



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 328

2013

REGULATIONS PRESCRIBING FORMS FOR APPLICATIONS: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia, in terms of section 129 of the Communications Act, 2009 (Act No. 8 of 2009) and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as General Notice No. 334, in Government Gazette No. 4630 dated 17 December 2010, hereby publishes these “Regulations Prescribing Forms for Applications”, effective from the date of publication in the *Gazette*.

Definitions

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

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

“the Regulations” means the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences published in General Notice No. 272 of 29 August 2011, as amended by General Notice No. 74 of 13 March 2013.

Application form for any category of telecommunications service licence

2. An application for any category of telecommunications service licence, including a class telecommunication service licence referred to in regulation 4 of the Regulations must be made on a form that substantially corresponds to Form CRAN1 set out in Annexure 1.”

Application form for any category of broadcasting service licence

3. An application for any category of broadcasting service licence referred to in regulation 5 of the Regulations must be made on a form that substantially corresponds to Form CRAN2 set out in Annexure 2.

Application form for spectrum use licence

4. An application for a spectrum use licence referred to in regulation 6 of the Regulations must be made on a form that substantially corresponds to Form CRAN3 set out in Annexure 3.

Application form in respect of the transfer of a licence or the transfer of the control of a licence for any category of telecommunications service licences

5. An application for the transfer of a licence or the transfer of the control of a licence for any category of telecommunications service licence referred to in regulation 7 of the Regulations must be made on a form that substantially corresponds to Form CRAN4 set out in Annexure 4.

Application form in respect of the transfer of a licence or the transfer of the control of a licence for any category of broadcasting service licences

6. An application for the transfer of a licence or the transfer of the control of a licence for any category of broadcasting service licence referred to in regulation 7 of the Regulations must be made on a form that substantially corresponds to Form CRAN5 set out in Annexure 5.

Application form in respect of the transfer of a licence or the transfer of the control of a spectrum use licence

7. An application for the transfer of a licence or the transfer of the control of a licence for a spectrum use licence referred to in regulation 7 of the Regulations must be made on a form that substantially corresponds to Form CRAN6 set out in Annexure 6.

Application form for amendment of a licence

8. An application for the amendment of a telecommunications service licence, broadcasting service licence or spectrum use licence referred to in regulation 8 of the Regulations must be made on a form that substantially corresponds to Form CRAN7 set out in Annexure 7.

Application form for renewal of a licence

9. An application for the renewal of a telecommunications service licence, broadcasting service licence or spectrum use licence referred to in regulation 9 of the Regulations must be made on a form that substantially corresponds to Form CRAN8 set out in Annexure 8.

Application form for withdrawal of a licence

10. An application for the withdrawal of a telecommunications service licence, broadcasting service licence or spectrum use licence referred to in regulation 10 of the Regulations must be made on a form that substantially corresponds to Form CRAN9 set out in Annexure 9.

Application form for Aeronautical services

11. An application for a spectrum use licence for aeronautical services referred to in regulation 6 of the Regulations must be made on a form that substantially corresponds to Form CRAN10 set out in Annexure 10.

Application form for Maritime services

12. An application for a spectrum use licence for maritime services referred to in regulation 6 of the Regulations must be made on a form that substantially corresponds to Form CRAN11 set out in Annexure 11.

Repeal of regulations

13. The Publication of Forms Regulations, 2011, promulgated by General Notice No. 131 of 18 May 2011, are repealed.

L. N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

Form CRAN 1
Application Form: Telecommunications Service Licence

In terms of Regulation 4 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, a person intending to provide a class telecommunications service is required to complete this application for a class telecommunications service licence.

After completing the form, sign it and submit it to the Authority as required by Regulation 4, along with the relevant application fee or proof that the application fee has been paid to the Authority.

A. APPLICANT

| | |
|--|--|
| Applicant (full and official names) | |
| ID or Registration Number of Applicant | |

B. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

C. OWNERSHIP INTERESTS

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
| | | |
| | | |

D. FOREIGN OWNERSHIP INTERESTS:

Provide full details regarding foreign ownership interests in the licence, if any.

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| |

E. CATEGORY OF CLASS TELECOMMUNICATIONS SERVICE LICENCE:

Identify the type of telecommunications service licence for which you are applying.

| | |
|---|--|
| Class ECS | |
| Class ECNS | |
| Class Comprehensive telecommunications service licence (ECS and ECNS) | |

F. **SERVICES TO BE PROVIDED :** Set out a complete, accurate and concise statement of the telecommunications services you intend to provide, including a description and diagram of any envisaged network to be operated, constructed or used.

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G. **ANY OTHER INFORMATION:** Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant is a juristic person.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 2
Application Form: Broadcasting Service Licence

In terms of Section 85 (4) of the Communications Act, Act No. 8 of 2009 read with Regulation 5 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences published in General Notice No. 272 of 29 August 2011, a person intending to provide a broadcasting service is required to complete this application for a broadcasting service licence.

After completing the form in full, sign it and submit it to the Authority as required by Regulation 5, along with the relevant application fee or proof that the application fee has been paid to the Authority.

A. APPLICANT

| | |
|--|--|
| Applicant (full and official names) | |
| ID or Registration Number of Applicant | |

B. CONTACT PERSON

| | |
|---|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number (s) | |
| Electronic mail address(es) | |

C. OWNERSHIP INTERESTS

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
| | | |
| | | |

D. FOREIGN OWNERSHIP INTERESTS

Provide full details regarding foreign ownership interest in the licence, in any.

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E. BOARD OF DIRECTORS

If the applicant is a juristic person(s), set out the full names, nationalities and identity numbers of the members of the Board of Directors or other governing body.

| Director Name | Nationality | Identity Number |
|---------------|-------------|-----------------|
| | | |
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| | | |

F. CATEGORY OF BROADCASTING SERVICE LICENCE APPLIED FOR

Identify the type of broadcasting service licence for which you are applying.

| | |
|--|--|
| Commercial Broadcasting Service | |
| Community Broadcasting Service | |
| Public Broadcasting Service | |
| Signal Distribution | |
| Class Comprehensive Signal Distribution and Multiplex Broadcasting Service | |
| Multiplex Broadcasting Service | |
| Signal Distribution | |

G. SIGNAL DISTRIBUTION

If this application is for a commercial, community, or public broadcasting service licence, indicate whether the applicant intends to provide its own signal distribution service, and if so, ensure that an application for signal distribution licence is simultaneously submitted with the Authority, or whether it intends to contract with a signal distribution licensee for such service, and if so, identify the signal distribution service licensee.

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H. SPECTRUM USE

If this application is for a commercial, community or public broadcasting service licence, indicate whether the applicant intends to use spectrum in the provision of broadcasting service, and if so, ensure that an application for spectrum use licence is simultaneously submitted to the Authority.

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N. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant is a juristic person.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____
 _____ in his/her capacity as _____, duly authorised and
 warranting such authority and warranting that the information provided herein is true and correct, on
 the _____ day of _____ 20_____.

 Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 3
Application Form: Spectrum Use Licence

In terms of Regulation 6 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, any person intending to use spectrum must submit an application in this form.

After completing the form, sign it and submit it to the Authority as required by Regulation 6. Documents requested must be attached and must be clearly marked.

A. LICENSEE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

B. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

C. OWNERSHIP INTERESTS

Reproduce the table above and complete it for each owner who is a juristic person

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
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D. RADIO FREQUENCIES APPLIED FOR:

List the radio frequencies or groups of radio frequencies licences applied for, either uplink, downlink or both, as relevant.

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E. SERVICE LICENSE CATEGORIES: Complete the relevant part(s).

