



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$11.60

WINDHOEK - 17 May 2013

No. 5194

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## General Notices

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 147

2013

#### NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS 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](http://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](mailto: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

#### SUBMISSION OF TARIFFS FOR SUPERAWEH PACKAGES BY MOBILE TELECOMMUNICATIONS LIMITED COMMUNICATIONS ACT, 2009

Customer opt-in via Class of Service 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 the same as the approved Aweh package.
- (g) This information can be obtained from the Mobile Telecommunications Limited website: [www.mtc.com.na](http://www.mtc.com.na).
- (h) SuperAweh Customer can purchase International Voice bundles as well as Data Bundles.

<b>National Charges</b>	
Voice (charged at 30 Second intervals)	N\$0.495
SMS	N\$0.400
Data Megabyte	N\$0.500
MMS	N\$0.600

## COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 148

2013

### REGULATIONS REGARDING LICENSEE DISPUTES

The Communications Regulatory Authority of Namibia, in terms of section 129 of the Communications Act, No 8 of 2009 and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” published as No. 334, in Government Gazette No. 4630 dated 17 December 2010, hereby publishes these “Regulations Regarding Licensee Disputes” 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, 2009 (Act No. 8 of 2009); and

“Access Agreement” refers to interconnection agreements and agreements concluded for the provision of access to network elements or combined network elements, interconnection between network elements, sharing of infrastructure, provision of network capacity for resale, and any other service not subject to a tariff concluded on a national and international basis;

“Dispute(s)” means any dispute -

- a. alleging non-compliance or breach of any provision of a licence;
- a) alleging non-compliance or breach of a contract for the provision of services regulated by the Act;

- b) alleging non-compliance or breach of the Act or Regulations;
- c) shall include, but not limited to, complaints involving the following -
  - i. billing;
  - ii. interference complaints;
  - iii. service delivery and product delivery;
  - iv. confidential information

“Complainant” means any person, natural or juristic, who may or may not be a customer or potential customer of a person providing a service contemplated in the Act; and

“Respondent” means the person against whom the Complaint is lodged, either a licensee or a person providing a service without a licence.

### **Submission of documents to the Authority**

**2.** In these regulations submit or lodge “in writing to the Authority” means 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: +26461 222 490; or
- (5) in any other manner or at alternative addresses set out by the Authority from time to time.

### **Applicability**

**3.** These regulations are applicable to all disputes between -

- (1) Licensees; and
- (2) Persons providing a service without a licence in terms of regulation 5(2) of the Regulations Setting out Broadcasting and Telecommunications Service Licence Categories published as No. 124 in Government Gazette 4714 dated 18 May 2011 (As amended in Government Gazette 5148, Notice 74, dated 13 March 2013).

### **Submission of complaints by complainants**

**4.** (1) A Complainant may submit a Complaint in writing to the Authority on a form made available by the Authority (Attached to these regulations) -

- a) after the Complainant has submitted the substance of the Complaint to the Respondent and after fourteen (14) days, the Respondent has not adequately resolved the matter; or

- b) upon a showing of good cause why the substance of the Complaint was not first submitted to the Respondent.
- (2) Complaints shall contain -
  - a) the name and contact details of the Complainant and the name and contact details of the person submitting the Complaint, if different;
  - b) the name of the Respondent, or if the name of the Respondent is unknown, as many identifying details as are available in order to assist the Authority in identifying the Respondent;
  - c) an accurate and concise statement of the facts illustrating the Complaint and demonstrating that the Respondent acted wrongly;
  - d) a clear and concise statement of the specific relief or remedy sought; and
  - e) any other relevant information.

### **Adjudication of Disputes**

**5.** (1) Upon receiving a dispute, the Authority will within 48 hours issue an acknowledgement of receipt and a reference number, and if the dispute is not frivolous or vexatious, inform the other party or parties of the dispute by providing a copy.

(2) Respondent must submit in writing to the Authority a response within fourteen (14) days, and simultaneously provide a copy of the response to the Complainant. If the dispute involves radio frequency interference, the Respondent must submit a response to the Authority within 48 hours.

(3) The Complainant may submit in writing to the Authority its reply to the response within seven (7) days, and simultaneously provide a copy of the reply to the Respondent. In the case of radio frequency interference disputes, the Complainant may submit its reply within 48 hours to the Authority.

(4) All written submissions must be clear and concise and conform to any further requirements determined by the Authority from time to time.

