



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 512 2015

NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms of Section 53(10) of the Communications Act (Act 8 of 2009) and 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 **Salt Essential Information Technology (Pty) Ltd** 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 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*.

Salt Essential Information Technology (Pty) Ltd 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

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

**SUBMISSION OF PROPOSED TARIFFS
BY SALT ESSENTIAL INFORMATION TECHNOLOGY (PTY) LTD
COMMUNICATIONS ACT, 2009**

LICENSEE: Salt Essential Information Technology (PTY) Ltd.			
Product	Qty. Unit	Old Tariff per Unit N\$	New Tariff per Unit N\$
<i>Messaging & Collaboration Services</i>			
MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License and Software)	per mailbox	84.00	92.40
MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License and Software) for customers with more than 200 mailboxes	per mailbox	73.50	product discontinued
MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License but no software)	per mailbox	63.00	69.30
- Fax Integration (GFI)	per user (optional)	81.50	89.65
Mail Archiving (Backup, License, Web Access)	per user (optional)	12.80	14.08
<i>WAN Services</i>			
WAN - Link between Customer and SALT Co-Location (Metro Ethernet - MPLS link Kbps as per last mile link, for pro rata usage on Metro E link to MPLS cloud)	per kbps	0.53	0.58
<i>DNS & Web Services</i>			
Domain Name & Website Hosting (1 second level .na domain, e.g. com.na, 1 GByte Website space)	per website	141.00	155.10

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 513

2015

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS OF
INTERCONNECTION AGREEMENTS AND TARIFFS**

The Communications Regulatory Authority of Namibia, in terms of Section 53(7) of the Communications Act (Act 8 of 2009) read with regulation 8(1) 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 **Paratus Telecommunications (Pty) Ltd** has filed a tariff with the Authority as set out in Schedule 1 hereto.

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 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*.

Paratus Telecommunications (Pty) Ltd 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
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1
SUBMISSION OF PROPOSED TARIFFS
BY PARATUS TELECOMMUNICATIONS (PTY) LTD
COMMUNICATIONS ACT, 2009

YUR SAT Products Tariff

Product aimed at farmers and lodges.

Advantage is product can handle up to 2 voice calls, best effort.

Name	VSAT monthly pricing options	CAP limit	Reseller	Retail
Uncapped Bronze	256Kbps up / 1024Kbps down	Uncapped	850.00	935.00
Capped 20	512Kbps up / 2048Kbps down	20 Gig	1,430.00	1,575.00
Uncapped Silver	512Kbps up / 2048Kbps down	Uncapped	1,710.00	1,880.00
Capped 40	512Kbps up / 4096Kbps down	40 Gig	3,030.00	3,340.00
Capped 50	512Kbps up / 10240Kbps down	50 Gig	4,350.00	4,785.00
Uncapped Gold	512Kbps up / 10240Kbps down	Uncapped	6,660.00	7,330.00
	1 Gig Top Up		268.00	290.00

Once off costing options	Retail
Yealink cordless phone	1,386.00
Wireless Access Point	1,320.00
Hardware Option 1 (1 - 10 Users)	9,234.50
Hardware Option 2 (10+ users)	18,911.75
Travel (per Km cost)	4.50
Installation fee	1,500.00

Terms and Conditions

- Prices are quoted in Namibian Dollars.
- Pricing is based on a 12 month contract and excludes 15% VAT
- The cost of accommodation is excluded from the pricing
- Pricing only includes wall mount kit and additional work and material will be charged separately

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 514

2015

NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms of Section 53(10) of the Communications Act (Act 8 of 2009) read with regulation 8(1) 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 **Converged Telecommunications Solutions (CTS)** 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 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*.

Converged Telecommunications Solutions (CTS) 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;
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- (4) by facsimile to the following facsimile number: +264 61 222790.
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L.N. JACOBS
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

SUBMISSION OF PROPOSED TARIFFS BY CONVERGED TELECOMMUNICATIONS SOLUTIONS (CTS) COMMUNICATIONS ACT, 2009

Product pricing

Name	Service (DL/UL) In Mbps	Wholesale Transfer Price / Month (N\$)
Pure 500	0.512/0.512	1,500
Pure 1000	1.024/1.024	2,900
Pure 2000	2.048/2.048	5,000
Pure 3000	3.072/3.072	7,500
Pure 4000	4.096/4.096	9,500
Pure 5000	5.120/5.120	12,500
Cost of CPE Once Off		N\$ 7,250.00
CPE Lease		N\$ 375.00 p/m × 24 months
Installation		N\$ 1,500.00

Terms and Conditions

- Prices exclude VAT
- Packages include an SLA commitment of 99.5% uptime

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 515

2015

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS OF
INTERCONNECTION AGREEMENTS AND TARIFFS**

The Communications Regulatory Authority of Namibia, in terms of Section 53(10) of the Communications Act (Act 8 of 2009) read with regulation 8(1) 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.

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 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*.

MWireless (Pty) Ltd T/A Africa OnLine 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.

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L.N. JACOBS**CHAIRPERSON OF THE BOARD OF DIRECTORS****COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA****SCHEDULE 1****SUBMISSION OF PROPOSED TARIFFS
BY MWIRELESS (PTY) LTD T/A AFRICA ONLINE
COMMUNICATIONS ACT, 2009****Product pricing**

Package Name	Rental per month
Nawaspot	500.00
Computer System	
Wireless Router	
Setup	

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 516

2015

NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms of Section 53(10) of the Communications Act (Act 8 of 2009) read with regulation 8(1) 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.

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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*.

MWireless (Pty) Ltd T/A Africa OnLine 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.