1. Identify the type of telecommunications service licence for which the spectrum use licence is applied for:

| | |
|---|--|
| Class ECS | |
| Class ECNS | |
| Class Comprehensive telecommunications service licence (ECS and ECNS) | |

2. Identify the type of broadcasting service licence for which the spectrum use licence is applied for:

| | |
|--|--|
| Commercial Broadcasting Service | |
| Community Broadcasting Service | |
| Public Broadcasting Service | |
| Signal Distribution | |
| Class Comprehensive Signal Distribution and Multiplex Broadcasting Service | |
| Multiplex Broadcasting Service | |

3. Identify the type of service to be provided without a licence for which the spectrum use licence is applied for:

| | |
|-------------------------------------|--|
| Private ECNS/ECS network | |
| Resale of ECNS/ECS | |
| Non-profit ECNS/ECS | |
| Amateur service | |
| Navigation and radar system service | |
| Alarm system service | |
| Emergency response system service | |
| Citizen band service | |

F. SERVICES INTENDED TO BE PROVIDED

Set out a complete, accurate and concise statement of the services intended to be provided using the spectrum applied for:

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G. TECHNICAL PORTION

Complete the relevant part(s):

1. Indicate the transmission medium(s) (e.g. terrestrial, satellite, etc.)

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2. Describe the geographic coverage area(s). Indicate the radius covered by both antenna's and the transmitters. Attach a diagram of each coverage area

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3. Indicate the physical address(es) where the transmitter(s) would be located and include the geographical co-ordinates, up to seconds

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4. Indicate the make and model of the transmitter. Attach the specifications, including frequency requirements of the equipment and type approval certificates.

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5. Indicate the modulation scheme.

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6. Indicate the bit rate (bits/s).

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7. Indicate the transmitter power (dBW/W).

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8. Indicate the antenna make and model. Attach the specifications, including frequency requirements of the equipment and type approval certificates.

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9. Indicate the description, the make and model of the relevant equipment. Attach the specifications, including frequency requirements of the equipment and type approval certificates.

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10. Indicate the maximum antenna gain (dB).

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11. Indicate the antenna diameter (m).

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12. Indicate the antenna polarization (H/V).

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13. Indicate the effective radiated power (dBW/Watt).

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14. Indicate receiver sensitivity threshold (dBm).

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15. Indicate fixed loss (db): transmit and receive.

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16. Indicate maximum deviation (kHz).

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17. Indicate the site height above sea level.

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18. Indicate the mast height.

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19. Indicate the antenna height on the mast.

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20. Indicate the antenna direction.

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21. Indicate whether mono/stereo.

| |
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| |

22. For broadcasting licence, indicate vision carrier (MHz), sound carrier (MHz), offset (TV vision) and offset (TV sound).

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H. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant/licensee and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant is a juristic person.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 4
Application Form: Transfer of Licences and Transfer of Control of Licences -
Telecommunications Service Licences

In terms of Regulation 7 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, a person intending to transfer its licence or transfer control of its licence must submit an application to the Authority on this form.

After completing the form, sign it and submit it to the Authority as required by Regulation 7, along with the relevant application fee or proof that the application fee has been paid to the Authority.

- A. LICENCE
 Set out details of the licence and attach a copy of the licence.

| | |
|----------------|--|
| Licence Type | |
| Licence Number | |

- B. LICENSEE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

- C. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

- D. TRANSFEREE

| | |
|---|--|
| Transferee | |
| ID or Registration Number of Transferee | |

- E. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

- F. OWNERSHIP INTERESTS

Reproduce the table above and complete it for each owner who is a juristic person.

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
| | | |
| | | |

G. FOREIGN OWNERSHIP INTERESTS

Provide full details regarding foreign ownership interests in the licensee.

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H. REASONS FOR THE PROPOSED TRANSFER

Set out a complete, accurate and concise statement of the reasons for the proposed transfer or transfer of control.

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| |

I. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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| |

PLEASE NOTE:

- The current licence holder should bring this Application.
- Certified copies of the Identity documents of the Applicant/licensee, contact persons and transferee should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant or the transferee are juristic persons.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 5**Application Form: Transfer of Licences and Transfer of Control of Licences - Broadcasting Service Licences**

In terms of Regulation 7 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, a person intending to transfer its licence or transfer the control of its licence must submit an application to the Authority in this form. After completing the form, sign it and submit it to the Authority as required by Regulation 7.

A. LICENSEE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

B. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

C. DETAILS OF THE LICENCE

Attach a copy of the licence the applicant licensee wishes to transfer or transfer control of.

| | |
|--|--|
| Date of Issue of Licence: | |
| Licence Number: | |
| Type of Licence: (Indicate the category of service(s) licensed) | |
| Radio Spectrum Licensed: | |

D. PROPOSED TRANSFEREE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

E. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

F. OWNERSHIP INTERESTS IN THE TRANSFEREE

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
| | | |
| | | |

G. FOREIGN OWNERSHIP INTERESTS

Provide full details regarding foreign ownership interests in the licensee, if any.

| |
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H. TRANSFEREE BOARD OF DIRECTORS

| No. | Full Name of Director | Nationality | Identity Number |
|-----|-----------------------|-------------|-----------------|
| | | | |
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I. TRANSFEREE FINANCIAL RESOURCES

Include a statement of accounts setting out the financial resources available to the transferee in relation to the broadcasting service licence applied for.

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J. EXPERTISE AND EXPERIENCE

State concisely the expertise and experience of the transferee

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K. OWNERSHIP DETAILS OF TRANSFEREE IN OTHER BROADCASTING SERVICE LICENSEES

Indicate full details of any ownership interests held in existing broadcasting service licences and other broadcasting services licence applications, by the applicant and if the transferee is a juristic person, by persons who hold ownership interest in the transferee.

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L. REASONS FOR THE PROPOSED TRANSFER

Set out a complete, accurate and concise statement of the reasons for the proposed transfer or transfer of control.

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M. LICENCE AMENDMENT

Indicate with a cross (x) if any licence amendment is sought. If any licence amendment is sought, the Application Form Requesting an Amendment and Modification of Telecommunications Service Licences, Broadcasting Service Licences and Use of Spectrum Licences must be completed and submitted simultaneously with this application.

| AMENDMENT SOUGHT | NO AMENDMENT SOUGHT |
|------------------|---------------------|
| | |

N. ANY OTHER INFORMATION

A statement containing any other information the applicant believes might be relevant to the Authority in considering the application.

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PLEASE NOTE:

- The current licence holder should bring this Application.
- Certified copies of the Identity documents of the Applicant/licensee, contact persons and transferee should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant or transferee are juristic persons.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 6**Application Form: Transfer of Licences and Transfer of Control of Licences - Spectrum Use Licences**

In terms of Regulation 7 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, a person intending to transfer its licence or transfer control of its licence must submit an application to the Authority on this form.

After completing the form, sign it and submit it to the Authority as required by Regulation 7, along with the relevant application fee or proof that the application fee has been paid to the Authority.

- A. LICENCE
Set out details of the licence and attach a copy of the licence.

| | |
|----------------|--|
| Licence Type | |
| Licence Number | |

- B. LICENSEE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

- C. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

- D. TRANSFEREE

| | |
|---|--|
| Transferee | |
| ID or Registration Number of Transferee | |

- E. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

- F. OWNERSHIP INTERESTS

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
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G. FOREIGN OWNERSHIP INTERESTS

Provide full details regarding foreign ownership interests in the licensee, if any

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H. REASONS FOR THE PROPOSED TRANSFER

Set out a complete, accurate and concise statement of the reasons for the proposed transfer or transfer of control.