(5) The Authority may request additional information or documentation from the parties relating to the dispute, and may stipulate the time periods within and the manner in which such information or documentation should be submitted.

(6) After the submission of all written submissions required by the proceeding regulation, the Authority may do any one or more of the following, and in no particular order -

- a. order mediation in terms of section 132 of the Act;
- b. initiate an investigation in terms of sections 122 - 127 of the Act;
- c. conduct oral hearings in terms of the following regulation;
- d. refuse to grant the relief sought in the dispute, either wholly or partly;
- e. grant the relief sought in the dispute, either wholly or partly;
- f. impose any appropriate penalty, including a fine; or

- g. take any other action or decision, as may be appropriate in the circumstances, or refuse to take any action or decision, as may be appropriate in the circumstances.

### **Oral hearings**

**6.** (1) If the Authority considers it necessary or appropriate, it will conduct an oral hearing.

(2) The Authority must invite the Complainant and Respondent and any witnesses, at least seven (7) days prior to the oral hearing, to make oral submissions.

(3) Unless otherwise specified by the Authority, hearings will be open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the Complaint.

(5) All oral submissions must -

(a) include a statement of the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submissions is made, if different; and

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority.

(6) If the Authority considers it necessary, it will provide the opportunity for the submission of responses to oral submissions.

(7) The Authority may request further oral or written submissions, for example, further information or clarification, from the person making the oral submissions, which documentation must be provided to the Authority in the time and the manner set out by the Authority.

(8) At the conclusion of the hearing, the Authority as part of the record of the hearing must prepare a concise report summarizing the oral submissions.

### **Decisions of the Authority**

**7.** (1) The Authority will render a decision in respect of the Complaint within thirty (30) days.

(2) After rendering its decision, the Authority will reduce the decision to writing, which must contain -

a. concise findings of fact and conclusions of law;

b. the appropriate order, sanction, relief, or remedy or the denial of the requested order; and

c. sanction, relief or remedy.

(3) In the event the Authority is unable to render a decision within thirty (30) days, the Authority will inform the Complainant and the Respondent of its inability and the reasons for such inability and what measures are being taken to address the matter urgently. The matter must be addressed within a further maximum period of fourteen (14) days, unless the Authority has identified

extraordinary circumstances beyond its reasonable control that makes it impossible to render its decision within the further maximum period of fourteen (14) days.

### **Condonation**

8. (1) In the event that a party is unable to comply with the times set out in these regulations, that party may request from the Authority an extension of time, provided that any extension of time granted by the Authority will not exceed fourteen (14) days calculated from the original due date.

### **Confidential information**

9. (1) Any person providing information or documentation may designate information as confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that he may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act and the Regulations Regarding Hearings as published in Government Gazette 5037, Notice No 310, dated 13 September 2012.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that he may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act. Closed hearings will be treated as confidential meetings in terms of section 29 of the Act, and the notice of the closed meeting required by section 29(4) must be maintained in the relevant file.

### ***Ex Parte* communications**

10. (1) A person may not communicate with the members of the Board, the chief executive officer or staff members of, or consultants to the Authority, to discuss the subject matter of a dispute proceeding, except as provided for herein.

### **Record of Disputes**

11. (1) All documents deemed relevant by the Authority to the dispute proceedings contemplated by these regulations must be maintained by the Authority separately for each proceeding in files located at the head offices of the Authority and, if practicable, on the Authority's website.

(2) Except for confidential information, any person may examine the files 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 from time to time, and, if available, on the Authority's website where copies may be downloaded free of charge.

### **Publication of decisions**

12. (1) All decisions made in terms of these regulations will be communicated to the parties to the dispute and other relevant parties in writing and, at the discretion of the Authority, may be published in the *Gazette*.

(2) The Authority will keep a register of decisions and copies of all decisions, which will be held at the head offices of the Authority and if practicable, on the Authority's website.

(3) Any person may examine the register of decisions, and copies of decisions 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, and, if available, on the Authority's website where copies may be downloaded free of charge.

### **Reconsideration**

**13.** (1) The Authority may, on its own, reconsider any decision made in terms of these regulations within the time set out in section 31 of the Act.

(2) Any person may submit to the Authority in writing a request to reconsider any decision made in terms of these regulations within 30 days of notice of the decision, and the Authority must reconsider such decision within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions b4lg received, or it may provide an opportunity for further submissions in the manner set out by the Authority.

