
General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 123

2011

REASONS DOCUMENT

The Board of the Communications Regulatory Authority of Namibia (CRAN) publishes this “Reasons Document”, to accompany the publication of the following regulations:

1. Regulations Setting out Broadcasting and Telecommunications Service Licence Categories;
2. Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting; Service Licences and Spectrum Use Licences;
3. Regulations Regarding the Submission of Interconnection Agreements and Tariffs;
4. Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences; and
5. Regulations Regarding Consumer Complaints.

Background

The Board of CRAN, in terms of the Communications Act, 2009 published draft regulations for public comment, on 11 February 2011.

The following persons submitted comments.

- MultiChoice Namibia
- Mobile Telecommunications Limited
- Telecom Namibia
- Wireless Technologies Namibia
- The Namibia Consumer Trust
- TBN Namibia TV, UNAM Radio, Channel 7 Radio, Ohangwena Community Radio, Live FM Rehoboth, Karas Community Radio, BASE FM and Robin Tyson of the University of Namibia.

Decisions of CRAN

Licence Categories

Broadcasting Services

In setting out broadcasting services licence categories, CRAN has taken a forward looking approach that ensures that:

- i. The categorisation used does not infringe on the rights of current licensees; licensees will be able to continue doing what they have been doing with regard to providing services.
- ii. The categorisation does not stop any licensee from taking advantage of any emerging or future new technology.

iii. The categorisation does not get into the business models of the broadcasters.

Comments were raised about section 84(2) of the Act. CRAN took the various factors itemised in section 84(2) into account and resolved them through adopting a technology neutral approach, which is consistent with forward looking regulation. CRAN understands the spectrum scarcity issue, but considers it an issue that should not adversely impact broadcasting service licence categories.

Telecommunications Services

Some comments raised the issue of technology and service neutral telecommunications licensing. In the regulations published, it has been clarified that all of the telecommunications service categories of licences set out in the Regulations Setting out Broadcasting and Telecommunications Service Licence Categories, are technology and service neutral.

Procedural Regulations

The Authority made changes to the draft regulations based on the comments, many of which focused on the rights of parties to be heard adequately the Authority. The regulations as finally adopted strike the right balance between fairness and efficiency and give the Authority the flexibility to deal with matters as they arise, ensuring both fairness and efficiency. That said, if it is determined that any of the procedures need to be amended from time to time, the Authority will initiate a new rule-making proceeding to amend the regulations as and when necessary.

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