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I. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- The current licence holder should bring this Application.
- Certified copies of the Identity documents of the Applicant/licensee, contact persons and transferee should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant or transferee are juristic persons.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 7**Application Form: Amendment of Telecommunications or Broadcasting Service Licence or Spectrum Use Licence**

In terms of Regulation 8(2) of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, a licensee may request the Authority to amend its licence by submitting this application form to the Authority.

After completing the form, sign it and submit it to the Authority as required by Regulation 8, along with the relevant application fee or proof that the application fee has been paid to the Authority.

- A. **LICENCE**
Set out details of the licence and attach a copy of the licence.

| | |
|----------------|--|
| Licence Type | |
| Licence Number | |

- B. **LICENSEE**

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

- C. **CONTACT PERSON**

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

- D. **AMENDMENT**
Set out a complete accurate and concise statement of the proposed amendment.

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- E. **REASONS FOR THE PROPOSED AMENDMENT**
Set out a complete, accurate and concise statement of the reasons for the proposed amendment.

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F. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant/licensee and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 8
Application Form: Renewal of Telecommunications or Broadcasting Service Licence or Spectrum Use Licence

In terms of Regulation 9 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence, a licensee may request the Authority to renew its licence by submitting an application to renew the licence on this form.

After completing the form, sign it and submit it to the Authority as required by Regulation 9, along with the relevant application fee or proof that the application fee has been paid to the Authority.

- A. **LICENCE**
 Set out details of the licence and attach a copy of the licence.

| | |
|----------------|--|
| Licence Type | |
| Licence Number | |

- B. **LICENSEE**

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

- C. **CONTACT PERSON**

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

- D. **STATEMENT OF THE BREACH/ALLEGED BREACHED BY LICENCEE**
 Set out a complete and accurate statement detailing any action taken by the Authority or other entity with competent jurisdiction in relation to any breach or alleged breach by the licensee of the Act, regulations made in terms of the Act, or the licensee's licence.

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- F. **ANY OTHER INFORMATION**
 Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant/licensee and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 9**Application Form: Withdrawal of Telecommunications or Broadcasting Service Licence and Spectrum Use Licence**

In terms of Regulation 10 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, a licensee that intends to permanently discontinue providing service in accordance with its licence must request the Authority to withdraw its licence by submitting an application to the withdraw a licence on this form.

After completing the form, sign it and submit it to the Authority as required by Regulation 10.

A. LICENCE

Set out details of the licence and attach a copy of the licence.

| | |
|----------------|--|
| Licence Type | |
| Licence Number | |

B. LICENSEE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

C. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

D. REASONS FOR PROPOSED WITHDRAWAL

Set out a complete and accurate statement of the reasons for the proposed withdrawal.

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E. DATE OF DISCONTINUATION

Set out the date the licensee intends to permanently discontinue providing services.

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F. FEES

Indicate whether the licensee has paid all the fees payable to the Authority in relation to the licence.

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G. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant/licensee and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 10
Application Form: Spectrum Use Licence for Aeronautical Services

In terms of Regulation 6 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, any person intending to use spectrum in respect of aeronautical services must submit an application in this form.

After completing the form, sign it and submit it to the Authority as required by Regulation 6. Documents requested must be attached and must be clearly marked.

A. LICENSEE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

B. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

C. OWNERSHIP INTERESTS

Reproduce the table above and complete it for each owner who is a juristic person

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
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D. RADIO FREQUENCIES APPLIED FOR:

List the radio frequencies or groups of radio frequencies licences applied for, either uplink, downlink or both, as relevant.

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E. AIRCRAFT DETAILS

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|-------------------------------|--|
| Make and Model of Aircraft | |
| Registration mark of aircraft | |

F. SERVICES INTENDED TO BE PROVIDED

Set out a complete, accurate and concise statement of the services intended to be provided using the spectrum applied for:

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G. TECHNICAL PORTION

Complete the relevant part(s):

| | Make & Model | Output Power | Class of emission | Frequency Bands/ Assigned frequencies |
|----------------------------|--------------|--------------|-------------------|---|
| Transmitters (HF / VHF) | | | | |
| Emergency Transmitters | | | | |
| EPIRB | | | | |
| Other Equipment | | | | |

H. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant/licensee and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant is a juristic person.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

Form CRAN 11
Application Form: Spectrum Use Licence for Maritime Services

In terms of Regulation 6 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, any person intending to use spectrum in respect maritime services must submit an application in this form.

After completing the form, sign it and submit it to the Authority as required by Regulation 6. Documents requested must be attached and must be clearly marked.

A. LICENSEE

| | |
|---------------------------------------|--|
| Licensee | |
| ID or Registration Number of Licensee | |

B. CONTACT PERSON

| | |
|--|--|
| Contact Person (full and official names) | |
| Physical Address | |
| Postal Address | |
| Telephone number(s) | |
| Facsimile number(s) | |
| Electronic mail address(es) | |

C. OWNERSHIP INTERESTS

Reproduce the table above and complete it for each owner who is a juristic person

| Owner Name | Percentage of Ownership | Nationality of Owner |
|------------|-------------------------|----------------------|
| | | |
| | | |
| | | |

D. RADIO FREQUENCIES APPLIED FOR:

List the radio frequencies or groups of radio frequencies licences applied for, either uplink, downlink or both, as relevant.

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E. SHIP OR MARITIME FIXED STATION DETAILS

| | |
|--------------------------------|--|
| Name of Ship | |
| MMSI Number | |
| Call sign | |
| Public Correspondence category | |

F. SERVICES INTENDED TO BE PROVIDED

Set out a complete, accurate and concise statement of the services intended to be provided using the spectrum applied for:

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G. TECHNICAL PORTION

Complete the relevant part(s):

| | Make & Model | Output Power | Class of emission | Frequency Bands/ Assigned frequencies |
|--------------------------|--------------|--------------|-------------------|--|
| Transmitters (SSB / VHF) | | | | |
| Emergency Transmitters | | | | |
| EPIRB | | | | |
| Other Equipment | | | | |

H. ANY OTHER INFORMATION

Provide any other information you believe might be relevant to the Authority in considering this application.

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PLEASE NOTE:

- Certified copies of the Identity documents of the Applicant/licensee and contact person should accompany this Application Form;
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant;
- Please provide copies of registration documents in the event that the Applicant is a juristic person.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by _____ at _____ in his/her capacity as _____, duly authorised and warranting such authority and warranting that the information provided herein is true and correct, on the _____ day of _____, 20__.

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

| | |
|-----------|--|
| Name | |
| Date | |
| Place | |
| Signature | |

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 329

2013

REGULATIONS REGARDING LICENCE CONDITIONS FOR CLASS COMPREHENSIVE MULTIPLEX AND SIGNAL DISTRIBUTION SERVICE LICENCES, MULTIPLEX LICENCES AND SIGNAL DISTRIBUTION SERVICE LICENCES: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia, in terms of section 86 of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories published in General Notice No. 124 of 18 May 2011 read with the Amendment to Regulations Setting out Broadcasting and Telecommunications Service Licence Categories as published in General Notice No. 74 of 13 March 2013 and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as General Notice No. 334, in *Government Gazette* No. 4630 dated 17 December 2010, hereby publishes these “Regulations regarding licence conditions for Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences and Signal Distribution Service Licences, effective from the date of publication in the *Gazette*.”