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



**COMPLAINT FORM****LICENSEE DISPUTE**

In terms of Regulation 4 of the Regulations Regarding Licensee Disputes, Licensee Disputes must be submitted on this form, after the Respondent has been given fourteen (14) days to first resolve the matter.

Was this Complaint first submitted to Respondent? \_\_\_\_\_

If yes, on what date was it submitted to Respondent? \_\_\_\_\_

If not, please submit the substance of the Complaint to the Respondent and if after fourteen (14) days, the Respondent has not adequately resolved the matter, you may submit it to the Authority. Alternatively, show good cause why the substance of the Complaint was not first submitted to the Respondent.

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After completing this form, sign it and return it to the Authority, as required by the Regulations Regarding Licensee Disputes.

**A. COMPLAINANT**

Complainant	
Physical Address	
Postal Address	
Telephone number(s)	
Facsimile number	
Electronic mail address (es)	

**B. CONTACT PERSON (IF DIFFERENT FROM COMPLAINANT)**

Contact Person	
Physical Address	
Postal Address	
Telephone number(s)	
Facsimile number	
Electronic mail address (es)	

## C. RESPONDENT

Respondant	
Physical Address	
Postal Address	
Telephone number(s)	
Facsimile number	
Electronic mail address (es)	

## D. COMPLAINT

Provide an accurate and concise statement of the facts illustrating the Complaint and demonstrating that the Respondent acted wrongly.


## E. RELIEF SOUGHT

Provide a clear and concise statement of the specific relief or remedy sought


## F. ANY OTHER INFORMATION

Provide any other relevant information.


Signed by \_\_\_\_\_ at \_\_\_\_\_ in  
his/her capacity as \_\_\_\_\_ duly authorized 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. 149

2013

**NOTICE OF INTENTION TO MAKE 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 regulation 4(3) of the “Regulations Regarding Rule-Making Procedures” as published in Government Gazette No. 4630, General Notice No. 334 of 17 December 2010, publishes this Notice of Intention to make regulations Regarding Licence Conditions for Class Comprehensive Multiplex and Signal Distribution Service Licences, Multiplex Licences and Signal Distribution Service Licences, which contains the following:

1. A draft of the proposed Regulations as set out in Schedule 1;
2. A concise statement of the purpose for the proposed Regulations as set out in Schedule 2.

The public may make oral submissions on the proposed regulations to the Authority, at a time, date and place notified by the Authority by subsequent notice in the *Gazette*.

The public may also make written submissions to the Authority within thirty (30) days from the date of publication of this notice in the *Gazette*, in the manner set out below for making written submissions.

Reply comments to written submissions may be submitted to the Authority-

- (a) Within a period of fourteen (14) days from the date of notification of written comments by the Authority; or
- (b) If the opportunity for the submission of reply comments is published in a subsequent *Gazette*, after the lapse of fourteen (14) days from the date of such publication.

All written submissions must -

- (a) 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
- (b) be clear and concise.

All written submission must send or given in any of the following manner:

- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (c) by electronic mail to the following address: [legal@cran.na](mailto:legal@cran.na); and
- (d) by facsimile to the following facsimile number: +264 61 222490.

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

**SCHEDULE 1****PROPOSED 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 Authority of Namibia, in terms of Section 86 of the Act 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, intends to make regulations Regarding Proposed Licence conditions for Class Comprehensive Multiplex and Signal distribution Service Licences, Multiplex Licences and Signal distribution Service.

**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 *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. (1) 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, 1992 (Act No. 23 of 1992) 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 the operational date as stated in sub-regulation (1) above.

(4) Tariffs submitted must indicate all information in 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 *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.** (1) 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 sec 86(3) 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.

## **SCHEDULE 2**

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

1. In terms sections 83, 85 and 86 of the Communications Act, 2009 (Act No. 8 of 2009), the Authority may issue broadcasting licences and on such conditions as it may determine.
2. The purpose of the attached proposed regulations is to set out standard licence conditions for Class Comprehensive Multiplex and Signal distribution Service Licences, Multiplex Licences and Signal distribution Service Licence categories as contemplated in the Regulations Setting Out Broadcasting and Telecommunications Service License Categories published in General Notice No. 124 of 18 May 2011 as amended in Government Gazette No. 5148 of 13 March 2013.