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

SCHEDULE 1

**SUBMISSION OF PROPOSED TARIFFS
BY MWIRELESS (PTY) LTD T/A AFRICA ONLINE
COMMUNICATIONS ACT, 2009**

Product pricing

Package Name	Rental per month
Nawagate	324.50
Hardware	
Set up	

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 517

2015

NOTICE IN TERMS OF SECTION 53 OF THE COMMUNICATIONS ACT, 2009 (ACT NO.
8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF
INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act read with 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 it has approved amendments to SOHO and SE tariffs as submitted by **Telecom Namibia Limited**, which will come into force and effective on 29 September 2015, notwithstanding date of publication of the notice in the *Government Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:**1. INTRODUCTION**

In terms of section 53 (1) and (7) of the Communications Act No. 8 of 2009 (hereinafter referred to as “the Act”), Telecom Namibia Limited (hereinafter referred to as “Telecom Namibia”), filed for the approval of tariffs for Talk International Small Office Home Office (SOHO) and Small Enterprises (SE) post-paid tariffs on 8 June 2015.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 362 in the *Government Gazette* No. 5790 dated 24 July 2015 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in *Government Gazette* No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 7 August 2015.

No public comments were received in respect of the tariffs as published during the commenting period, and as such no reply comments were required from Telecom Namibia. The date of commencement of the tariffs was 25 August 2015.

3. FINANCIAL AND ECONOMIC ANALYSIS OF THE TELECOM NAMIBIA LIMITED SOHO AND SE TARIFFS

The tariff information is as follows:

Table 1: Proposed Tariffs

International Destination	Current Weighted Average Rate N\$ Per Minute/Per Group	Out of Bundle N\$ Per Minute	Package 1	Package 2
Group 1 RSA ANGOLA BOTSWANA ZAMBIA Fixed and Mobile	2.10	1.99	Free minutes Limited to 150 P/month during peak or off-peak time	Free minutes Limited to 200 P/month during peak or off-peak time
Group 2 GERMANY, UK, USA SPAIN & CHINA Fixed and Mobile	3.29	2.99		
Monthly Charge (No Contract)			N\$305.00	N\$405.00

**All charges are excluding VAT unless stated otherwise*

The tariffs are based on the weighted average to all destinations (termination rate of each destination multiplied by the number of minutes to each destination averaged). This allows Telecom Namibia to charge on average lower rates in a bundle.

The purpose of the packages is to benefit small business enterprises from beneficial tariffs to selected international destinations. The gazetted standard rates will apply to those destinations not mentioned in the tariff.

The tariffs are not deemed anti-competitive and are not unreasonably discriminatory in that:

1. They do not prevent, restrict or distort competition in the market for the supply of telecommunications;
2. There is no abuse of individual or collective dominant position by Telecom Namibia for the supply of telecommunications in respect hereof;
3. There is no restrictive practice or activity whose anti-competitive effects outweigh its pro-competitive effective.
4. All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to in that:
 - 4.1 All pertinent information as required by section 53(7) was submitted to the Authority in that Telecom filed the tariff in the prescribed manner with the Authority for approval.
 - 4.2 All pertinent information as required by section 53(9) was submitted to the Authority such as:

- 4.2.1 The rates and charges for services, including all deposits, non-recurring charges and monthly charges; and
 - 4.2.2 The terms and conditions applicable to the provision of services by Telecom Namibia, including rights and remedies available to customers in the event of unauthorized charges or other disputes or claims over billing or the provision of services, and any other information requested by the Authority pursuant to this section.
5. All pertinent information as required by section 53(18) was submitted to the Authority such as:
 - 5.1 The tariff was accompanied by all such accounting and cost information as the Authority may require, and complies with all other requirements prescribed by the Authority.
6. The date of implementation was indicated as 25 August 2015 (which date is not less than 60 days from the date of the filing of the tariff) as required by section 53(8) of the Act. There was however, information outstanding, which was requested as per letter dated 7 July 2015 and received on 15 July 2015. The date of implementation was therefore 14 September 2015 (been 60 days calculated from 15 July 2015). On 11 September 2015, the Authority postponed the decision to 13 November 2015.

4. DECISION:

The Authority herewith:

Approves the proposed tariffs for SOHO and SE post-paid customers as submitted by Telecom Namibia Limited for implementation effective from 29 September 2015.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 518

2015

**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 regulation 11(1) 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 Applicant referred to in the table below has 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;				
Hitradio Namibia CC	Namibia	100 %	88-108 MHz	104.000 MHz	Otjozondjupa	Okahandja	Okahandja	1000.000 W	No	Commercial Broadcasting Service Licence	Own
			88-108 MHz	101.100 MHz	Oshana	Oshakati	Oshakati	1000.000 W			

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 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;
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L.N. JACOBS
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 519

2015

**NOTICE IN TERMS OF THE REGULATIONS SETTING OUT LICENCE CONDITIONS FOR
SPECTRUM LICENCES**

The Communications Regulatory Authority of Namibia, in terms of regulations 6(5) and 6(7) of the “Regulations Setting out Licence Conditions for Spectrum Licences”, published in Government Gazette No 5354, Notice No. 469, dated 02 December 2013, herewith gives notice that the license referred to in the table below has been forfeited effective from date of publication of this notice:

Licensee	Licensee's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens;	Type of licence;	Description of geographic coverage area(s);	District	City/Town	Radio Frequencies or group of frequencies;	Services provided with the frequencies;	Concise Statement of the reasons for forfeiture;	Date on which Licence is forfeited;	Proof of Licence Fees paid Up to Date Submitted? Yes/No
Trinity Broadcasting Namibia (TBN)	Namibia	100%	Spectrum Use Licence as issued on 13 September 2012, published in Government Gazette 5037,	Erongo	Swakopmund	Tamariskia Telecom Tower	206 MHz	Analogue TV - Public Broadcasting	Licensee failed to pay spectrum use licence fees and the frequencies were utilised for the provision of analogue broadcasting services. Due to the migration to digital terrestrial television, TBN no longer requires the use of these frequencies.	Date of publication of this notice in the Government Gazette.	No
				Omaheke	Gobabis	Water Tower	202.0 MHz				
				Otjozondupa	Grootfontein	Water Tower	246.2 MHz				
				Karas	Karasburg		215.2 MHz				
				Otjozondupa	Otjiwarongo	Telecom Tower	247.2 MHz				
				Karas	Keetmanshop	Municipality Tower	215.0 MHz				
				Karas	Luderitz	Water Reservoir	663.2 MHz				
				Kavango	Rundu	Rundu Nordgrens	246.0 MHz				
				Oshana	Oshakati	NBC Tower	247.2 MHz				
				Oshikoto	Tsumeb	Tsumeb Tower	486.0 MHz				
Erongo	Walvis Bay	Telecom tower	206.0 MHz								
Khomas	Windhoek	Groz Her-zog Sat-com Tower	622.0 MHz								