Definitions

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and-

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

“Authority” means the Communications Regulatory Authority of Namibia established in terms of section 4 of the Act;

“broadcast” means to disseminate electronic communications-

- (a) by radio waves if such communications are intended to be received by the public or the subscribers to a particular service, directly or by the intermediary of relay stations; or
- (b) by any other means if such communications are intended to be received by the public or the subscribers to a particular service and the Authority has after following a rule-making procedure, by regulation prescribed that the specified services are broadcasting services;

“broadcasting service” means the service rendered by a public or private broadcaster to broadcast, and which service is conveyed by means of an electronic communications network and “broadcasting services” must be construed accordingly;

“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;

“Commercial Broadcasting Service” means a broadcasting service operating for profit;

“Conditional Access” means to restrict television program access to certain groups of users either because of concerns of privacy and/or the desire to collect revenue for the services that require secure encryption of the program content and secure decryption in digital television receivers;

“Digital Broadcasting” means the use of advanced digital techniques to encode, compress and transmit audio, text, images and video in digital format;

“Dual Illumination” means transmission of the same broadcast content in both analogue and digital technologies during the Transition Period, and “simulcast” shall have the same meaning;

“electronic communications” means any emission, transmission or reception of sound, pictures, text or any other information by wire, radio waves, optical media, electromagnetic systems or any other means of a like nature;

“electronic communications network” means any system of electronic communications facilities (excluding subscriber equipment), including without limitation-

- (a) satellite systems;
- (b) fixed systems (circuit- and packet-switched);
- (c) mobile systems;
- (d) fibre optic cables (undersea and land-based);
- (e) electricity cable systems (to the extent used for electronic communications services); and
- (f) other transmission systems, used for conveyance of electronic communications;

“electronic communications network service” means a service whereby a person makes available an electronic communications network, whether by sale, lease or otherwise-

- (a) for that person’s own use for the provision of an electronic communications service or broadcasting service;
- (b) to another person for that other person’s use in the provision of an electronic communications service or broadcasting service; or
- (c) for resale to an electronic communications service licensee, broadcasting service licensee or any other service contemplated by this Act, and “network services” is construed accordingly;

“Free-to-Air” means channels and/or services accessible over the television (or other mediums of a like nature) that are free and/or don’t necessarily need a special set-top box, smartcard or any other mechanism compatible with the single receiver system;

“ Licensees” for the purpose of these regulations shall mean those licensees issued with Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences and or Signal Distribution Service Licences;

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

“Multiplexer” means digital broadcasting equipment that combines programme material (broadcasting content) and other data into digital form for transmission via the digital terrestrial television infrastructure;

“Service(s)” shall mean the Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences, and Signal Distribution Service Licences respectively as indicated by the context;

“Signal Distribution” means the electronic communications network service where the output signal of a broadcasting service is taken from the point of origin, being the point where such signal is made

available in its final content '[format, from where it is conveyed to any broadcast target area by means of electronic communications;

“Transition Period” means the period starting from 5 December 2012 to the date when broadcasting of television services in analogue shall cease in all parts of the territory of the Republic of Namibia;

“User” means any natural or juristic person, including customers, who uses or requests a broadcasting service, whether or not such person pays for such service, and “users” must be construed accordingly;

Purpose

2. (1) The purpose of these regulations are to impose conditions, in terms of Section 86 of the Act, on the Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences and Signal Distribution Service Licences.

Applicability

3. (1) These regulations shall be applicable to all licensees to whom Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences and Signal Distribution Service Licences were issued or applicants applying for such licences.

Authorisation

4. (1) Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences and Signal Distribution Service Licences shall be issued in accordance with the provisions section 85 of the Act.

(2) All licensees, issued with a Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences and Signal Distribution Service Licences by the Authority, are herewith duly authorised to:

- (a) provide Class Comprehensive Multiplex and Signal Distribution Services, Multiplex services and Signal Distribution Services for radio and/or television broadcasting;
- (b) operate and maintain an electronic communications network service for the purpose of delivering broadcasting services;
- (c) maintain and operate a Commercial Multiplexer as deemed by the specific licensing conditions imposed by the Authority; and
- (d) install, maintain and operate the necessary infrastructure in this regard.

(3) Licensees shall apply to the Authority in writing indicating its intentions to provide Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences, Signal Distribution Service Licences in the format and manner as prescribed by the Authority prior to providing such services, in the event it did not provide such service in the past.

Hours of Operation

5. (1) The licensee must provide the respective Service(s) in terms of these regulations for twenty four (24) hours, three hundred and sixty five (365) days per year.

(2) In the event that the Licensee is unable to provide the broadcasting Service due to circumstances beyond its control for an uninterrupted period of more than 12 hours, the licensee must notify the contracted party of such Service(s) forthwith and shall notify the Authority in writing of

such circumstances that led up to the interruption of the service(s) within twelve (12) hours of the time such interruption took effect.

Disaster Recovery Plan

6. (1) A licensee must provide the Authority with a disaster recovery plan aimed at ensuring optimal reliability, security, interoperability and interconnectivity of, and accessibility to electronic communications networks and other infrastructure utilized in the provision of broadcasting services within 90 days from issuance of a licence to the licensee, or in the event of an existing license, within 90 days that these conditions take effect.

- (2) The disaster recovery plan must specify -
 - (a) the types of disasters the licensee should specifically plan for;
 - (b) in the event of a disaster-
 - (i) who will be in-charge (and the chain of command);
 - (ii) who will be the public relations contact (i.e., who will handle communication relations);
 - (iii) who must be informed;
 - (c) what must be done regularly (and when) to prepare for a disaster;
 - (d) what must be done when a disaster is imminent;
 - (e) what must be done during a disaster; and
 - (f) what must be done after a disaster has struck.

Provision of Service(s)

7. (1) Subject to applying for and being granted a spectrum use licence(s), all licensees, issued with the respective Service licence by the Authority, are: -

- (a) duly authorised to provide the Services to a third party requesting for such Service or willing to accept the provision of such Service(s);
- (b) and to install, maintain and operate the necessary equipment and infrastructure in that regard.

(2) Subject to availability of spare capacity in the Multiplexer and in terms of an agreement concluded regarding the use of a Commercial Multiplexer, the licensee shall offer services to any licensed Commercial or Community Broadcaster desiring to have their content broadcasted over the Digital Terrestrial Television network.

(3) The licensee shall at all times provide the same quality of service for all content that it carries on its Multiplexer in delivering broadcasting services

(4) The Licensee shall provide services using Moving Pictures Experts Group (MPEG4) (AVC H.264) compression and the Digital Video Broadcasting-Terrestrial 2 (DVB-T2) family standard as a minimum on its Multiplexer provided that the Authority may from time to time review the standards on which services are provided.

Technical conditions

8. (1) The licensees shall submit transmitter parameters, antenna parameters and site coordinates for all digital Terrestrial/Satellite Television sites to the Authority as requested by the Authority.

(2) The licensees shall comply with the technical conditions as will be prescribed in terms of section 86 of the Act.

Quality of Service

9. (1) The licensee shall comply with quality of service standards as may be prescribed by the Authority from time to time and published in the *Government Gazette* in terms of the rule-making regulations with regard to network quality, equipment, infrastructure and service quality.

(2) The licensee shall not maliciously interrupt the operation of its equipment during the normal course of business or suspend any service offered in terms of its license without prior written notice to the Authority and other licensees affected by such interruption or suspension.

(3) The provisions of sub-regulation (2) hereof shall not apply –

(a) if the interruption of operation or services is due to an emergency;

(b) in the event of force majeure;

(c) to other circumstances beyond the control of the Signal Distribution licensee and/or

(d) if the interruption or suspension is to a service supplied by the Signal Distributor to a person or entity whose broadcasting network is endangering the integrity of the signal distribution network.

(4) The licensee shall ensure that there is inter-operability in the digital broadcasting chain through ensuring that –All Free to Air Channels are accessible without constraints to a single Set-Top Box (STB) and Integrated Digital Television (iDTV).

(5) Licensees shall ensure that all conditional access broadcasting channels are accessible through a single Set-Top Box (STB) or Integrated Digital Television (iDTV) using mechanisms such as smart cards, passwords or keys or any other mechanisms compatible with the single receiver system.