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### **COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 150

2013

#### **NOTICE OF INTENTION TO AMEND 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 regulation 4(3) of the Regulations Regarding Rule-Making Procedures published in General Notice No. 334 of 17 December 2010 publishes this Notice of Intention to Amend 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, which contains the following:

1. A draft of the proposed Regulations as set out in Schedule 1;

2. A concise statement the purpose for the proposed Regulations as set out in Schedule 2.

The public may make oral submissions on the proposed regulations to the Authority, at a time, date and place notified by the Authority by subsequent notice in the *Gazette*.

The public may also make written submissions to the Authority within thirty (30) days from the date of publication of this notice in the *Gazette*, in the manner set out below for making written submissions.

Reply comments to written submissions may be submitted to the Authority-

- (a) within a period of fourteen (14) days from the date of notification of written comments by the Authority; or
- (b) if the opportunity for the submission of reply comments is published in a subsequent *Gazette*, after the lapse of fourteen (14) days from the date of such publication.

All written submissions must-

- (a) 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
- (b) be clear and concise.

All written submissions must be send or given in any of the following manner:

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](mailto:legal@cran.na);
4. By facsimile to the following facsimile number: + 264 61 222 790

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

## **SCHEDULE 1**

### **PROPOSED AMENDMENT TO REGULATIONS REGARDING LICENCING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority, in terms of section 40 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009), amends 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 set out in the Schedule.

#### **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**

**4.** 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;”

## **SCHEDULE 2**

### **PURPOSE OF THE PROPOSED AMENDMENT TO REGULATIONS REGARDING LICENCING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES COMMUNICATIONS ACT, 2009**

1. In terms of section 129 read with section 40 of the Communications Act, 2009 (Act No. 8 of 2009) and Regulations Regarding Rule Making Procedures, the Authority wishes

to amend 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.

2. The amendment is necessitated to make the Regulations explicitly applicable to categories of telecommunications service licence applications and broadcasting service licence applications as contemplated in the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories published in General Notice No. 124 of 18 My 2011, as amended by General Notice No. 74 of 13 March 2013.
3. In addition, the requirement that an applicant must include a statement of accounts setting out the financial resources available to the applicant applicable to applications for a category of broadcasting licences are similarly made applicable to applications for any category of telecommunications service licences.

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 151

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 101 of the Communications Act, read with regulations 6 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, submitted an application for a spectrum use 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 Na- mibian Citizens;	Radio Frequencies or group of frequencies applied for;	Radio Frequen- cies or group of frequen- cies to be awarded;	Services intended to be provided using the spectrum being applied for	Descrip- tion of geo- graphic coverage area(s);	Type of ser- vice licence;	Proof of Licence Applica- tion Fees Paid Up to Date Sub- mitted?  Yes/No
Salt Es- sential IT (Information Technology) (Pty) Ltd	Namibia	100%	3600 -3620 MHz	3600 -3620 MHz	Fixed/Broad- band Wireless Systems	Namibia	Class Tele- communica- tions Service License (ECS)	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 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.

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

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 152

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, intends to permanently discontinue providing a service in accordance with its license and has submitted an application for withdrawal of licence to the Authority:

<b>Applicant;</b>	<b>Applicant’s Citizenship or place of incorpora- tion;</b>	<b>Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namib- ian Citizens;</b>	<b>Type of license been with- drawn;</b>	<b>Concise Statement of the reasons for proposed withdrawal;</b>	<b>Date on which licensee intends to permanently discontinue pro- viding service;</b>	<b>Proof of Licence Applica- tion Fees Paid Up to Date Sub- mitted? Yes/No</b>
Salt Essential IT (Informa- tion Technol- ogy) (Pty) Ltd	Namibia	100%	Class Tele- communica- tions Service License (ECS)	Applicant has submit- ted an application for a Class Comprehensive Telecommunications Ser- vice Licence (ECNS and ECS) and will therefore, not require the current li- cense (Class Telecommu- nications Service License (ECS).	Date on which the Comprehen- sive Telecom- munications Service Licence (ECNS and ECS) will be issued. <sup>1</sup>	Yes

<sup>1</sup>Provisionally on 24<sup>th</sup> June 2013, in line with the requirement of at least 60 days notice from date of submission of application as contained in regulation 10(3)(e) of the Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences.