REASONS FOR DECISION

1. ANALYSIS OF SUBSTANTIVE ISSUES

TBN has failed to pay spectrum use licence fees for the years 2014 and 2015. TBN has also confirmed that the said spectrum use licences are no longer utilised to provide analogue television services.

The Authority gave TBN a notice of intention to cancel the licences and also accorded TBN an opportunity to make representations on why the licences should not be forfeited. The Authority noted that TBN had no objection to the forfeiture of the licences, by indicating that they are not utilising them any longer due to the migration to Digital Terrestrial Television. It should be noted that the migration from analogue television services to digital terrestrial television services is in line with the Digital Terrestrial Television Policy Guidelines as published in Government Gazette No. 5346, Notice No. 316 dated 21 November 2013 as well as the international date of 17 June 2015 to switch off all analogue television services.

The Authority has to date not been mandated to regulate the services offered by the Namibian Broadcasting Corporation and as such cannot enforce any service licence conditions or regulations to compel the Namibian Broadcasting Corporation to sign a signal distribution agreement with TBN. This is owing to the fact that a signal distribution licence is a service licence category issued under section 85 of the Communications Act, which falls under chapter 5 of the Act. Section 93 of the Act provides that until a date determined by the Minister, chapter 5 will not be applicable to the NBC.

The Authority therefore finds that the spectrum use licenses awarded to TBN as listed above, should be forfeited due to the fact that the licensee has failed to pay licence fees payable to the Authority for the years 2014-2015 in terms of regulation 6(3) and 6(5)(a)(ii) of the Regulations Setting Out Licence Conditions for Spectrum Use Licences as published in Government Gazette No. 5354, Notice No. 469 dated 2 December 2013.

In light of the above it is recommended that the Board approves the cancellation of all spectrum use licences previously awarded to TBN in the geographical areas as listed below-

(i)	Swakopmund	206.0 MHz
(ii)	Gobabis	202.0 MHz
(iii)	Grootfontein	246.2 MHz
(iv)	Karasburg	215.2 MHz
(v)	Otjiwarongo	247.2 MHz
(vi)	Keetmanshoop	215.0 MHz
(vii)	Lüderitz	663.2 MHz
(viii)	Rundu	246.0 MHz
(ix)	Oshakati	247.2 MHz
(x)	Tsumeb	486.0 MHz
(xi)	Walvis Bay	206.0 MHz
(xii)	Windhoek	622.0 MHz

The Authority further recommends that all required legal action is taken to recover the debt owed to the Authority in respect of outstanding spectrum use licence fees

2. DECISION

In terms of section 101 of the Communications Act read with regulations 6(3) and 6(5)(a)(ii) of the Regulations Setting Out Licence Conditions for Spectrum Use Licences, the Authority herewith approve that all spectrum use licences awarded to Trinity Broadcasting Namibia on 13 September 2012 to provide analogue televisions are forfeited.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 520

2015

**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 7 and 11(1) 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 of the following licensee who have submitted applications for transfer of Spectrum Use Licence and transfer of control of licence:

Licensee (Transferee);	Type of licence;	Transferee and percentage of stock ;	Percentage of Stock owned by Namibian citizens or Namibian companies in transferor;	Reasons for the proposed transfer;
Schoemans Technology (Pty) Ltd	Spectrum Use Licence	Wi Tel Service Provider (Pty) Ltd	Schoemans Technology (Pty) Ltd (Namibian Company) is a 100% shareholder in the transferor.	The Transferor has indicated that it finds it difficult in attracting investors to allow for network build and expansion when trading under the name of Schoemans Technology (Pty) Limited. This is mainly due to the fact that investors want to invest in the telecommunications market and not the ICT and Security Markets which is the original niche market of Schoemans Technologies (Pty) Ltd. It is owing to the above that transferor would therefore like to transfer the licence to Wi Tel Service Provider (Pty) Ltd .

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: 0886550852.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 521

2015

NOTICE OF RECONSIDERATION IN TERMS OF SECTION 31 OF THE COMMUNICATIONS ACT (NO 8 OF 2009) AND REGULATIONS 20 & 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 section 31 of the Communications Act (No 8 of 2009) read with regulations 11 and 20 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence, in Government Gazette No. 4785, General Notice No. 272 dated 29 August 2011 (as amended), herewith gives notice that **Shalo’m Messenger Ministries Incorporated** has submitted an application for reconsideration, dated 10 August 2015, in respect of a decision by the Authority to decline the application for a community broadcasting service and spectrum use licence, which decision was published in Government Gazette No. 5836, General Notice No. 438, dated 24 September 2015. The reasons and grounds for the application for reconsideration are contained in the application that can be inspected at the offices of the Authority. 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
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 522

2015

NOTICE IN TERMS OF SECTION 31 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms of section 31 of the Communications Act read with regulation 11(9) 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, herewith gives notice that application for a Class Telecommunications Service Licence (ECS and ECNS) for **Promax Communications (Pty) Ltd** has been declined.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:**1. INTRODUCTION**

PROMAX Communications (Pty) Ltd (hereinafter referred to as “the Applicant” submitted an application for a Class Comprehensive Telecommunications Service Licence (ECNS & ECS) for implementation of an electronic communications network in the spectrum use licence exempt spectrum bands and telecommunications services for consideration in terms of section 38 of the Communications Act of 2009 (hereinafter referred to as “the Act”) and in accordance with Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice No. 272 dated 29 August 2011 (as amended).

