4 930.00
Business 10-150	3Mbps/10Mbps	150GB	Support 8 voice calls	7 396.00

- Fair Use Policy applies after data allowance is reached.
 - Rental option for equipment available at N\$ 626.00 P/M.
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