



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 101

2014

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 the following tariffs for SuperAweh Packages of Mobile Telecommunications Limited (MTC) will be in force, effective from 18 July 2013.

Customer opt-in via Class of Services (COS) migration via 134, as for the approved Aweh and Aweh-Lite 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 approved Aweh package.
- (g) This information can be obtained from the Mobile Telecommunications Limited website: www.mtc.com.na.
- (h) SuperAweh Customers can purchase International Voice bundles as well as Data Bundles.

National Charges	
Voice (charged at 30 Second intervals)	N\$ 0.49
SMS	N\$ 0.400
Data Megabyte	N\$ 0.50
MMS	N\$ 0.600

Reasons for the Authority's Decision

1. On 22 March 2013, Mobile Telecommunications Limited (hereinafter referred to as "MTC") submitted the SuperAweh package for approval to the Authority. On 1 June 2013, the Board resolved that the pricing and the rates as submitted by MTC are approved as submitted.
2. On 3 September 2013, the Authority received a letter from Powercom (Pty) Ltd t/a Leo expressing their dissatisfaction with the approval of the SuperAweh tariffs, indicating that the offer is anti-competitive.
3. Pursuant to the provisions of section 53(16) of the Act, the Authority conducted an investigation into the reasonableness of the complaint received from Powercom (Pty) Ltd. On 8 October 2013, the Authority requested MTC to provide reply comments on the complaint received from Powercom (Pty) Ltd t/a Leo within a period of 14 days. MTC requested for an extension of time and submitted the reply comments on 5 November 2013. Their response was as follows:
 - (i) SuperAweh is offered to MTC customers as a product to be as attractive as proliferated Over-the-Top (OTT) services such as Skype, WhatsApp, Viber, etc enabled by the technology layering of the industry since these services may threaten the sustainability of the intensive investments in broadband networks.
 - (ii) SuperAweh is a weekly subscription where customers have access to more usage than at normal tariffs, and because MTC knows that the customers will not deplete all packages, therefore the 700 minutes were aimed at enticing the customers and not to be used completely by most of the customers.
 - (iii) Upon investigation the particulars of the usage of the SuperAweh package during September 2013, it was established that 8% of customers that acquired at least one SuperAweh during September 2013 surpassed MTC's expectation in terms of usage of voice calls.

4. An analysis of the SuperAweh package showed that the ARPU was N\$ 0.20, which is below the approved MTR of N\$ 0.30, which was approved by the Namibia Communications Commission in 2009. This package can therefore, be seen as anti-competitive.
5. This therefore, needs to be corrected in order to ensure that there would be no anti-competitive behaviour in the market by any licensee. At the same time consumers need to be protected as per section 2(k) of the Communication Act, 2009 (Act No. 8 of 2009), which states that the Authority must ensure fair competition and consumer protection in the telecommunications sector. There are therefore, three options available to correct this situation:
 - (i) Suspend the SuperAweh package with immediate effect;
 - (ii) Reduce the benefits on the package to ensure that the anti-competitive behavior is corrected; or
 - (iii) Reduce the termination rate to N\$ 0.20 with immediate effect (This will be applicable to all licensees and not only MTC).
6. The Authority noted that the first two options would have a negative impact on consumers especially those who are currently using SuperAweh because they will not be able to utilize the package or their benefits will be reduced. This is a direct contradiction of section 2(k) of the Communications Act because consumers will no longer be protected although the anti-competitive behavior will be corrected.
7. In the Authority's opinion the best option would be to reduce the Mobile Termination Rates. This option will also correct the anti-competitive behavior and at the same time will have long-term benefits for both operators and consumers.
8. The mobile termination rates were reduced to N\$ 0.20 as published in Government Gazette No. 5369, Notice No. 511 dated 20 December 2013. Consequently, the SuperAweh Package will continue to be implemented as approved and published in Government Gazette No. 5269, Notice No. 332 dated 19 August 2013.

L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 102

2014

**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 Mwireless (Pty) Ltd t/a Africa Online has filed a tariff with the Authority as set out in Schedule 1, which will be in force, effective from 8 August 2013.

SCHEDULE 1**SUBMISSION OF TARIFFS FOR NAWA VSAT PRICING – MWIRELESS (PTY) LTD T/A AFRICA ONLINE: COMMUNICATIOSN ACT, 2009**

UPLOAD SPEED	DOWNLOAD SPEED	2 YEAR	CAPPING
256K	512K	N\$ 499.00	3G
256K	1024K	N\$ 829.00	4G
256K	2048K	N\$ 1049.00	6G
256K	4096K	N\$ 1129.00	8G
256K	6144K	N\$ 1479.00	10G
256K	4096K	N\$ 4999.00	8G - UNLIMITED

- Additional are available at N\$ 129/1GB on capped services
- Unlimited package will be throttled/slowed down when cap is reached
- Hardware N\$ 5750
- Installation Fees N\$ 1500
- Transport Fees N\$ 4/KM

Bracket type:

Bracket 1: with back plate: N\$ 380 excluding VAT – Wall Mount

Bracket 2: with back plate: N\$ 380 excluding VAT – 1.5 m straight up mounts with foot plate (to mount on concrete)

Bracket 3: without back plate: N\$ 280 excluding VAT – 2 m pole (to mount in concrete)

Consumers can opt to add N\$ 300 per month and pay no upfront fees provided it's a contract of 24 months.