The Authority published its final decision declining the award of a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) in Government Gazette No. 5572, Notice No. 353 dated 26 September 2014.

The Applicant submitted an application for reconsideration to the Authority on 2 October 2014 in terms of section 31 of the Communications Act, 2009.

2. SUBSTANTIVE ISSUES DURING THE INITIAL APPLICATION

During the initial consideration of the application, the Authority took into account a number of concerns as indicated below-

2.1 Analysis of the application for a telecommunications service licence

The Applicant was established in 2005 and focused its activities on advertising, marketing, property development, and renewable energy. In addition the company formed a joint venture with a South African company, NGN Telecommunications to partner with Telecom Namibia Limited to provide fax-to-email and email-to-fax solutions from 2008 to 2013. However, it is to note that this partnership no longer exists.

The Applicant intends to apply for two number ranges to provide voice services utilising Voice-over-IP on a prepaid basis. This raises a concern with the Authority in that no contracts will be signed with any customer or any SIM card registration will be done going forward to collect customer information. This is because the envisaged technology does not require the use of SIM cards. The Applicant intends to rely on re-sellers and will not establish a fully-fledged office. Potential customers need to acquire their own end-user equipment.

The Ministry of Information and Communication Technology is currently finalising the lawful interception regulations pursuant to the provisions of part 6 of the Act and this will require the collection of subscriber data and call records. The Authority can therefore, not knowingly consider the award of the telecommunications service licence to a company that will not comply with these forthcoming regulations.

The business case submitted by the Authority has also shown that the Applicant intends to focus on the small to medium enterprise market offering prepaid voice services via VOIP technology, fax-to-email and SMS/instant messaging and identified Telecom Namibia Limited as their main competitor in this market segment. Furthermore the Applicant intends to provide premium rated services but no further information as to the nature of these services are provided.

The Authority has evaluated a number of similar applications during the last few months and is of the opinion that the business case submitted is not sustainable based on the following-

- i. The budget and financial projections is too ambitious. As a result the Applicant will not be able to reach the forecasted number of 300,000 customers or recoup their investment within a period of four to six months as indicated by the Applicant, due to the fact that there are already a number of other players in the market such as Schoemans Technologies (PtY) Ltd, MWireless (Pty) Ltd t/a AfricaOnline, Dimension Data Namibia (Pty) Ltd, etc;
- ii. The proposed tariffs are below the fixed and mobile termination rates published by the Authority in the Government Gazette No. 5369, General Notice No. 511 dated 20 December 2013. The current approved termination rates for both fixed and mobile are N\$ 0.20 and the tariffs that are proposed by the Applicant are below these rates. Therefore these tariffs are below cost and might be seen as anti-competitive and will not result in sufficient revenue to sustain the company going forward;
- iii. The Applicant seems to focus only on Telecom Namibia Limited and disregard all other telecommunications services licensees such as Schoemans Technologies (Pty) Ltd, MWireless (Pty) Ltd t/a AfricaOnline, Dimension Data Namibia (Pty) Ltd already providing similar services to the small and medium enterprise market as well as the mobile market segment. The initial 5 years of the business plan presented by the Applicant depends on signing an interconnection agreement with Telecom Namibia Limited as the landline operator. In addition, the license conditions require that a licensee signs an interconnection agreement on request from another licensee within a period of 30 days from issuance of licence. The Applicant will not survive in the market if its customers cannot dial the 081 and 083 numbers in addition to the 085 number of Telecom Namibia Limited;

2.2 Analysis of the Spectrum Use Application

The spectrum use application submitted by the Applicant in conjunction with their application for a telecommunications service licence indicated that the company will only use spectrum bands deemed licence exempt in terms of the Regulations regarding Licence Exempt Spectrum¹ to provide last mile access to their future customers. As such the Authority did not evaluate the spectrum use application

¹ As published in Government Gazette No. 4839, Notice No. 395 dated 25 November 2011.

further as no spectrum use licences are issued in the licence exempt spectrum band and the utilization of these spectrum bands are not protected from interference.

Although the aforementioned regulations were already published in 2011 the Authority noted that the Applicant does not have a clear understanding of the utilisation of these spectrum bands. Utilisation of the 5 GHz licence exempt spectrum band is subject to the technical conditions in terms of power output as set out in the above mentioned Regulations and supports the use of short range devices only. The Applicant can therefore not utilise these spectrum bands as a backhaul interface between base stations in their central system in Windhoek. The Applicant will be dependent on existing telecommunications service licensees to provide backhaul transmission networks.

2.3 Factors and relevant facts considered in initial application

When considering the award of a service licence the Authority is obliged to consider the provisions of section 39(3) of the Communications Act, which provides as follows:

“Without limiting the power to refuse a licence when the granting of a licence is not in the public interest, the Authority may refuse to issue a licence on one or more of the following grounds-

- (a) *national defence or public security;*
- (b) *technical constraints due to the limited availability of frequencies;*
- (c) *the lack of technical and financial capability to substantially meet the obligations arising out of the applicant’s operating conditions or the fact that it does not meet prior specified selection criteria; or the fact that the applicant has been subject to penalties referred to in section 115(4).”*(Our emphasis)

After due consideration of the above-mentioned matters, the Board of Directors declined the application for a Class Comprehensive Telecommunications Service Licence (ECS and ECNS) submitted by the Applicant. The Board of Directors was of the opinion that the Applicant did not comply with the factors listed in section 39 (c) of the Act in that-

- i. that the business case submitted did not identify the competitors of PROMAX Communications (Pty) Ltd in the target market, the submitted tariffs are below the regulated mobile and fixed voice termination rates and do not include operational expenses related to the leasing of backhaul transmission links from existing licensee, although PROMAX Communications (Pty) Ltd will be dependent on these entities to deliver telecommunications services to customers on a national basis. The Authority is therefore, unable to determine future sustainability of the company should a licence be awarded; and
- ii. The Applicant did not prove to the Authority that the company will be able to comply with the standard licensing conditions for telecommunications service licensees in respect of section 8 and 10 of the Regulations regarding Licence Conditions for Telecommunications Service Licences published in Government Gazette No. 5037, General Notice No. 308 dated 13 September 2012-
 - a) as the Applicant has stated its intent to charge below cost tariffs; and

- b) will have difficulty in complying with the forthcoming Quality of Service regulations related to billing and customer service and network quality as the Applicant does not intend to establish a fully-fledged office or supply end-user equipment to customers and will rely on best effort technologies operating in the spectrum use licence exempt spectrum band with no protection from interference to provide voice services.