Infrastructure sharing

10. The licensee has the right and obligation to lease facilities from and to any other licensee, subject to and in accordance with the terms and conditions agreed between them, failing which the Authority may take the appropriate steps.

Rights of way

11. (1) A licensee may enter into an agreement with a local authority council as defined in Section 1 of the Local Authorities Act, No. 23 of 1992 as amended or any other relevant organization or utility for the purpose of-

(a) constructing and maintaining a broadcasting facility upon, under, over, along or across any land, street, road, footpath, waterway or any railway and the affixing of wires, stays or any other kind of support to any building or other structure;

- (b) constructing and maintaining pipes, tunnels or tubes required for broadcasting facilities under any street, road or footpath, and the alteration or removal thereof;
- (c) the provision of an underground conduit pipe to enable the licensee to lay equipment necessary for the provision of broadcasting services;

(2) A licensee may enter into an agreement with the owner of private property for the purpose of constructing and maintaining a broadcasting facility, pipe, tunnel or tube upon, under or over such private property constructing and maintaining a broadcasting

Signal Distribution Offer

12. (1) The licensee shall file an offer for the provision of the Service(s) with the Authority within sixty (60) days from issuance of the Service license(s) by the Authority for approval.

(2) Any tariff or amendment of tariff or new tariff contained in the Offer submitted to the Authority must state the date on which the aforementioned tariff will come into operation.

(3) If a licensee wishes to amend a tariff or use a new tariff contained in the Offer it must submit the aforementioned tariff to the Authority for approval not less than sixty (60) days prior to the operational date as stated sub-regulation in 1 above.

(4) Tariffs submitted must indicate all information with regard to charges for services inclusive of deposit, non-recurring and monthly charges.

(5) All terms and conditions applicable to offered services must be submitted to the Authority including dispute settlement mechanisms and any other information requested by the Authority pursuant to this regulation.

(6) Tariff submissions must be accompanied by all such accounting and cost information as the Authority may require.

(7) Licensees may withdraw a tariff after submission thereof but prior to the Authority's decision on the tariff.

(8) The Authority may postpone the operational date of a tariff for a period not exceeding ninety (90) days to examine the reasonableness of the tariff.

(9) The Authority may reject a tariff or part thereof if the Authority finds that-

- (a) The tariff is unreasonable;
- (b) The tariff does not conform to the licensing conditions stipulated in the licence issued to the licensee concerned;
- (d) The tariff has the effect of impairing competition; and/or
- (e) The tariff is not accompanied by such cost information and other supporting material the Authority may require in terms of sub-regulation 6 hereof.

(10) The licensee shall ensure that its aforementioned Offer is readily available to licenced Commercial and Community Broadcasters in Namibia ensuring fairness and transparency in the negotiation process.

(11) The Offer shall contain information on issues relevant to the other licensees for negotiation purposes and should deal with the following –

- (a) Obligations of the licensee;
- (b) Obligations of Commercial or Community Broadcaster licensee;
- (c) Connectivity charges and billing arrangements;
- (d) Subscriber management support;
- (e) Customer Care services;
- (f) Equipment interface arrangements;
- (g) Technical support and service level agreement;
- (h) Penalties for outages as per agreed service levels;
- (i) Electronic program guide; and
- (j) Dispute settlement mechanisms, but not limited thereto.

(12) The Signal Distribution licensee shall ensure that its price for the Service(s) is transparent, affordable, realistic, fair and objective.

(13) Notice of filing of an Offer shall be published by the Authority in the *Government Gazette*, and after such offer has come into operation the full text of the Offer must be made available in terms of section 27 of the Act.

Transition Period from Analogue to Digital Terrestrial Television

13. The Authority may in writing require that the Service(s) licensee provides Dual Illumination or Simulcast during the Transition Period for a specific period of time and for the whole or specific geographical areas to be communicated to the Signal Distribution Licensee in writing by the Authority.

Promotion to Competition

14. (1) The licensees shall comply with the provisions of sections 33 to 35 of the Act which stipulates that:

- (a) any practice or activity that has the object or effect of preventing, restricting or distorting competition in a market for the supply of broadcasting services or any product or service used in connection with these services is prohibited.
- (b) any abuse of individual or collective dominant position by one or more persons in a market for the supply of broadcasting services or any product used in connection with these services is prohibited.
- (c) sharing of directors and officers among otherwise unaffiliated providers of broadcasting services without the approval of the Authority is prohibited.

(2) The Authority may review any proposed acquisition of an interest conferring control in competing providers of broadcasting services, and any proposed major transaction between such providers and their affiliates for conformance with the Act and to ensure that the transaction will result in no reduction in competitive markets not offset by sufficient benefits to the public (as measured by the objects of the Act).

(3) The Authority may impose conditions before or after such acquisitions or transactions to maintain competitive broadcasting markets.

(4) Any agreements determined by the Authority to be anti-competitive will be automatically null and void.

(5) Any restrictive practice or activity whose pro-competitive effects outweigh its anti-competitive effects is deemed not to infringe the provisions of section 33.

(6) Subject to an agreement the Authority must conclude in terms of section 67 of the Competition Act, 2003 (Act 2 of 2003), the Authority has jurisdiction to investigate, enforce and authorize any breach of the competition rules contained in section 33 of the Act, on its own initiative or upon request by any person affected by the anti-competitive action concerned.

(7) No licence may be assigned by any person, and control of any person holding such a licence may not be transferred without the prior consent of the Authority, which consent may be given if the Authority finds that the transfer or assignment would not be prejudicial to the objects of this Act.

(8) The parties to any transaction transferring an interest in (or conferring or transferring a right to appoint or dismiss a director of) any holder of a licence referred to in paragraph 13.8 must notify the Authority of that transaction within 15 days from the conclusion of that transaction whether it transfers control in the licensee or not.

(9) If the transfer has ultimately resulted in a change of control, the Authority may impose necessary measures to annul the transfer or alleviate the change of control.

Safety Measures

15. (1) Licensees shall, in respect of all masts, towers or other facilities that it owns, leases or uses, take such reasonable and necessary safety measures to safeguard life or property and limit exposure to electromagnetic emission and related risks.

(2) If the construction of masts, towers or other facilities would injuriously affect any person or property, the licensee shall not continue with such construction and shall find alternative ways to erect such construction in a manner that will remove such injurious effect.

(3) The construction of masts, towers or other facilities must be done in such a manner that it does not diminish the aesthetics of the general environment in which they are constructed.

Broadcasting code

16. (1) The Authority may make a broadcasting code in terms of sections 89 of the Act and shall enforce compliance with such code in terms of section 90 of the Act.

Payment of Fees

17. (1) All licensees shall pay the broadcasting licencing fees as prescribed by the Authority from time to time.

(2) The prescribed fees shall be payable within sixty (60) days from the date of approval of the licensee's annual financial statements.

(3) If the prescribed fees are not paid by the licensee within the sixty (60) days as per sub-regulation 3 hereof, and remain unpaid after the expiry of a period of seven days after a written

notice by the Authority to the licensee to remedy the default, the Authority may declare the licence to be forfeited in terms of Section 88 of the Act.

(4) The licensees shall submit their audited annual financial statements to the Authority within 60 days after the end of the licensee's financial year in terms of section 91 of the Act.

(5) The auditing of the financial statements referred to in sub-regulation 5 hereof must be carried out by a person who is registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951).

(6) The Authority shall not be obliged to issue an invoice to the licence but shall issue a receipt upon payment of the verified and correct payment.

Duration of licences

18. (1) The authorisation to provide television-broadcasting services shall expire after ten (10) years, from the date of issue of the broadcasting licence by the Authority, with respect to a licensee providing signal distribution services in terms of Section 87(1)(b) of the Act.

