



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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N\$6.00

WINDHOEK - 13 June 2016

No. 6035

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## General Notices

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 180

2016

#### NOTICE OF ORAL HEARING IN TERMS OF REGULATION 7 OF THE REGULATIONS REGARDING RULE-MAKING PROCEDURE

The Communications Regulatory Authority of Namibia in terms of Regulation 7 of the Regulations regarding Rule-Making Procedure published in Government Gazette No. 4630, Notice No. 334 dated 17 December 2010 herewith gives notice that it will hold a hearing regarding the proposed **Regulations regarding the Sharing of Infrastructure** as published in the Government Gazette No. 6032, General Notice No. 177, dated 10 June 2016 as follows:

**DATE:** 27 June 2016  
**TIME:** 14H30 registration at 14h00  
**VENUE:** Arebusch Lodge

The public is invited to make comments and/or oral submissions at the hearing on the Regulations regarding the Sharing of Infrastructure. All written comments and notice of oral submissions to be made during the hearing must be submitted to the Authority on or before **24 June 2016**.

**All written comments and notice of oral submission must be submitted to the Authority either physically or electronically -**

1. By hand to the head offices of the Authority, namely Communications House, 56 Robert Mugabe Avenue, Windhoek;
2. By post to the head offices of the Authority namely Private Bag 13309, Windhoek;
3. By electronic mail to the following address [legal@cran.na](mailto:legal@cran.na);
4. By facsimile to the following facsimile number +264 61 222 790; or
5. By fax to email to: 088642748

**Oral submissions must -**

1. Include a statement of the name and contact details of the person making the oral submissions and the name and contact details of the person for whom the oral submission is made, if different; and
2. Be clear and concise.

Questions, queries and further clarification must be directed to [legal@cran.na](mailto:legal@cran.na) or contact the Legal Advice Department at Tel: +264 61 222666.

**F. KISHI  
CHAIRPERSON OF THE BOARD OF DIRECTORS  
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 181

2016

**AMENDMENT TO THE REGULATIONS REGARDING ADMINISTRATIVE AND  
LICENCE FEES FOR SERVICE LICENCES: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority, in terms of section 38(10)(f) read with section 129(1)(d) of the Communications Act, 2009 (Act No. 8 of 2009), read with the Amendment to Regulations Setting out Broadcasting and Telecommunications Service Licence Categories as published in Government Gazette No. 5805, General Notice No. 387 on 12 August 2015 hereby amends the Regulations Regarding Administrative and Licence Fees for Service Licences published in the Government Gazette No. 5037, General Notice No. 311 dated 13 September 2012 and amended and published in Government Gazette No. 5269, General Notice No. 331 dated 19 August 2013, effective from date of publication in the *Gazette*.

**Definitions**

1. In these regulations, a word or expression to which a meaning is assigned in the Act or the Regulations has the same meaning, and unless the context otherwise indicates.

“Act” means the Communications Act, 2009 (Act No. 8 of 2009)

“the Regulations” means the Regulations Regarding Administrative and Licence Fees for Service Licences published in Government Gazette No. 5269, General Notice No. 331 dated 19 August 2013.

### **Substitution of regulation 3 of the Regulations**

2. The following Regulations is substituted for Regulation 3 of the Regulations-

“...The administrative fees applicable to licences are set out in the table below, in relation to each of the different licence types as set out and defined in the Regulations Setting out Broadcasting and Telecommunications Service Licence Categories, published in Government Gazette No. 4714, General Notice No. 124 dated 18 May 2011, amended from time to time.

<b>Licence Type</b>	<b>New Licence</b>	<b>Amendment</b>	<b>Transfer/ Transfer of Control</b>	<b>Renewal</b>	<b>Annual Levy</b>
Telecommunications- Individual Comprehensive (ECNS and ECS)	n/a	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Telecommunications- Class ECNS	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Telecommunications- Class ECS	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Telecommunications- Class Comprehensive (ECNS and ECS)	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Telecommunications- Network Facilities	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Telecommunications- Non-Profit ECS/ECNS	N\$ 500.00	N\$ 500.00	N\$ 500.00	N\$ 500.00	N\$ 500.00
Broadcasting- Commercial	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Broadcasting- Community	N\$ 500.00	N\$ 500.00	N\$ 500.00	N\$ 500.00	N\$ 500.00
Broadcasting- Public	n/a	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Broadcasting- Signal Distribution	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Broadcasting- Multiplex	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00
Broadcasting- Class Comprehensive Multiplex and Signal Distribution	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00	N\$ 10,000.00

### **Substitution of regulation 6 of the Regulations**

3. The following Regulations is substituted for Regulation 6 of the Regulations

“...The annual licences fees applicable to licences are set out in the table below, in relation to each of the different licence types as set out and defined in the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories, Published in Government Gazette No. 4714, General Notice No. 124 dated 18 May 2011, amended from time to time.

<b>Licence Type</b>	<b>Annual Percentage Licence Fees</b>
Telecommunications- Individual Comprehensive (ECNS and ECS)	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Telecommunications- Class ECNS	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Telecommunications- Class ECS	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Telecommunications- Class Comprehensive (ECNS and ECS)	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Telecommunications- Network Facilities	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Telecommunications- Non-Profit ECS/ECNS	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Broadcasting- Commercial	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Broadcasting- Community	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Broadcasting- Public	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Broadcasting- Signal Distribution	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Broadcasting- Multiplex	Levy % = Minimum (1.5%, 0.0000000002*Turnover)
Broadcasting- Class Comprehensive Multiplex and Signal Distribution	Levy % = Minimum (1.5%, 0.0000000002*Turnover)

**F. KISHI**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 182

2016

**AMENDMENT TO THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority, in terms of section 40 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009) and the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009”, published as General Notice No. 334 in Government Gazette No. 4630 dated 17 December 2010, hereby amends the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences published in Government Gazette No. 4785, General Notice No. 272 dated 19 August 2011 (as published in Government Gazette No. 5947, General Notice No. 19 dated 15 February 2016), effective from date of publication in the *Gazette*.

**Insertion of a new regulation 5A after the existing regulation 4 of the Regulations**

2. The new regulation 5A to read as follows -
- (1) A person intending to provide a class network facilities services must submit, in writing to the Authority, an application for a class network facilities service licence in the form made available by the Authority as contained in Annexure A.
  - (2) The application must-
    - (a) set out the full and official name of the person intending to provide a class network facilities service (applicant), and if a juristic person, the registration number of that person;
    - (b) Set out the name of the contact person (if different from the applicant) and the following contact details -

- (i) physical address;
  - (ii) postal address;
  - (iii) telephone number(s);
  - (iv) facsimile number (s); and
  - (v) electronic mail address(es);
- (c) set out full details of all ownership interests in the applicant, including the identity and nationality of ownership interests and if the holders of ownership interests are juristic persons, full details of the board of directors or other governing body and of all their ownership interests;
- (d) set out the full details of foreign ownership interests in the applicant;
- (e) set out a complete, accurate and concise statement of the network facilities to be provided, including a description and diagram of any network to be constructed, operated or used;
- (f) indicate the physical address(es) where network facilities are located or would be located in case of new network facilities still to be implemented including geographical locations up to seconds;
- (g) indicate the description, make and model of relevant equipment and attach the specifications and type approval certificates;
- (h) attach to the application a five (5) year business plan inclusive of market analysis, growth forecasts, funding and financial resource and expertise but not limited thereto;
- (i) indicate full details of any ownership interest held in existing telecommunications or broadcasting service licences by the applicant and if the applicant is a juristic person, by the persons who hold ownership interests in the applicant; and
- (j) include any other information the applicant believes might be relevant to the Authority in considering the applications.
- (3) The class network facilities service licence application must be accompanied by a spectrum use licence application, if the applicant intends to use spectrum in the provision of network facilities.
- (4) The Authority may request further information or documentation, which must be provided to the Authority in the time and manner set out by the Authority.

#### **ANNEXURE A**

##### **Form CRAN 15**

##### **Application Form: Network Facilities Service Licence**

*In terms of Regulation 5 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011 (as amended from time to time) - a person*

*intending to provide network facilities is required to complete this application for a broadcasting service licence.*

*After completing the form in full, sign it and submit it to the Authority as required by Regulation 4, along with the relevant application fee or proof that the application fee has been paid to the Authority.*

**A. APPLICANT**

Applicant (full and official names)	
ID or Registration Number of Applicant	

**B. CONTACT PERSON**

Contact Person (full and official names)	
Physical Address	
Postal Address	
Telephone number(s)	
Facsimile number(s)	
Electronic mail address(es)	

**C. OWNERSHIP INTERESTS**

Owner Name	Percentage of Ownership	Nationality of Owner

**D. FOREIGN OWNERSHIP INTERESTS**

Provide full details regarding foreign ownership interest in the licence, in any.


**E. BOARD OF DIRECTORS**

If the applicant is a juristic person(s), set out the full names, nationalities and identity numbers of the members of the Board of Directors or other governing body.

Director Name	Nationality	Identity Number

F. NETWORK FACILITIES TO BE PROVIDED

Set out a complete, accurate and concise statement of the network facilities you intend to provide.


G. TECHNICAL PORTION  
(Complete applicable parts)

1. Indicate the physical address(es) where network facilities are located or would be located in case of new network facilities still to be implemented. Include geographical locations up to seconds.


2. Indicate the description, the make and model of relevant equipment. Attached the specifications and type approval certificates.


H. FINANCIAL RESOURCES

Attach a five (5) year business plan inclusive of market analysis, growth forecasts, funding and financial resources and expertise but not limited thereto.

I. CO-OWNERSHIP DETAILS

Indicate full details of any ownership interest held in existing telecommunications or broadcasting services licences by the applicant and if the applicant is a juristic person, by persons who hold ownership interest in the applicant.


**J. ANY OTHER INFORMATION**

Provide any other information you believe might be relevant to the Authority in considering this application.


**PLEASE NOTE:**

- A certified copy of the Identity document of the Applicant and members of the Board of Directors should accompany this Application Form.
- If an authorized agent completes the Application on behalf of the Applicant, such agent should submit, with the Application Form, a power of attorney, which authorizes him or her to lodge the application on behalf of the applicant.
- The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Signed by \_\_\_\_\_ at \_\_\_\_\_ in his/  
her capacity as \_\_\_\_\_, duly authorised and warranting  
such authority and warranting that the information provided herein is true and correct, on the  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

**ACKNOWLEDGEMENT OR RECEIPT BY CRAN**

Name	
Date	
Place	
Signature	

**F. KISHI**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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