3. APPLICATION FOR RECONSIDERATION

3.1 Background

The Authority published its final decision declining the award of a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) in *Government Gazette* No. 5572, Notice No. 353 dated 26 September 2014.

The Applicant submitted an application for reconsideration to the Authority on 2 October 2014 in terms of section 31 of the Communications Act, 2009 and requested to make an oral submission.

3.2 Grounds for Reconsideration

The Applicant did not specifically outline the grounds for reconsideration to the Authority but submitted a revision of its business plan now including an analysis of its competitors, new revised tariffs above the cost of termination, information pertaining to its billing system and stating its intention to sign an interconnect agreement with MTC and that it is willing to comply with licence conditions and quality of service regulations.

The Authority however noted that the Applicant adapted its business model in an attempt to circumvent the reasons for decline as contained in the *Gazette* notice published on 26 September 2014 and then submitted it as its request for reconsideration.

3.3 Substantive issues on reconsideration

The revised business model submitted by the Applicant relies on cloud services accessible via application software installed on either fixed end-user equipment, computer hardware or an application on your mobile phone, thus essentially representing an over-the-top (OTT) service relying on the telecommunications networks operated by existing licensees but providing the option to implement your own telecommunications network to support these services.

The Applicant's business model further raised concerns with the Authority in that-

- i. The Applicant intends to implement a billing system requiring customers to buy digital currency called a "Digit" that will be converted to prepaid airtime clarified as follows-
- "A 'Digit' equates to N\$10 or 1 USD and is display to 0 decimal points
Prepaid airtime is referred to as 'Dots'
A Dot equates to N\$0.10 or 0.01 USD and is display to 2 decimal points.
Therefore a call may be charged as 1.35 Dots.
1 Digit = 100 Dots
The reasoning behind this model is that it immediately internationalizes the platform, real-world currencies can be easily converted to Dots with each person, irrespective of your country of origin, knowing the perceived value of a Dot."*

- ii. Customers will be added to the system based on referrals by existing customers whom in turn will receive rewards for referring customers. Each customer will receive a referral code making him/her a reseller of the solution. When a new customer specifies the referral code it is placed in a rewards programme. All revenue sharing events such as voice calls results in a revenue share calculation allocating rewards to every party. Once the rewards reach a certain level the owner may opt to cash out into “digits”, other products and service or real currency.

The Authority is concerned that the intended operation of this system may be a pyramid scheme, that no records will exist in respect of the identity of customer and that it will not be possible to intercept communications as per the requirements of part 6 of the Communications Act and that quality of service standards will not be attained.

The Authority raised its concerns during the oral submission made by the Applicant on 9 April 2015. Taking note of the fact that the application can be loaded on any fixed or mobile end-user equipment acquired by the customer. The Authority also queried as to whom will be paying for data services required to access the envisaged system in addition to the tariffs charged by the Applicant for voice services, interconnection arrangements and the relationship between GreyDot Telecoms and the Applicant. This is in light of the fact that although the Applicant was present at the oral submission, the presentation was made by a representative of GreyDot Telecoms and all questions were also answered by the said representative.

The representative of GreyDot Telecoms confirmed that a customer will need to acquire data services from an existing licensee before it can utilise the services to be provided by the Applicant, that it intends to adhere to lawful intercept requirements and quality of service regulations and that it will respond to the Authority in writing in this regard.

Subsequent to the oral submission, the Authority requested further information from the Applicant on 21 April 2015 in respect of-

- i. How the Applicant will ensure compliance with quality of service standards;
- ii. How the Applicant will enter into interconnection agreements especially in light of the fact that the calls they are making are data calls; and
- iii. How the Applicant will ensure compliance with interception requirements as contained in the Communications Act.

The Applicant submitted the requested information as well as providing updated information in respect of its supplier relationships, marketing plan and business model on 18 May 2015. The Applicant stated that-

- a) The Applicant's relations with GreyDot Telecoms will be based on customer supplier with ongoing fees to maintain and support the platform;
- b) that the Applicant will also make use of a South African company owned by GreyDot Telecommunications to terminate international calls;
- c) That voice services will be provided utilising the data services and network infrastructure provided by existing licensees and that the customer will pay for data services from an existing licensees whilst also paying for voice service offered by the Applicant;
- d) In cases where no network exists it intends to provide a Wi-Fi network connecting to existing backhaul networks; and
- e) That credit card information will be saved and can be traced to the banking institution should information be required for interception purposes.

Due to the Authority's concern in respect of the use of a digital currency and possible operation of a pyramid scheme, the Authority addressed a letter to the Bank of Namibia on 2 June 2015 providing the background information as contained in the submission made by the Applicant and requesting the Bank of Namibia to advise on –

- i. Whether the Bank of Namibia will allow the use of a digital currency by a telecommunications service licensee; and
- ii. Whether the Bank of Namibia will regard the “rewards-based referral program” as a pyramid scheme.

The Bank of Namibia responded to the Authority's request on 22 June 2015 stating-

“It appears that Promax Communications (Pty) Ltd (Promax) would require authorisation from the Bank of Namibia under section 5(1) of the Payment System Management Act, 2003 (No. 18 of 2003), as amended to issue a payment instrument;

It appears that Promax would be engaging in foreign currency transactions which under Exchange Control Regulation 2 issued under the Currency and Exchanges Act, 1993 (No.9 of 1933) can only be undertaken by Authorised Dealers i.e Banking Institutions and Authorised Dealers with Limited Authority;

There is insufficient information to conclude whether the business model of Promax constitutes a pyramid scheme in terms of section 55A of the Banking Institutions Amendment Act, 2010 (No.14 of 2010).”

In the opinion of the Authority-

- i. The Applicant will not be able to charge for the envisaged telecommunications services on a legal basis utilising a digital currency without the necessary regulatory approval to be obtained from the Bank of Namibia;
- ii. Aims to use existing network infrastructure and data services offered by existing telecommunications service licensees on an opportunistic basis without any agreement for access to these services or infrastructure under which terms quality of service could be guaranteed;
- iii. Requires potential customers to pay double for services rendered in that the customer must pay for data services acquired from an existing licensee and then on top thereof for voice services rendered by the Applicant;
- iv. That the applicant will not meet the legislative requirements for lawful intercept in that customers will be signed up via a referral process from anywhere in the world, voice services will be close to impossible to intercept given that it will be routed via various network and platforms including cloud-to-cloud service platforms and not necessarily via international voice gateway operated by Namibian licensees, the credit cards as a means to obtain customer details from the issuing bank is not sufficient to meet the aforementioned legislative regulatory requirements; and
- v. That the Applicant will not be able to adhere to telecommunications service licence conditions given the fact that no regulatory approvals to operate the envisaged financial systems were awarded by the Bank of Namibia and as a result any such activity will be deemed illegal.

It has further come to the Authority's attention that these services can already be accessed and utilised in Namibia as the representative of Greydot Telecom made a call for illustration purposes during the oral submission. The availability of service was also tested internally. The Applicant is therefore rendering telecommunication services without a service licence in breach of section 37 of the Act.

3. REVIEW OF ACTIONS OF THE AUTHORITY

The Applicant may take this decision on review to the High Court of Namibia within a period of 6 months from date on which this decision is communicated to them, as contemplated in section 32(2) of the Communications Act.

4. DECISION

In terms of section 31 of the Act and the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences and in light of the reasons raised above, it is herewith decided that-

- (i) That the Authority upholds its decision not to award a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) to PROMAX Communications (Pty) Ltd.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 523

2015

NOTICE IN TERMS OF SECTION 53 (7) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act read with 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 it has approved amendments to Line Rental tariffs as submitted by **Telecom Namibia Limited**, which will come into force and effect on **01 March 2016**, notwithstanding date of publication of the notice in the *Gazette*.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:

1. INTRODUCTION

In terms of section 53 (1) and (7) of the Communications Act No. 8 of 2009 (hereinafter referred to as "the Act"), Telecom Namibia Limited (hereinafter referred to as "Telecom Namibia") filed for the approval of amendment of tariffs for line rentals on 8 June 2015.

2. PROCEDURAL COMPLIANCE

The proposed tariffs were published as General Notice No. 361 in the Government Gazette No. 5790 dated 24 July 2015 in terms of Regulation 8 of the "Regulations Regarding the Submission of Interconnection Agreements and Tariffs" published in Government Gazette No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the Government Gazette, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 7 August 2015.

No public comments were received in respect of the tariffs as published during the commenting period, and as such no reply comments were required from Telecom Namibia. The date of commencement of the tariffs is 1 March 2016.

3. FINANCIAL AND ECONOMIC ANALYSIS OF THE TELECOM NAMIBIA LIMITED TARIFFS FOR BASIC TELEPHONE LINE AND ISDN RENTAL

The tariff information is as follows:

Table 1: Proposed Tariff Amendments

Type of Service	Current Price N\$/month	Proposed Price N\$/month	Percent Increase
Residential Basic line (within *MRA)	79.00	85.00	7.6%
Business Basic line (within MRA)	95.00	103.00	8.4%
Residential/Business line (outside MRA)	109.00	117.00	7.3%
ISDN *BRA (Main Service)	222.00	239.00	7.7%
ISDN BRA (per additional ****MSN)	39.00	42.00	7.7%
ISDN Primary Rate Access (30B+D)	2,829.00	3,049.00	7.8%

* MRA - Main Residential Area

** ISDN - Integrated Services for Digital Network

*** BRA - Broadband Remote Access

**** MSN - Multiple Subscribers Numbering

The proposed tariffs were compared to other tariffs in the region as follows:

Table 2: Tariffs for Line Rentals in the SADC Region

Type of Service	Telecom Namibia proposed	South Africa	Botswana
Residential Analogue line (within *MRA)	85.00	165.79	93.00
Business Analogue line (within MRA)	103.00	235.97	155.00
Residential Analogue line (outside MRA)	117.00	165.79	93.00
ISDN *BRA (Main Service)	239.00	271.29	281.480
ISDN BRA (per additional ****MSN)	42.00	15.56	7.81
ISDN Primary Rate Access (30B+D)	3,049.00	4,916.42	

All prices are excluding VAT

1 Pula = N\$ 1.24

A comparison of the new tariffs was done against some of the neighbouring countries in the SADC region that have similar tariffs as depicted in table 2 above. Only South Africa and Botswana were found to have similar tariff structures. The proposed tariffs for Telecom Namibia tariffs are however still lower than those tariffs charged in South Africa and Botswana for the same services.

According to the consumer price index (CPI) information released by the National Statistics Agency, the CPI for the year 2015 (January to June 2015) was 4.05%. The increases proposed are somewhat higher than the CPI for the year. The justification provided by Telecom Namibia is that they are currently undercharging for these services.

