



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 3

2019

NOTICE OF INTENTION TO MAKE REGULATIONS PRESCRIBING PROCEDURES REGARDING APPLICATION FOR AND AMENDMENT, RENEWAL OR TRANSFER OF SPECTRUM LICENCES: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia (hereafter “the Authority”) in terms of Regulation 4(3) of the Regulations regarding Rule-Making Procedures published as General Notice No. 334 of 17 December 2010 (hereafter “the Regulations regarding Rule-Making Procedures”) published a Notice of Intention to make Regulations Prescribing Procedures Regarding Application for, and Amendment, Renewal or Transfer of Spectrum Licences Government Gazette No. 6802, Notice No. 695 dated 27 December 2018.

The said notice also gave notice of a public hearing to take place on 30 January 2019. Kindly note that the date of 30 January 2019 is erroneous and in terms of section 7 of the Regulations Regarding Rule Making Procedure, the Authority herewith gives notice of the correct date of the hearing as follows:

DATE: 12 February 2019

TIME: 14H30

VENUE: TBD

The rest of the details on the notice are correct and remain unaltered by this notice.

F. K. MBANDEKA

CHIEF EXECUTIVE OFFICER

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 4

2019

**NOTICE OF RECONSIDERATION IN TERMS OF SECTION 31 OF
THE COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia, in terms of section 31 of the Communications Act (Act No. 8 of 2009) read together with regulation 12(1) of the Regulations Regarding Rule-Making Procedures, as published in Government Gazette No. 4630, General Notice No. 334, dated 17 December 2010, hereby gives notice that **Mobile Telecommunications Limited (MTC)** on **21 December 2018** submitted an application for reconsideration of the Amendment of Regulations Prescribing the National Numbering Plan for Use in the Provision of Telecommunications Services as published in the Government Gazette No. 6692, General Notice No. 500, dated 30 August 2018.

The reasons and grounds for the application for reconsideration are contained in the application which can be inspected at the offices of the Authority.

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*.

MTC 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;
- (4) by facsimile to the following facsimile number: +264 61 222790; and
- (5) by fax to e-mail to: 0886550852.

F. K. MBANDEKA
CHIEF EXECUTIVE OFFICER
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 5

2019

**NOTICE OF IMPOSITION OF A MORATORIUM ON APPLICATIONS FOR SPECTRUM
USE LICENSES IN THE FREQUENCY BAND 87.5-108 MHZ, FOR ANALOGUE FM RADIO
BROADCASTING AND BROADCASTING SERVICE LICENSES FOR ANALOGUE FM
RADIO SERVICES, COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia, in terms of section 129(1)(d) - (e) of the Communications Act, 2009 (Act No. 8 of 2009), read together with regulation 3(2) of the Regulations Regarding Rule-Making Procedures, published in *Government Gazette* No. 4630, General Notice No. 334, dated 17 December 2010, and pursuant to sections 99(1) and 100(2)(b), 101(6) and (8) of the Communications Act, 2009 (Act No. 8 of 2009), herewith imposes a Moratorium on:

- (a) The issuance of spectrum use licenses in the frequency band 87.5-108 MHz, for the provision of analogue FM radio broadcasting; and
- (b) The issuance of broadcasting service licenses for analogue FM radio services, where the provision of such service or the use thereof entails the use of radio waves as contemplated in section 101(6) and (8) of the Communications Act, 2009 (Act No. 8 of 2009).

1. Background

As set out in the Frequency Band Plan of Namibia, the frequency band 87.5-108 MHz is allocated to analogue FM radio broadcasting. This is the only spectrum band that may be utilised for analogue FM radio broadcasting. The increase in the number of broadcasting service licensees has resulted in the scarcity of analogue FM spectrum in most geographical areas in Namibia, especially in urban areas.

In order to ensure that the radio frequency spectrum is utilized and managed in an orderly, efficient and effective manner as contemplated in section 99 of the Act, the Authority intends to conduct a review of the frequency channeling plan for analogue FM radio broadcasting. The review will require a detailed spectrum analysis, coverage prediction, cross border coordination and analysis of various transmitter power outputs to ensure maximum use of the radio frequency spectrum available.

2. Procedural Compliance

Following due process in terms of Regulations Regarding Rule-Making Procedures, the Authority published a notice in the *Government Gazette* 6777, Notice No: 674, dated 26 November 2018, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 11 December 2018, and no comments were received.

3. Reasons and extent of Moratorium

In order to conduct the review of the frequency channeling plan, it is necessary to ensure a static database of assigned spectrum to allow for an analysis of available spectrum, consider possible changes in frequency assignments and carry out coverage predictions, and conduct an assessment in respect of power outputs and other technical requirements. It will not be possible to complete the review of the spectrum database while concurrently awarding new spectrum licenses to broadcasting service licensees.

Section 101 of the Communications Act, 2009 (Act No. 8 of 2009) sets out the following entwined relationship between a broadcasting service license and spectrum use license:

- (c) any person applying for a license to provide broadcasting services must also apply for such spectrum license as is necessary to render the service concerned;
- (d) a spectrum use license is required in addition to any broadcasting service license where the provision of the broadcasting service entails the transmission of signals by radio waves.
- (e) The Authority must consider any spectrum use license application together with an application for a broadcasting service license.

Therefore, the Moratorium on applications for spectrum use licenses will be extended to applications for broadcasting service licenses, if the applicant intends to use radio waves to provide broadcasting services.

4. Details of the Moratorium

4.1 The Authority imposes a Moratorium for a period of fifteen (15) months from date of publication in the Gazette. The following are the reasons for the fifteen (15) months:

- i) The review of the channelling plan will commence from the date that the final notice of the moratorium is published in the Gazette and will be completed by 31 March 2019;
- ii) After completion of the review, the amended channelling plan will be published for comments in the Gazette to allow the public an opportunity to comment on the outcome of the process. It is envisaged that this rule-making process will be completed in six (6) months; and
- iii) After finalisation of the rule-making process, the Authority will commence to implement the modifications of existing spectrum use licenses necessitated by the amended frequency channelling plan. It is envisaged that the modification process will be completed in five (5) months.

4.2 All applications received before the commencement of the Moratorium will be considered and finalized. The Authority will also not accept any applications for the amendment of awarded spectrum use licenses and broadcasting service licenses during the Moratorium period. Applications for withdrawal of spectrum use licenses will be considered.

4.3 Owing to the fact that section 101(7) places an obligation on any person applying for a service license requiring spectrum to equally apply for a service license in respect of radio broadcasting, the Authority will equally not consider new applications for broadcasting service licences, if such license will require a spectrum use license in the band 87.5-108 MHz.

4.4 While the Moratorium will not have an impact on existing assignments, licensees are notified that their existing assignments may be modified as part of the outcome of the review process. This process will be done in terms of the relevant provisions of the regulatory framework and affected licensees will be informed accordingly.

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 6

2019

PROPOSED UNIVERSAL SERVICE OBLIGATIONS GUIDELINES

Pursuant to the Notice of Intention to make Universal Service Obligations Guidelines as published in the Government Gazette No. 6800, General Notice No. 694 dated 24 December 2018 the Authority in terms of regulation 7 of the Regulations regarding Rule-Making Procedures published in Government Gazette No. 4630, General Notice No. 334 dated 17 December 2010 herewith gives notice that it will hold a hearing regarding the proposed Guidelines as follows:

DATE: 12 FEBRUARY 2019
TIME: 10H00
VENUE: TBD

The public is invited to make comments and/or oral submissions at the hearing on the proposed Universal Service Obligations Guidelines.

All written comments and notice of oral submissions to be made during the hearing must be submitted to the Authority on or before the **08 February 2019**.

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;
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;
2. Be clear and concise

F. KISHI
CHAIRPERSON
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA
