

## **CRAN HOSTS PUBLIC HEARING ON THE APPLICATION FOR RECONSIDERATION ON CITY OF WINDHOEK TELECOMMUNICATIONS SERVICE LICENCE**

**FOR IMMEDIATE RELEASE  
15 JULY 2020**

The Communications Regulatory Authority of Namibia (CRAN) today hosted a public hearing on the application for reconsideration submitted by Paratus Telecommunications (Pty) Ltd, in respect of CRAN's decision to award a Class Comprehensive Telecommunications Service Licence (ECNS and ECS) to the Municipal Council of the City of Windhoek (CoW).

CRAN deemed it necessary to host the public hearing, in terms of Regulation 14 of the Regulations regarding Licensing Procedures, which makes provision for CRAN to host a public consultative meeting to provide stakeholders with an opportunity and a platform to make oral comments, regarding its decision to award a Class Comprehensive Telecommunications Service Licence (ECNS and ECS) to CoW.

### **Background to CoW Licence application:**

CoW submitted an application for a Class Network Facilities Service Licence, and the application was first published in the *Government Gazette* on 22 February 2019 (General Notice No. 30), and re-published on 26 March 2019 (General Notice No. 67) to provide more time for the public to provide comments. As per rule making procedure, the public and stakeholders were provided with an opportunity to submit comments in writing to the Authority within a period of fourteen (14) days, from the date the notice is published in the *Gazette*.

After the commenting period closed on 09 April 2019, the Authority received written comments from Paratus based on the Class Network Facilities Service Licence CoW applied for. CRAN, thus considered the application and awarded an appropriate licence to CoW. It is CRAN's ardent view that having considered the type of services that CoW intends to provide, the correct licence category is in fact a Class Comprehensive Telecommunications Service Licence (ECNS and ECS) and not a Class Network Facilities Service Licence as applied for. This is mainly due to the envisaged smart city services that CoW intends to provide, which CoW cannot provide under a Class Network Facilities Service Licence.

The licence was awarded in terms of Section 38 of the Communications Act (No. 8 of 2009) and the Procedure set out in the Procedure Regulations. The licence awarded to CoW allows for the provision of comprehensive telecommunications services, including the construction and maintenance of network facilities, mobile or fixed line telephony services and is valid for 15 years.

Jochen Traut, Acting Chief Executive Officer, CRAN stated "the Communications Act does not prohibit Local Authorities from holding Telecommunications Service Licences. In addition thereto, Section 30 of the Local Authorities Act, 1992, provides a list of services that a Local Authority Council shall provide to its residents". The majority of the services listed under Section 30 of the Local Authorities Act, 1992, may only be provided efficiently through the establishment of communications network infrastructure. Particularly, Section 30(1) (z)(ab) authorises a Local Authority Council to commercialise any service rendered by it, or any function or duty exercised or carried out by it.

Traut added that subsequently, the ICT regulatory framework prohibits any practice that has the effect of preventing, restricting or distorting competition in the market for the supply of telecommunications services. It is for this reason that CoW was also directed to consider requests from other licensed operators, and to share infrastructure, on a non-discriminatory basis and in line with Infrastructure Sharing Regulations of the Authority.

"CoW must allow the sharing of infrastructure with other licensees and may not unreasonably delay such requests. CRAN remains vested with the power to adjudicate upon any disputes pertaining to the sharing of infrastructure," said Traut.

"With regards to the issues of competition, CoW indicated that they will permit access to its network infrastructure by other licensees on similar terms and conditions and further, telecommunications operators that indicated to set up their own fiber networks will be allowed to do so subject to the CoW's by-laws," added Traut.

"The CoW is now subject to the provisions of the Communications Act (No. 8 of 2009) and CRAN's Regulations to ensure fair competition in the Telecommunications Sector," added Traut.

## **Applications for reconsideration:**

The Rule Making Procedures enabled any person(s) aggrieved by this decision to apply for reconsideration in terms of Section 31 of the Communications Act (No. 8 of 2009). Applications for reconsideration were received from Paratus Telecommunications (Pty) Ltd. Furthermore written comments were received from Telecom Namibia Limited, Dimension Data (Pty) Ltd, Internet Society of Namibia, ICT Trading Enterprise CC, Mr. H. Barnard, and Honourable Henk Mudge. Mobile Telecommunications Ltd (MTC) and Dimension Data (Pty) Ltd made presentations at the public hearing.

**Way forward:**

Pursuant to the provisions of Section 31 of the Communications Act (No. 8 of 2009), CRAN will consider all comments received and make a determination in this regard by 28 July 2020 which such decision shall be communicated to all stakeholders. All stakeholders are reminded that they have until Friday, 17 July 2020 to provide any inputs in addition to today's public hearing and the written comments already received, available on CRAN's website ([www.cran.na](http://www.cran.na)).

CRAN prides itself as a dynamic regulator and will continue to independently regulate the ICT industry by creating a competitive and levelled playing field in order to increase access to telecommunications, and advanced information services to all regions of Namibia in order to promote just, reasonable and affordable prices.

**“Ends”**

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