The tariffs are not deemed anti-competitive and are not unreasonably discriminatory in that:

1. They do not prevent, restrict or distort competition in the market for the supply of telecommunications;
2. There is no abuse of individual or collective dominant position by Telecom for the supply of telecommunications in respect hereof;
3. There is no restrictive practice or activity whose anti-competitive effects outweigh its pro-competitive effect.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to in that:

1. All pertinent information as required by section 53(7) was submitted to the Authority in that Telecom filed the tariff in the prescribed manner with the Authority for approval.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as:
 - 2.1 The rates and charges for services, including all deposits, non-recurring charges and monthly charges;
 - 2.2 The terms and conditions applicable to the provision of services by Telecom, including rights and remedies available to customers in the event of unauthorised charges or other disputes or claims over billing or the provision of services, and any other information requested by the Authority pursuant to this section.
3. All pertinent information as required by section 53(18) was submitted to the Authority such as:
 - 3.1 The tariff was accompanied by all such accounting and cost information as the Authority may require and complies with all other requirements prescribed by the Authority.

4. DECISION

The Authority herewith:

- 4.1 Approves the proposed tariff amendments for line rentals as submitted by Telecom Namibia Limited for implementation effective from **01 March 2016**.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 524

2015

NOTICE IN TERMS OF SECTION 38 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms of section 38 of the Communications Act read with regulation 11(9) 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, herewith gives notice that application for a Class Telecommunications Service Licence (ECS and ECNS) for **Demshi Investment Holdings (Pty) Ltd** has been approved.

THE FOLLOWING ARE THE REASONS FOR THE DECISION:**1. ANALYSIS OF SUBSTANTIVE ISSUES****1.1 Application for Class Telecommunications Service Licence (ECS)**

The Namibian market is currently served by thirteen (13) telecommunications service licensees. When considering the award of a telecommunications service licence, the Authority is obliged to consider the provisions of section 39(3) of the Communications Act, which provides as follows:

“Without limiting the power to refuse a licence when the granting of a licence is not in the public interest, the Authority may refuse the licence on one or more of the following grounds-

“(a) national defence or public security”;

The Authority has not received any information, nor noted any issues in the application submitted by Applicant that suggests that the Applicant will pose a threat to national defence or public security.

“(b) technical constraints due to limited availability of frequencies”;

Based on the facts presented, the Applicant intends to implement its own core network and billing system but will not implement a radio access network. The Applicant intends to lease the radio access network from existing telecommunications service licensee and therefore does not require access to spectrum for the purpose of implementing telecommunications services. Subsequently, the Applicant has not applied for any spectrum use licences. There are therefore, no technical constraints due to limited availability of frequencies.

“(c) the lack of technical or financial capability to substantially meet the obligations arising out of the applicant’s operating conditions or the fact that it does not meet prior specified selection criteria; or”

The Applicant sourced a founding management team with collective experience in the telecommunications industry amounting to 35 years on a national and international level. The market study as submitted by the Applicant identifies the youth and young adult segments as its intended target market. An analysis of its competitors, was presented and thorough research was conducted in respect of successful operators with a similar business model in international markets.

The product portfolio presented will focus on simple and transparent tariff structures, voice and data services, multi-channel distribution and above average customer service. The Applicant's project marketing budget supports a clearly outlined strategy to gain a quick national footprint.

The Applicant's 5-year financial projections is in line with that of its competitors, if compared in terms of average revenue per user (ARPU), which indicated that the Applicant has not overstated the projected revenue as contained in the financial forecast. The Applicant projected that it will break even after the third year of commercial operation.

In support of its application, the Applicant submitted a support letter of funding from its financiers. The said company confirmed in a letter dated 21 May 2015 to the Authority that it have commenced with engagement of financial institutions to secure funding in support of the Applicant's business implementation.

The Applicant does not intend to implement its own mobile radio network infrastructure and thus provided proof of its request to Telecom Namibia Limited to be granted access to the radio network infrastructure of TN Mobile dated 12 May 2015.

The Authority concluded that the successful launch of telecommunications services by the Applicant will be dependent on-

- (i) Leasing of infrastructure from Telecom Namibia Limited;
- (ii) Conclusion of a funding agreement with its financiers; and
- (iii) Finalisation of a consortium agreement between the Applicant and its financiers and technical partners.

“(d) the fact that the applicant has been subject to penalties referred to in section 115(4)”;

The Applicant has not been issued with any fines in respect of section 115(4) of the Act.

1.2 Substantive issues considered by the Authority

From its analysis of the application the Authority concluded the following-

- (i) Applicant's financiers have commenced with the process of securing financial resources based on their balance sheet as stated in their letter dated 21 May 2015. The Authority noted that the Applicant does not have sufficient funding to carry out its licence obligations should a telecommunications service licence be awarded but will be dependent on the finalisation of the funding. It is also noted that the award of a telecommunications service licence to the Applicant is a pre-condition to the finalisation of that financing agreement.
- (ii) The implementation of a radio access infrastructure to operate a mobile network requires significant capital investment. The Applicant opted to only invest in the required infrastructure for its core network and lease the radio access network from TN Mobile operated by Telecom Namibia Limited. The agreement for leasing the network from Telecom Namibia has not been concluded to date.

Section 48 of the Communications Act requires carriers such as Telecom Namibia Limited to provide access to its network by other licensees on finalisation of an infrastructure sharing agreement between the two entities. However, the Communications Act places no obligation on Telecom Namibia Limited to conclude an agreement with an entity that is not licenced by the Authority. The Authority further notes that Telecom Namibia Limited would be diligent in not concluding such agreements with unlicensed entities, especially because such entities

would be utilising the network to provide services that require a service licence as stated in section 38 of the Communications Act.

- (i) The Applicant submitted an application for a Class Telecommunications Service Licence (ECS). By definition a Class ECS licence will authorise the holder thereof to offer telecommunications services only. Holders of such a service licence are not authorised to implement their own network infrastructure in respect of the services to be offered.