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 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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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 153

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 4 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, submitted an application for a Comprehensive Telecommunications Service Licence (ECNS and ECS) to the Authority:

<b>Applicant;</b>	<b>Applicant's Citizenship or place of incorporation;</b>	<b>Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Na- mibian Citizens;</b>	<b>Category of Class Tele- communica- tions service intended to be provided;</b>	<b>Does applicant intend to use spectrum in the provision of the telecommuni- cation service?</b>	<b>Concise statement on Services intended to be provided;</b>	<b>Descrip- tion of geo- graphic coverage area(s);</b>	<b>Proof of Licence Appli- cation Fees Paid Up to Date Submit- ted?</b>
Salt Essential IT (Information Technology) (Pty) Ltd	Namibia	100%	Comprehensive Telecommunications Service Licence (ECNS and ECS)	Yes, spectrum use licence application has been submitted	Fixed/Broadband Wireless Systems	Namibia	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 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;
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**L.N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 154

2013

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS 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, and section 53 of the Communications Act, 2009 (Act No. 8 of 2009), herewith gives notice of the following tariffs for Telecom Namibia Limited, which will be in force, effective from date of publication of this notice in the *Gazette*:

WHOLESALE PRICING										
National Express Route Pricing Overview										
			DS3	STM1	2 x STM1	STM4	2 x STM4	STM16	2 x STM16	STM64
From - To	Provider	Protection	MRC (In NS)	MRC (In NS)	MRC (In NS)	MRC (In NS)	MRC (In NS)	MRC (In NS)	MRC (In NS)	MRC (In NS)
Windhoek - Swakopmund	Telecom Namibia	Unprotected	134,959.04	159,918.08	255,868.93	367,811.58	588,498.53	845,966.64	1,353,546.62	1,776,529.93
Windhoek - Swakopmund	Telecom Namibia	Protected	159,918.08	209,836.16	335,737.85	482,623.16	772,197.06	1,110,033.27	1,776,053.23	2,331,069.87
Windhoek - Katima Mulilo	Telecom Namibia	Unprotected	163,313.99	216,627.98	346,604.78	498,244.36	797,190.98	1,145,962.04	1,833,539.26	2,406,520.28
Windhoek - Katima Mulilo	Telecom Namibia	Protected	216,627.98	323,255.97	517,209.55	743,488.73	1,189,581.97	1,710,024.08	2,736,038.52	3,591,050.56
Windhoek - Zambian Border	Telecom Namibia	Unprotected	165,191.55	220,383.11	352,612.97	506,881.14	811,009.83	1,165,826.63	1,865,322.60	2,448,235.92
Windhoek - Zambian Border	Telecom Namibia	Protected	218,505.54	327,011.09	523,217.74	752,125.51	1,203,400.81	1,729,888.67	2,767,821.86	3,632,766.20
Windhoek - Ngoma	Telecom Namibia	Unprotected	167,219.05	224,438.11	359,100.97	516,207.65	825,932.24	1,187,277.60	1,899,644.16	2,493,282.95