(2) Licensees shall apply to the Authority to renew their licences prior to the expiry of the licence in terms of section 87(3) of the Act and as set out in the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", published in Government *Gazette* No. 4785, General Notice No. 272 of 29 August 2011, as may be amended from time to time.

(3) In terms of section 87(7) of the Act, in the event that a licensee fails to commence the provision of the Service(s) within a period of six (6) months from the date of issue of the licence, such licence shall expire at the end of the six (6) month period, upon notice in writing to the licensee by the Authority, unless otherwise approved by the Authority in advance.

(4) The Authority may, after considering a written request from a licensee, extend, in writing, for such further periods as may be determined by the Authority and if applicable, condone the licensee's failure to commence rendering broadcasting services timeously, in which event the licence will lapse after the expiry of such extended period.

Ownership and control

19. (1) The licensee shall comply with the provisions of Section 85 (2) of the Act in respect of ownership and control of such licence.

Amendment, renewal and transfer of licence or transfer of control of licence

20. (1) In the event that the licensee wishes to amend, renew and transfer its licence or transfer the control of its licence, the licensee must comply with the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", published in Government *Gazette* No. 4785, General Notice No. 272, of 29 August 2011, as may be amended from time to time.

Amendment of licence conditions

21. (1) In accordance with Section 86(3) of the Act, the Authority may, in respect of any particular licence, amend any of the conditions, including by adding further conditions-

- (a) if the Authority is of the opinion that it is in the interest of orderly spectrum management;

- (b) in order to give effect to any international treaty in relation to broadcasting to which Namibia is a party; or
- (c) at the request of the licensee.

(2) No amendment may be made to the conditions of a service licence in terms of paragraphs 21.1(a) or 21.1(b), unless the licensee concerned has been granted the opportunity to make written representations to the Authority in connection therewith.

(3) The decision by the Authority to so amend or not, is, subject to the provisions of Article 18 of the Namibian Constitution, final.

Supervision and Enforcement by the Authority

22. (1) All licenses are subject to the supervision by the Authority in accordance with section 90 and Sections 114 to 127 of the Act.

Duty to furnish information

23. (1) The licensees are obliged to supply information in advance to the Authority relating to changes regarding its contact details, contact persons, statistics on its broadcasting services, intended change of ownership, intended change of control, change of business address, court orders made against it, or any matter that materially affects its licensed operations, but not limited thereto.

Reconsideration

24. (1) The Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

L. N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 330

2013

AMENDMENT TO THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia, in terms of section 40 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009) and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as General Notice No. 334, in *Government Gazette* No. 4630 dated 17 December 2010, hereby publishes this “Amendment to the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences” published in General Notice No. 272 of 29 August, effective from the date of publication in the *Gazette*.

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 -

“category of broadcasting service licenses” means any category of broadcasting service license referred to in regulation 4 of the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories published in General Notice No. 124 of 18 May 2011, as amended by General Notice No. 74 of 13 March 2013;

“category of telecommunications service licenses” means any category of telecommunications service license referred to in regulation 5 of the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories published in General Notice No. 124 of 18 May 2011, as amended by General Notice No. 74 of 13 March 2013;

“the Regulations” means the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences published in General Notice No. 272 of 29 August 2011;

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

Amendment of regulation 3 of the Regulations

2. (1) Sub-regulations (1) and (2) of regulation 3 of the Regulations are amended by the substitution thereof for the following sub-regulation–

“**3.** (1) These regulations are applicable to applications for any-

(a) category of telecommunications service licences; and

(b) category of broadcasting service licences.”

(2) Sub-regulations (3), (4), (5), (6) and (7) of regulation 3 of the Regulations are respectively renumbered as sub-regulations (2), (3), (4), (5) and (6).

Amendment of regulation 4 of the Regulations

3. Regulation 4 of the Regulations is amended by the insertion of the following paragraph after sub-regulation (2)(f) thereof:

“(f)A include a statement of accounts setting out the financial resources available to the applicant in relation to the category of telecommunications service licences applied for;”

Amendment of regulation 5 of the Regulations

3. Regulation 5 of the Regulations is amended by the substitution for sub-regulation (2) (k) thereof of the following:

“(k) include a statement of accounts setting out the financial resources available to the applicant in relation to the category of broadcasting service licences applied for;”

L. N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 331

2013

AMENDMENT OF THE REGULATIONS REGARDING ADMINISTRATIVE AND LICENCE FEES FOR SERVICE LICENCES: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia, in terms of section 84, 85 and 88 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009) and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as General Notice No. 334, in *Government Gazette* No. 4630 dated 17 December 2010, hereby publishes this “Amendment of the Regulations Regarding Administrative and Licence Fees for Service Licences” published in General Notice No. 311 of 13 September 2012, effective from the date of publication in the *Gazette*.

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 Regarding Administrative and Licence Fees for Service Licences published in General Notice No. 311 of 13 September 2012.

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

Amendment of Regulation 2 of the Regulations

2. Regulation 2(1) of the Regulations is amended –

(a) by the addition of the following two Paragraphs subsequent to paragraph (e) thereof.

“(f) Multiplex applications; and

(g) Class Comprehensive Multiplex and Signal Distribution applications”

(b) by the deletion of the word “and” at the end of paragraph (d).

Amendment of Regulation 2 of the Regulations

3. Regulation 2(2) of the Regulations is amended –

(a) by the addition of the following two Paragraphs subsequent to paragraph (b) thereof.

“(c) Multiplex applications; and

(d) Class Comprehensive Multiplex and Signal Distribution applications”

(b) by the deletion of the word “and” at the end of paragraph (a).

Substitution of Regulation 3 of the Regulations

4. The following Regulation is substituted for Regulation 3 of the Regulations:

“...The administrative fees applicable to licences are set out in the table below, in relation to each of the different licence types as set out and defined in the Regulations Setting out Broadcasting and Telecommunications Service Licence Categories, published in *Government Gazette* No. 4714 dated 18 May 2011, amended from time to time.

| Licence Type | New licence | Amendment | Transfer / Transfer of control | Renewal | Annual Levy |
|--|---------------|---------------|--------------------------------|---------------|---------------|
| Telecommunications - Individual Comprehensive (ECNS and ECS) | n/a | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Telecommunications - Class ECNS | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Telecommunications - Class ECS | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Telecommunications - Class Comprehensive (ECNS and ECS) | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Broadcasting – Commercial | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Broadcasting – Community | N\$ 500.00 | N\$ 500.00 | N\$ 500.00 | N\$ 500.00 | N\$ 500.00 |
| Broadcasting – Public | n/a | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Broadcasting - Signal Distribution | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Multiplex | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |
| Class Comprehensive Multiplex and Signal Distribution | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 | N\$ 10 000.00 |

Substitution of Regulation 6 of the Regulations

5. The following Regulation is substituted for Regulation 6 of the Regulations:

“...The annual licence fees applicable to licences are set out in the table below, in relation to each of the different licence types as set out and defined in the Regulations Setting out Broadcasting and Telecommunications Service Licence Categories, published in Government Gazette No. 4714 dated 18 May 2011, amended from time to time.

| Licence Type | Annual Percentage Licence Fee |
|--|--|
| Telecommunications - Individual Comprehensive (ECNS and ECS) | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Telecommunications - Class ECNS | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Telecommunications - Class ECS | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Telecommunications - Class Comprehensive (ECNS and ECS) | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Broadcasting – Commercial | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Broadcasting – Community | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Broadcasting – Public | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Broadcasting - Signal Distribution | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Multiplex | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |
| Class Comprehensive Multiplex and Signal Distribution | Levy % = Minimum (1.5%, 0.0000000002*Turnover) |

L. N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 332

2013

**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, herewith gives notice that Mobile Telecommunications Limited (MTC) has filed the following tariffs for SuperAweh Packages with the Authority which will be in force and effective as from date of publication in the *Gazette*.

Customer opt-in via Class of Service (COS) migration via 134, as for the approved Aweh and Aweh packages.

- (a) 7 day subscription N\$ 50.00 plus the current day of the opt-in.
- (b) 700 free minutes once off for national calls only.
- (c) 1500 free SMS once off.
- (d) 100 MB of free data once off.
- (e) All other charges will be the same as the approved Aweh package (as per the charges shown in the table below).
- (f) All migration rules will be the same as the approved Aweh package.
- (g) This information can be obtained from the Mobile Telecommunications Limited website: www.mtc.com.na.
- (h) SuperAweh Customer can purchase International Voice bundles as well as Data Bundles.

| National Charges | |
|--|----------|
| Voice (charged at 30 Second intervals) | N\$0.495 |
| SMS | N\$0.400 |
| Data Megabyte | N\$0.500 |
| MMS | N\$0.600 |

L. N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 333

2013

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSION OF
INTERCONNECTION AGREEMENTS AND TARIFFS**

The Communications Regulatory Authority of Namibia, in terms of section 27(1)(e) of the Communications Act (Act No 8 of 2009) and 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, herewith gives notice of the following decision in respect of the reconsideration application by Telecom Namibia Limited on the TDM tariff submission.

On 01st August 2013, the Board discussed the request by Telecom Namibia Limited to reconsider its decision of 29 April 2013 (contained in Schedule 1 to this notice) on the submission of TDM tariffs. After a careful consideration of the facts and the law, preceded by a lengthy discussion of the issues raised by Telecom Namibia Limited in its reconsideration application as well as various

correspondence between the Authority and Telecom Namibia Limited related to the reconsideration, the Board resolves as follows:

RESOLUTION:

1. That the previous resolution (contained in Schedule 1 to this notice) and taken by the Board on 29 April 2013 is herewith reconfirmed, subject to the amendment to Resolution 3 as enumerated in resolution 2 hereunder;
2. That resolution 3 be changed by substituting the word “retail” for “wholesale” to read as follows: That the pricing and rates as submitted by Telecom Namibia Limited for **Schedule B: Wholesale Pricing, Once-off charges and discount structure** is not approved.
3. That in the event that Telecom Namibia Limited fails to comply within 30 days from the date of this decision with the previous resolution of the Board dated 29 April 2013, attached hereto (contained in Schedule 1 to this notice), and the decision of the Board of 1 August 2013, the Authority reserves its right to invoke, the provisions of sections 114, 115 and/or 116 of the Communications Act, 8 of 2009 (“The Act”)
4. That the Chief Executive Officer in prior consultation with the Board will take such necessary steps as may be required to invoke sections 114, 115 and/or 116 of the Act.
5. That in the event that Telecom Namibia Limited fails to comply with the full decisions of the Board of the 29th of April 2013 and the current decision of 1 August 2013 by the deadline of 30 days the Authority will issue an enforcement order, in terms of section 116 of the Act instructing Telecom Namibia Limited to
 - 5.1 refrain from charging tariffs that have not been approved in terms of section 53(1);
 - 5.2 refrain from charging tariffs that have not complied with the requirements for promotional tariffs in terms of section 53(2);
6. That, taking into consideration that Telecom Namibia Limited’s Digicon product and its relevant tariffs are no longer provided as a service, resolution 8 of the 29 April 2013 decision is herewith amended to read as follows: *“that the provisions of section 53(15) requiring that prior rates be implemented be applied in this regard, given the non-approval of the tariffs of Telecom Namibia Limited.”*
7. That the Chairperson is herewith authorised to sign off the Government Gazette publishing the decision of the Board in terms of Section 27 (1) (e) of the Act.

L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

SCHEDULE 1

On the 29th of April 2013, the Board discussed the Telecom Namibia Limited tariff application for TDM tariffs. The Board discussed the application at length, and made the following resolution.

RESOLUTION

The Board resolved:

1. That the pricing and rates as submitted by Telecom Namibia Limited for **Schedule A: Retail Pricing, Local and National Data Links Pricing Overview** is not approved.

2. That the pricing and rates as submitted by Telecom Namibia Limited for **Schedule A: Retail Pricing, Once-off charges and discount structure** is not approved.
3. That the pricing and rates as submitted by Telecom Namibia Limited for **Schedule B: Wholesale Pricing, National Express Route Pricing Overview** is approved.
4. That the pricing and rates as submitted by Telecom Namibia Limited for **Schedule B: Online Service TDM Connect** is not approved.
5. That the pricing and rates as submitted by Telecom Namibia Limited for **Schedule B: Backhauling Pricing Overview** is not approved.
6. That the pricing and rates as submitted by Telecom Namibia Limited for **Schedule B: Retail Pricing, Once-off charges and discount structure** is not approved.
7. That Telecom Namibia shall within a period of 60 days develop and submit to CRAN for approval a discount policy for wholesale operators that is fair, transparent and provide them with a competitive advantage and level playing field.
8. That Telecom Namibia shall charge the 2011 approved Digicon tariffs until such time that new pricing is submitted and approved in terms of section 53 of the Communications Act, No. 8 of 2009. ('the Act').
9. That all contracts that were signed during the promotional period on the tariffs and rates that have not been approved by CRAN be declared null and void and that new contracts be entered into with these customers, as these promotions are meant to be reductions in tariffs and not increases in tariffs in terms of section 53(2) of the Act and are thus not lawful but instead invalid for failure to comply with section 53(2).
10. Telecom Namibia Limited must inform the customers of the decision of the Board with regards to clause 9 above and
 - (a) where customers were charged the unapproved tariffs and rates Telecom Namibia should refund the difference between the approved digicon tariffs and the promotional tariffs to the customers within a period of 90 days.
 - (b) give the customer the option of a credit or monetary refund. Where customers request a monetary refund, such refund shall be paid within a period of 90 days from the date of the customer requesting same.
11. That there shall not be an interruption in services currently provided to customers until such time that a new contract has been concluded between Telecom Namibia and those customers requesting such a new contract.
12. That if Telecom Namibia Limited requests the Authority to reconsider the decision herein, Telecom Namibia Limited may submit at their earliest convenience:
 - (a) All relevant information to demonstrate the justifications for the increases, per section 53(9) of the Act;
 - (b) An unbundled pricing schedule for wholesale pricing as contained in Schedule B, Online Service TDM Connect and Backhauling Pricing Overview submitted as per section 53(19)(f), to enable the Authority to assess the application herein.
13. That Telecom Namibia Limited must provide an unbundled schedule of tariffs for **Schedule B: Wholesale Pricing, National Express Route Pricing Overview** within 30 days of this decision.

14. That the Chairman of the Board be authorised to sign the *Government Gazette Schedule B: Wholesale Pricing, National Express Route Pricing Overview* to publish the final notice to the effect that the tariffs submitted herein are not approved by the Authority.

Certified a true extract from the minutes.

Signed at Windhoek on 29 day of April 2013.