The Authority noted that the Applicant will implement its own core network infrastructure consisting of home and visitor location registers, data gateway for routing of data traffic, software features and billing system. The Authority therefore, deems that a Class ECS telecommunication service licence will not be the appropriate service licence to be considered for award to the Applicant given the fact that it will own and operate its own network infrastructure whilst also leasing network infrastructure from Telecom Namibia Limited similar to other existing licence holders of Class Comprehensive telecommunications service licences (ECS and ECNS).

Regulation 11(9)(a) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 on 29 August 2011 states-

- “(9) After considering an application made in terms of these regulations and any written and oral submissions, the Authority will either deny the application or grant the application, in whole or in part and-
- (a) Issue the appropriate licence in respect of class telecommunications service licence applications.....”

In light of the foregoing, the Authority is of the view that that the appropriate licence that fits the business case of Applicant would be a Class Comprehensive Telecommunications Service Licence (ECS & ECNS).

The Applicant will be able to comply with its envisaged licence conditions in respect of section 71 of the Act by implementation of its own core infrastructure providing it with the ability to intercept communications and collect and maintain all customer information and call records.

In light of the above analysis, the Authority is of the opinion:-

- (i) The Applicant submitted a comprehensive market analysis, business model and financial projects in line with those of current licensees illustrating their level of expertise and experience to manage and operate a telecommunications provider;
- (ii) The Applicant have not yet finalised the funding agreement with its financiers given that finalisation thereof is dependent on the Applicant being a holder of a telecommunications service licence;
- (iii) The business case and technical specifications submitted by Applicant warrant the issuance of a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) and not a Class Telecommunications Service Licence (ECS);
- (iv) The Applicant has not yet finalised the infrastructure sharing agreement with Telecom Namibia given that finalisation thereof is dependent on the Applicant being a holder of a telecommunications service licence; and
- (v) The Applicant will be able to comply with its licence conditions in providing telecommunications services as required by section 39(3)(c).

2. DECISION

In terms of sections 38 of the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority herewith: -

- (i) Approves the application for a Class Comprehensive telecommunications service licence (ECS and ECNS) within the geographical borders of Namibia to be awarded to the Applicant; and
- (ii) The licence be awarded subject to the provisions of the Communications Act (No 8 of 2009) and Regulations regarding Licence Conditions for Telecommunications Service Licences as published in Government Gazette No. 5037, Notice No. 308 dated 13 September 2012.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 525

2015

**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(1) 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 person referred to in the table below has submitted the following applications to the Authority:

(a) Application for Class Electronic Communications Service (ECS)

Applicant	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of class telecommunications service licence applied for;	Telecommunication services intended to be provided by applicant	Description of geographic coverage area(s)	Proof of Licence Application Fees Paid Up to Date Submitted;
Omnitel Namibia (Pty) Ltd.	Namibia	100%	Class Electronic Communications Service (ECS)	Electronic Communications	Namibia	Yes

The public may submit comments to the Authority within 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
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 526

2013

**NOTICE IN TERMS OF THE REGULATIONS REGARDING TRANSITIONAL PROCEDURES
FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND
SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of Regulation 9 of the “Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, as published in Government Gazette No. 4737, General Notice No. 171, dated 17 June 2011, herewith gives notice that the applicant referred to in the table below, is providing a service lawfully without a licence, and has submitted an information form to the Authority for Licence review purposes:

Applicant ;	Applicants' Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Existing Type of Broadcasting Service Licence(s) / Providing a Service Without a License Existing Licence(s);	Proposed New Type of Broadcasting Service Licence(s);	Identify the legal basis on which the service is provided;
Deukom (Pty) Ltd	Austrian/South African	0% ¹	Providing a Service Lawfully Without a Licence in terms of section 135 of the Communications Act No 8 of 2009	Commercial Broadcasting	The Namibian Communications Commission Act 4 of 1992, did not require a licence for the provision of broadcasting services that was provided by Deukom (Pty) Ltd

¹ Subject to Section 85(2) and (3) of the Communications Act, No 8 of 2009.

The public may submit comments in writing to the Authority within a period of thirty (30) days from the date of publication of this notice in the *Gazette*.

If the Authority considers it necessary, it will provide the opportunity to the licensee to respond to the public comments. If the opportunity to respond is granted, licensee's responses to public comments must be submitted in writing to the Authority which submission may not be less than fourteen (14) days from the submission of public comments.

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 OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 527

2015

**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 Sections 38 and 101 of the Communications Act, 2009 (Act No. 8 of 2009), read together with regulations 4, 6 & 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 person referred to in the table below has submitted the following applications to the Authority:

(a) Application for Class Electronic Communications Service (ECS)

Applicant	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of class telecommunications service licence applied for;	Telecommunication services intended to be provided by applicant	Description of geographic coverage area(s)	Proof of Licence Application Fees Paid Up to Date Submitted;
Information Technology Guru Solutions CC	Namibia	60%	Class Electronic Communications Service (ECS)	Electronic Communications	Namibia	Yes

The public may submit comments to the Authority within 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 –

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- (5) By fax to e-mail to: 0886550852.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 528

2015

**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, & 11(1) 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 person referred to in the table below has submitted the following applications to the Authority:

(a) Application for Electronic Communications Network Services (ECNS)

Applicant	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of class telecommunications service licence applied for	Telecommunication services intended to be provided by applicant	Description of geographic coverage area(s)	Proof of Licence Application Fees Paid Up to Date Submitted;
Bank Windhoek Limited	Namibia	100%	Electronic Communications Network Services (ECNS)	Fixed Satellite	Namibia	Yes

(b) 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 by the Authority;	Description of geographic coverage area(s);			License Fees Outstanding?	Service to be provided using frequency applied for;	Party Providing Signal Distribution
					Region	District	Town			
Bank Windhoek Limited	Namibian	100%	Uplink 6280.000 MHz / Downlink 4055.000 MHz	Uplink 6280.000 MHz / Downlink 4055.000 MHz	Khomas	Windhoek	Windhoek	No	Fixed Satellite	Own

The public may submit comments to the Authority within fourteen (14) days from the date of publication of this notice in the *Government 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;
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