Windhoek - Ngoma	Telecom Namibia	Protected	222,560.55	335,121.10	536,193.76	770,778.52	1,233,245.64	1,772,790.61	2,836,464.97	3,722,860.27
Windhoek - Gobabis	Telecom Namibia	Unprotected	117,906.06	125,812.12	201,299.39	289,367.87	462,988.59	665,546.09	1,064,873.75	1,397,646.80
Windhoek-Gobabis	Telecom Namibia	Protected	125,812.12	141,624.23	226,598.77	325,735.73	521,177.18	749,192.19	1,198,707.50	1,573,303.60
Windhoek - Buitepos	Telecom Namibia	Unprotected	138,378.01	166,756.02	266,809.63	383,538.84	613,662.14	882,139.32	1,411,422.92	1,852,492.58
Windhoek - Buitepos	Telecom Namibia	Protected	164,878.46	219,756.91	351,611.06	505,440.90	808,705.43	1,162,514.06	1,860,022.50	2,441,279.53
Windhoek - Ariamsvlei	Telecom Namibia	Unprotected	160,032.66	210,065.32	336,104.51	483,150.23	773,040.37	1,111,245.53	1,777,992.84	2,333,615.60
Windhoek - Ariamsvlei	Telecom Namibia	Protected	208,187.76	306,375.51	490,200.82	704,663.68	1,127,461.89	1,620,726.46	2,593,162.34	3,403,525.57
Windhoek - Velloorsdrift	Telecom Namibia	Unprotected	160,032.66	210,065.32	336,104.51	483,150.23	773,040.37	1,111,245.53	1,777,992.84	2,333,615.60
Windhoek - Velloorsdrift	Telecom Namibia	Protected	208,187.76	306,375.51	490,200.82	704,663.68	1,127,461.89	1,620,726.46	2,593,162.34	3,403,525.57
Windhoek - Oranjemund	Telecom Namibia	Unprotected	157,194.16	204,388.31	327,021.30	470,093.12	752,148.98	1,081,214.17	1,729,942.67	2,270,549.75
Windhoek - Oranjemund	Telecom Namibia	Protected	202,510.75	295,021.50	472,034.40	678,549.45	1,085,679.13	1,560,663.74	2,497,061.99	3,277,393.86
Windhoek - Oshikango	Telecom Namibia	Unprotected	156,064.30	202,128.59	323,405.75	464,895.76	743,833.22	1,069,260.25	1,710,816.41	2,245,446.53
Windhoek - Oshikango	Telecom Namibia	Protected	200,251.03	290,502.06	464,803.30	668,154.75	1,069,047.60	1,536,755.92	2,458,809.47	3,227,187.43
Windhoek - Rundu	Telecom Namibia	Unprotected	153,779.79	197,559.59	316,095.34	454,387.05	727,019.28	1,045,090.22	1,672,144.35	2,194,689.46
Windhoek - Rundu	Telecom Namibia	Protected	197,559.59	285,119.17	456,190.68	655,774.10	1,049,238.56	1,508,280.43	2,413,248.70	3,167,388.91
Windhoek - Walvis Bay	Telecom Namibia	Unprotected	136,601.55	163,203.09	261,124.95	375,367.11	600,587.38	863,344.36	1,381,350.98	1,813,023.16
Windhoek - Walvis Bay	Telecom Namibia	Protected	163,203.09	216,406.19	346,249.90	497,734.23	796,374.76	1,144,788.72	1,831,661.95	2,404,056.31
Windhoek - Tsumeb	Telecom Namibia	Unprotected	147,348.51	184,697.02	295,515.24	424,803.16	679,685.05	977,047.26	1,563,275.62	2,051,799.25
Windhoek - Tsumeb	Telecom Namibia	Protected	184,697.02	259,394.05	415,030.48	596,606.31	954,570.10	1,372,194.52	2,195,511.23	2,881,608.49
Windhoek - Oshakati	Telecom Namibia	Unprotected	152,134.67	194,269.33	310,830.94	446,819.47	714,911.15	1,027,684.78	1,644,295.65	2,158,138.04
Windhoek - Oshakati	Telecom Namibia	Protected	194,269.33	278,538.67	445,661.87	640,638.94	1,025,022.30	1,473,469.56	2,357,551.30	3,094,286.08
Windhoek - Keetmanshoop	Telecom Namibia	Unprotected	145,145.29	180,290.59	288,464.94	414,668.35	663,469.36	953,737.21	1,525,979.53	2,002,848.13
Windhoek - Keetmanshoop	Telecom Namibia	Protected	180,290.59	250,581.17	400,929.88	576,336.70	922,138.72	1,325,574.41	2,120,919.06	2,783,706.27
Swakopmund - Katima Mulilo	Telecom Namibia	Unprotected	176,249.74	242,499.48	387,999.17	557,748.81	892,398.10	1,282,822.27	2,052,515.63	2,693,926.77
Swakopmund - Katima Mulilo	Telecom Namibia	Protected	242,499.48	374,998.97	599,998.35	862,497.63	1,379,996.20	1,983,744.54	3,173,991.27	4,165,863.54
Swakopmund - Zambian Border	Telecom Namibia	Unprotected	178,127.30	246,254.60	394,007.37	566,385.59	906,216.95	1,302,686.86	2,084,298.98	2,735,642.41
Swakopmund - Zambian Border	Telecom Namibia	Protected	244,377.04	378,754.09	606,006.54	871,134.41	1,393,815.05	2,003,609.13	3,205,774.61	4,207,579.18
Swakopmund - Ngoma	Telecom Namibia	Unprotected	180,154.80	250,309.61	400,495.37	575,712.10	921,139.36	1,324,137.83	2,118,620.53	2,780,689.44
Swakopmund - Ngoma	Telecom Namibia	Protected	248,432.05	386,864.10	618,982.56	889,787.42	1,423,659.88	2,046,511.07	3,274,417.72	4,297,673.25
Swakopmund - Buitepos	Telecom Namibia	Unprotected	151,313.76	192,627.52	308,204.02	443,043.29	708,869.26	1,018,999.56	1,630,399.29	2,139,899.07
Swakopmund - Buitepos	Telecom Namibia	Protected	190,749.96	271,499.91	434,399.86	624,449.79	999,119.67	1,436,234.53	2,297,975.24	3,016,092.51
Swakopmund - Ariamsvlei	Telecom Namibia	Unprotected	183,931.84	257,863.68	412,581.88	593,086.45	948,938.33	1,364,098.84	2,182,558.15	2,864,607.57
Swakopmund - Ariamsvlei	Telecom Namibia	Protected	255,986.12	401,972.23	643,155.57	924,536.13	1,479,257.81	2,126,433.10	3,402,292.96	4,465,509.51
Swakopmund - Velloorsdrift	Telecom Namibia	Unprotected	183,931.84	257,863.68	412,581.88	593,086.45	948,938.33	1,364,098.84	2,182,558.15	2,864,607.57
Swakopmund - Velloorsdrift	Telecom Namibia	Protected	255,986.12	401,972.23	643,155.57	924,536.13	1,479,257.81	2,126,433.10	3,402,292.96	4,465,509.51
Swakopmund - Oranjemund	Telecom Namibia	Unprotected	181,093.34	252,186.67	403,498.67	580,029.34	928,046.95	1,334,067.49	2,134,507.98	2,801,541.72
Swakopmund - Oranjemund	Telecom Namibia	Protected	250,309.11	390,618.22	624,989.15	898,421.91	1,437,475.05	2,066,370.38	3,306,192.61	4,339,377.80
Swakopmund - Oshikango	Telecom Namibia	Unprotected	155,037.52	200,075.04	320,120.06	460,172.59	736,276.14	1,058,396.95	1,693,435.11	2,222,633.59

Swakopmund - Oshikango	Telecom Namibia	Protected	198,197.48	286,394.95	458,231.93	658,708.39	1,053,933.43	1,515,029.31	2,424,046.89	3,181,561.54
Ariamsvlei - Katima Mulilo	Telecom Namibia	Unprotected	205,443.77	300,887.54	481,420.06	692,041.34	1,107,266.14	1,591,695.08	2,546,712.12	3,342,559.66
Ariamsvlei - Katima Mulilo	Telecom Namibia	Protected	299,009.98	488,019.96	780,831.93	1,122,445.90	1,795,913.44	2,581,625.56	4,130,600.90	5,421,413.68
Ariamsvlei - Zambian Border	Telecom Namibia	Unprotected	207,321.33	304,642.66	487,428.25	700,678.11	1,121,084.98	1,611,559.66	2,578,495.46	3,384,275.29
Ariamsvlei - Zambian Border	Telecom Namibia	Protected	300,887.54	491,775.08	786,840.12	1,131,082.67	1,809,732.28	2,601,490.15	4,162,384.24	5,463,129.32
Ariamsvlei - Ngoma	Telecom Namibia	Unprotected	209,348.83	308,697.66	493,916.26	710,004.62	1,136,007.40	1,633,010.63	2,612,817.02	3,429,322.33
Ariamsvlei - Ngoma	Telecom Namibia	Protected	304,942.54	499,885.08	799,816.13	1,149,735.69	1,839,577.11	2,644,392.09	4,231,027.35	5,553,223.39
Ariamsvlei - Buitepos	Telecom Namibia	Unprotected	180,507.78	251,015.57	401,624.91	577,335.81	923,737.29	1,327,872.36	2,124,595.78	2,788,531.96
Ariamsvlei - Buitepos	Telecom Namibia	Protected	247,260.45	384,520.90	615,233.44	884,398.06	1,415,036.90	2,034,115.55	3,254,584.87	4,271,642.65
Ariamsvlei - Oshikango	Telecom Namibia	Unprotected	198,117.75	286,235.51	457,976.81	658,341.67	1,053,346.67	1,514,185.84	2,422,697.35	3,179,790.27
Ariamsvlei - Oshikango	Telecom Namibia	Protected	282,480.39	454,960.78	727,937.24	1,046,409.79	1,674,255.66	2,406,742.51	3,850,788.01	5,054,159.26
Velloorsdrift - Katima Mulilo	Telecom Namibia	Unprotected	205,443.77	300,887.54	481,420.06	692,041.34	1,107,266.14	1,591,695.08	2,546,712.12	3,342,559.66
Velloorsdrift - Katima Mulilo	Telecom Namibia	Protected	299,009.98	488,019.96	780,831.93	1,122,445.90	1,795,913.44	2,581,625.56	4,130,600.90	5,421,413.68
Velloorsdrift - Zambian Border	Telecom Namibia	Unprotected	207,321.33	304,642.66	487,428.25	700,678.11	1,121,084.98	1,611,559.66	2,578,495.46	3,384,275.29
Velloorsdrift - Zambian Border	Telecom Namibia	Protected	300,887.54	491,775.08	786,840.12	1,131,082.67	1,809,732.28	2,601,490.15	4,162,384.24	5,463,129.32
Velloorsdrift - Ngoma	Telecom Namibia	Unprotected	209,348.83	308,697.66	493,916.26	710,004.62	1,136,007.40	1,633,010.63	2,612,817.02	3,429,322.33
Velloorsdrift - Ngoma	Telecom Namibia	Protected	304,942.54	499,885.08	799,816.13	1,149,735.69	1,839,577.11	2,644,392.09	4,231,027.35	5,553,223.39
Velloorsdrift - Buitepos	Telecom Namibia	Unprotected	180,507.78	251,015.57	401,624.91	577,335.81	923,737.29	1,327,872.36	2,124,595.78	2,788,531.96
Velloorsdrift - Buitepos	Telecom Namibia	Protected	247,260.45	384,520.90	615,233.44	884,398.06	1,415,036.90	2,034,115.55	3,254,584.87	4,271,642.65
Velloorsdrift - Oshikango	Telecom Namibia	Unprotected	198,117.75	286,235.51	457,976.81	658,341.67	1,053,346.67	1,514,185.84	2,422,697.35	3,179,790.27
Velloorsdrift - Oshikango	Telecom Namibia	Protected	282,480.39	454,960.78	727,937.24	1,046,409.79	1,674,255.66	2,406,742.51	3,850,788.01	5,054,159.26
Oranjemund - Katima Mulilo	Telecom Namibia	Unprotected	202,605.27	295,210.53	472,336.85	678,984.22	1,086,374.76	1,561,663.72	2,498,661.95	3,279,493.80
Oranjemund - Katima Mulilo	Telecom Namibia	Protected	293,332.97	476,665.94	762,665.51	1,096,331.67	1,754,130.67	2,521,562.84	4,034,500.55	5,295,281.97
Oranjemund - Zambian Border	Telecom Namibia	Unprotected	204,482.83	298,965.65	478,345.04	687,621.00	1,100,193.60	1,581,528.30	2,530,445.29	3,321,209.44
Oranjemund - Zambian Border	Telecom Namibia	Protected	295,210.53	480,421.06	768,673.70	1,104,968.45	1,767,949.52	2,541,427.43	4,066,283.89	5,336,997.61
Oranjemund - Ngoma	Telecom Namibia	Unprotected	206,510.33	303,020.66	484,833.05	696,947.51	1,115,116.02	1,602,979.28	2,564,766.84	3,366,256.48
Oranjemund - Ngoma	Telecom Namibia	Protected	299,265.54	488,531.07	781,649.72	1,123,621.47	1,797,794.35	2,584,329.37	4,134,927.00	5,427,091.69
Oranjemund - Buitepos	Telecom Namibia	Unprotected	177,669.28	245,338.56	392,541.70	564,278.70	902,845.91	1,297,841.00	2,076,545.60	2,725,466.10
Oranjemund - Buitepos	Telecom Namibia	Protected	241,583.44	373,166.89	597,067.02	858,283.84	1,373,254.14	1,974,052.83	3,158,484.52	4,145,510.94
Oranjemund - Oshikango	Telecom Namibia	Unprotected	195,279.25	280,558.50	448,893.61	645,284.56	1,032,455.29	1,484,154.48	2,374,647.17	3,116,724.41
Oranjemund - Oshikango	Telecom Namibia	Protected	276,803.38	443,606.77	709,770.82	1,020,295.56	1,632,472.90	2,346,679.79	3,754,687.66	4,928,027.56
Buitepos - Oshikango	Telecom Namibia	Unprotected	156,512.15	203,024.31	324,838.89	466,955.91	747,129.46	1,073,998.60	1,718,397.75	2,255,397.05
Buitepos - Oshikango	Telecom Namibia	Protected	201,146.75	292,293.50	467,669.60	672,275.04	1,075,640.07	1,546,232.60	2,473,972.16	3,247,088.47

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