All prices exclude 15% VAT.

Reasons for the Authority's Decision

On 10 June 2013, Mwireless (Pty) Ltd t/a Africa Online submitted tariffs in terms of section 53(1) (7) of the Communications Act, 2009 (Act No. 8 of 2009) (Hereinafter referred to as "the Act"). The submission indicated that the tariffs would come into force on 8 August 2013, which is 60 days from 10 June 2013.

As stipulated in section 53(10) of the Act and regulation 8(1) of the Regulations Regarding the Submission of Interconnection Agreements and Tariffs, published in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, the proposed tariffs were published as General Notice No. 232 in the Government Gazette No. 5231 dated 24 June 2013.

The notice also contained a commenting period of fourteen (14) days from the date of publication in the Notice in the *Gazette*. No public comments were received.

The submission complied with section 53(9) of the Act in that it contained all pertinent information concerning rates and charges for services, including all deposits, non-recurring charges and monthly charges as well as all terms and conditions applicable to the provisions of services, including rights and remedies available to customers in the event of unauthorized charges or disputes over billing or the provision of services.

In addition, the tariff submission included accounting and cost information as is required to make an analysis, as contemplated in section 53(18) of the Act. Thus, all requirements in terms of section 53

of the Act that deals with the approval of tariffs have been adhered to, and these tariffs are deemed to be fair and reasonable.

L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 103

2014

**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 6 and 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 (as amended), herewith gives notice that the Applicant referred to in the table below have submitted the following application to the Authority:

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 being considered for assignment by the Authority;	Description of geographic coverage area(s)			Maximum Output power & Coordinates;	License Fees Outstanding;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;				
Namibian Broadcasting Corporation (NBC)	Namibia	100 %	88 – 108 MHz	93.3 MHz Rukavango	Erongo	Swakopmund	Swakopmund	4 X 5 KW S 22° 31' 38", E 14° 49' 21",	Yes	The radio frequencies applied for require a broadcasting service licence. Note however, that as per section 93 of the Act until a date determined by the Minister, Chapter IV on broadcasting services is not applicable to the Namibian Broadcasting Corporation (NBC) or to any broadcasting activities carried out by the Namibian Broadcasting Corporation (NBC).	Own
				105.0 MHz Lozi							
				95.5 MHz Setswana							
				106.9 MHz San							

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 the due date 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: 0886550852.

L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 104

2014

**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 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the persons referred to in the table below have submitted the following application to the Authority:

Spectrum Use Licence Applications

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;	Description of geographical coverage area(s);	Service intended to be provided using frequency applied for;	Type of Service Licence (s);	Proof of Licence Fees paid up to date submitted? Yes/no
Telecom Namibia Limited	Namibian	100%	3447.000 – 3468.000 MHz / 3547.000 – 3569.000 MHz	National	FIXED	Individual Comprehensive Telecommunications Service Licence (ECS/ECNS) ¹	Yes

¹ Deemed Telecommunications Service Licence in terms of Section 45 of the Communications Act, 2009 (Act No. 8 of 2009)

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 the due date 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;
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- (5) By fax to e-mail to: 0886550852.

L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 105

2014

**NOTICE OF AMENDMENT IN TERMS OF REGULATIONS 8(2) AND 11 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 8 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence, in Government Gazette No. 4785, Notice No. 272 dated 29 August 2011 (as amended), herewith gives notice that **The Namibian Broadcasting Corporation** has applied for an Amendment to its Spectrum Use Licence with the Authority as set out in Schedule 1.

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*.

The Namibian Broadcasting Corporation 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: 0886550852

L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

SCHEDULE 1

PROPOSED AMENDMENT BY THE NAMIBIAN BROADCASTING CORPORATION OF ITS SPECTRUM USE LICENCE; COMMUNICATIONS ACT, 2009

LICENCE TO BE AMENDED:
SPECTRUM USE LICENCE ISSUED TO THE NAMIBIAN BROADCASTING CORPORATION AND PUBLISHED IN GOVERNMENT GAZETTE NO. 5037, GENERAL NOTICE NO. 306 DATED 13 SEPTEMBER 2012

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Amendment;	Reasons for the proposed amendment;	Description of geographic coverage area(s)			License Fees Outstanding;
					Region;	District;	City/Town;	
Namibian Broadcasting Corporation	Namibia	100 %	<p>Increase the output power of the following transmitters from 100 Watts to 1000 Watts:</p> <ol style="list-style-type: none"> 1. Afrikaans 2. German 3. Damara>Nama 4. Setswana 5. Silozi 6. San <p>Increase the output power of the following transmitters from 100 Watts to 5000 Watts:</p> <ol style="list-style-type: none"> 1. Otjijherero 2. Rukavango 	Applicant has conducted a study on populations demographics covered within the current output power limits and would like to increase increase coverage by increasing output power.	Oshana	Oshakati	Oshakati	Yes