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 334

2013

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, herewith gives notice that Salt Essential Information Technology (Pty) Ltd has filed the following tariffs with the Authority which will be in force and effective as from date of publication in the Gazette.

| Product | Qty. Unit | Price per Unit N\$ |
|--|---|--------------------|
| Internet Access Services | | |
| Enterprise Internet Bandwidth (Dedicated, VPN and IPPublishing) | per kbps from 64 kbps in 64kbps increments up to 2048kbps | 14.00 |
| SME Internet Bandwidth (Shared, No VPN, No IP Publishing) | per kbps, 512, 768, 1024, 1536, 2040 | 1.85 |
| Messaging & Collaboration Services | | |
| MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License and Software) | per mailbox | 80.00 |
| MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License and Software) for customers with more than 200 mailboxes | per mailbox | 70.00 |
| MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License but no software) | per mailbox | 54.00 |
| - Additional Storage space (per GByte per Mailbox above Gbytes * numbers of users) | per GByte (actual storage, if n*user Gbyte for all users is exceeded) | 30.00 |
| - Fax Integration (GFI) | per user (optional) | 73.00 |
| - Black Berry Integration | per user (optional) | 9.50 |
| Mail Archiving (Backup, License, Web Access) | per user (optional) | 9.90 |
| - Storage space incl. backup for Mail Archiving (mm. 1 GByte) | per GByte (actual storage) | 3000 |
| - Storage space incl. backup for Mail Archiving (mm. 50 GByte) | per GByte (actual storage) | 25.00 |
| - Storage space incl. backup for Mail Archiving (mm. 100 GByte) | per GByte (actual storage) | 10.00 |
| - Storage space incl. backup for Mail Archiving (mm. 500 GByte) | per GByte (actual storage) | 8.00 |

| | | |
|--|--|---------------------------------|
| - Storage space incl. backup for Mail Archiving (mm. 1000 GByte) | per GByte (actual storage) | 6.00 |
| - Storage space incl. backup for Mail Archiving (mm. 2000 GByte) | per GByte (actual storage) | 4.00 |
| WAN Services | | |
| WAN - Link between Customer and SALT Co-Location (MPLS Wireless BB via ITN) | wholesale pricing given by ITN + N\$200,- Management Fee | as per formular |
| WAN - Link between Customer and SALT Co-Location (MPLS DIGICON via FIN) | wholesale pricing from Service provider (price less 20% on backhaul fee) + N\$200,- management fee | as per formular |
| WAN - Link between Customer and SALT Co-Location (any other ISP, MPLS via Telecom Namibia) | wholesales pricing as per reseller contract or per quotation | |
| WAN - Link between Customer and SALT Co-Location (Metro Ethernet - MPLS link Kbps as per last mile link, for pro rata usage on Metro E link to MPLS cloud) | per Ups | 0.50 |
| WAN - Management Fee only - (contract with WAN link provider resides with customer) | per link | 200.00 |
| Third Party Once-Off Setup Fees (Telecom, uN, etc.) | per link | service provider fee + N\$250,- |
| DNS & Web Services | | |
| Domain Name & Website Hosting (1 second level na domain, e.g. com.na, 1 GByte Website space) | per website | 134.00 |

L. N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 335

2013

**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, herewith gives notice that Mobile Telecommunications Limited has filed a tariff 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; and
- (4) by facsimile to the following facsimile number: +264 61 222790.
- (5) by fax to e-mail to: 088642748

L. N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

SCHEDULE 1

1. REDUCTION OF TARIFFS ON DATA BUNDLES

| BUNDLE MB | Previous Cost to Customer N\$ | New Cost to Customer N\$ |
|-----------|-------------------------------|--------------------------|
| 50 | NAD25.00 | NAD23.00 |
| 100 | NAD39.00 | NAD35.00 |
| 500 | NAD149.00 | NAD139.00 |
| 1024 | NAD249.00 | NAD239.00 |
| 20148 | NAD449.00 | NAD399.00 |
| 5120 | NAD999.00 | NAD849.00 |

2. NEW DATA BUNDLE OPTIONS

| BUNDLE MB | New Cost to Customer N\$ |
|-----------|--------------------------|
| 30 | NAD15.00 |
| 300 | NAD99.00 |

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 336

2013

**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:

(a) Broadcasting Service 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; | 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 the provision of broadcasting services intended to be provided; | Proof of Application fees paid up to date submitted? |
|----------------------------|--|---|---|-----------------------------------|--|--|
| Confluence Broadcasting CC | Namibia | 51% | Commercial Broadcasting Service Licence | Own | Yes, application is contained in part (b) below. | Yes |

(b) 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 considered by Authority for assignment; | Provision of Signal Distribution; | Description of geographic coverage areas(s) | | | Proof of Application fees paid up to date submitted? |
|----------------------------|--|---|---|--|-----------------------------------|---|------------|------------|--|
| | | | | | | Region; | District; | City/Town; | |
| Confluence Broadcasting CC | Namibia | 51% | 87-109 MHz | 105.1 MHz | Own | Erongo | Walvis Bay | Walvis Bay | Yes |

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 date of notification 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.

K. MUFETI
MEMBER OF CRAN BOARD
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No.337

2013

**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 35 of the Communications Act (Act No 8 of 2009) and regulations 7, and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, gazetted in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the following applicant has submitted the following applications:

Transfer of Licences and transfer of control of Spectrum Use Licences

| Transferor/Licensee; | Licences to be transferred; | Transferee and Percentage of Stock owned by Namibian Citizens; | Reason for transfer of licence and transfer of control; | Proof of Licence Application Fees Paid Up to Date Submitted? |
|-------------------------------|--|---|--|---|
| Powercom (Pty) Ltd t/a Leo | Spectrum Use Licences in respect of the frequencies listed in Schedule 1 to this notice. | Telecom Namibia Limited (100% Namibian Government) | The transferors have sold stock in the licensee to the transferee. | Yes |

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 date of notification 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;
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L. JACOBS
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

The following table contains the frequencies and groups of frequencies assigned in respect of the spectrum use licences been transferred:

| | | |
|----------------------------|-------------------------|----------------------|
| Powercom (Pty) Ltd t/a Leo | 905.000 - 915.000 MHz | MOBILE |
| | 950.000 - 960.000 MHz | MOBILE |
| | 1775.000 - 1785.000 MHz | FIXED MOBILE SYSTEMS |
| | 1870.000 - 1880.000 MHz | FIXED MOBILE SYSTEMS |
| | 1965.000 - 1970.000 MHz | FIXED MOBILE SYSTEMS |
| | 1975.000 - 1980.000 MHz | FIXED MOBILE SYSTEMS |
| | 2155.000 - 2160.000 MHz | FIXED MOBILE SYSTEMS |
| | 2165.000 - 2170.000 MHz | FIXED MOBILE |
| | 7485.000 MHz | FIXED |
| | 7513.000 MHz | FIXED |
| | 7541.000 MHz | FIXED |
| | 7569.000 MHz | FIXED |
| | 7653.000 MHz | FIXED |
| | 7681.000 MHz | FIXED |
| | 7709.000 MHz | FIXED |
| | 7737.000 MHz | FIXED |
| | 14739.000 MHz | FIXED |
| | 14767.000 MHz | FIXED |
| | 14795.000 MHz | FIXED |
| | 14823.000 MHz | FIXED |
| 14851.000 MHz | FIXED | |

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 338

2013

**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 regulations 10 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, herewith gives notice that the applicant referred to in the table below, has submitted an application for withdrawal of licence to the Authority:

| Applicant; | Applicant's Citizenship or place of incorporation; | Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens; | Type of license been withdrawn; | Concise Statement of the reasons for proposed withdrawal; | Date on which licensee intends to permanently discontinue providing service; | Proof of Licence Fees Paid Up to Date Submitted? Yes/No |
|----------------------------|--|--|---|---|--|---|
| Powercom (Pty) Ltd t/a Leo | Namibia | 100% | Class Comprehensive Telecommunications Service License (ECNS & ECS) | Licensee intends to permanently discontinue providing services in terms of its licence. | 3rd October 2013 | No |

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 *Government Gazette*. The applicant may submit written reply comments within fourteen (14) days from date of notification 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 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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L.N. JACOBS
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA
