



Mobile Telecommunications Limited

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11 March 2011

35-2011 MG/jo

**The Chairman
Communication Regulatory Authority of Namibia
Communication House, 56 Robert Mugabe Avenue,
WINDHOEK, NAMIBIA**

BY HAND

Dear Sir

**RE: COMMENTS TO THE PROPOSED REGULATIONS PUBLISHED IN THE GOVERNMENT GAZETTE
NO. 4647 OF 11 FEBRUARY 2011**

We refer to your invitation contained in the above Government Gazette to the operators and or interested parties to provide comments to various Notices, namely Notices 14-18 for your consideration.

We have studied the above Notices and have therefore prepared our comments attached hereto for your consideration. An electronic version shall be sent via email address as provided by you in Notice No. 334.

Yours faithfully

Miguel Geraldès

Managing Director

SUBMISSION TO THE PROPOSED REGULATIONS PUBLISHED IN THE GOVERNMENT GAZETTE NO. 4647 ON 11 FEBRUARY 2011

1. General Notice 14: Regulations regarding Broadcasting and Telecommunications Service Licence Categories

Ad Paragraph 5(1): Telecommunications Service Licences Categories

The Categories of licences stipulated herein do not seem to follow the same classification used under Section 38 of the Communications Act. For example, it is not clear as to under which category the Service and Technology Neutral license falls.

Ad Paragraph 6: Manner of Prosecuting Regulatory Offences

It is not clear under this Regulation whether or not summons may be issued against natural persons only or juristic persons as well. Since the Act and/ or Regulations do not define the word "person" it is assumed that it covers both.

2. General Notice 15: Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences

Ad Paragraph 11(1) Withdrawal of licences

There could be instances where it may not be practically possible to establish the envisaged service interruption within the proposed time period of 24 hours. Therefore, it is proposed that the wording *"... or as soon the licensee become aware of such stoppage or interruption"*, be inserted after the word *"hours"*.

Ad Paragraph 12: Application Procedures

It is important to licensees/ applicants that a time limit is stipulated within which the Authority shall be required to consider and dispose of the application. This is to avoid a process from dragging on unnecessarily.

Ad Paragraph 14: Oral Hearings

The Regulations do not make provisions for an Applicant to be furnished with information/ issues raised during the hearing and for the opportunity for such an Applicant to make a representation in response to such information. This is a fundamental principle in terms of administrative justice that must be observed by any administrative body (such as CRAN) before taking any decision.

3. General Notice No. 16: Regulations regarding Submission of Interconnection Agreements and Tariffs

Ad Paragraph 6: Oral hearing regarding International Interconnection Agreements

The Regulations do not make provision for an Applicant to be furnished with information/ issues raised during the hearing and for the opportunity for such an Applicant to make a representation in response to such information. This is a fundamental principle in terms of administrative justice that must be observed by any administrative body (such as CRAN) before taking any decision.

4. General Notice 17: Regulations regarding Transitional Procedures for the telecommunications and Broadcasting Service Licences and Spectrum Licences.

Ad Paragraph 4: Telecommunication and Broadcasting Service Licences contemplated under 92 and 135(2)

It is proposed that the time period within which the licence holder must submit the required information and documentation should be increased from 30 to 60 days as the process is very technical and laborious.

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