



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 14 November 2013

No. 5343

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## General Notices

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 430

2013

#### 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 section 42(2) of the Communications Act and Regulation 8 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence, in Government Gazette No. 4785, Notice No. 272 dated 29 August 2011, herewith gives notice that **NAMDEB Diamond Corporation (Pty) Ltd** has applied for Amendment of its Spectrum Use Licence as set out in Schedule 1, to this notice. The reasons for the proposed Amendment are contained in Schedule 2, to this notice.

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*.

**NAMDEB Diamond Corporation (Pty) Ltd** may submit, in writing to the Authority, a response to any written comments within fourteen (14) days from the date of notification of 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](mailto: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**  
**COMMUNICATIONS REGULATORY AUTHORITY**

## SCHEDULE 1

### PROPOSED AMENDMENT OF SPECTRUM USE LICENCE: COMMUNICATIONS ACT, 2009

#### LICENCE TO BE AMENDED: SPECTRUM USE LICENCE ISSUED TO NAMDEB DIAMOND CORPORATION (PTY) LTD AND PUBLISHED IN GOVERNMENT GAZETTE NO. 5219, GENERAL NOTICE 195 DATED 6 JUNE 2013

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 assigned in terms of Spectrum Use Licence published in the Government Gazette No. 5219, dated 6 June 2013;	List of radio frequencies or groups of radio frequencies applied for in respect of Application for Amendment;	Description of geographic coverage area(s)			License Fees Outstanding;	Service to be provided using frequency as amended;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
NAMDEB Diamond Corporation (PTY) LTD	Namibia	100 %	8349.00 MH 8475.00 MHz  14907.00 MH 15523.00 MHz	8010.00 MH 8276.00 MHz  18195.00 MH 19205.00 MHz	Karas	Oranje-mund	Within the Operational Borders of the Applicant's mine	Yes	FIXED	Own

## SCHEDULE 2

### CONCISE STATEMENT OF THE PURPOSE OF THE PROPOSED AMENDMENT

The microwave backhaul was initially planned only to provide backhaul capacity for the proposed new Tetra radio network. At that stage, a 7MHz bandwidth was applied for to minimize implementation and recurring costs. Subsequent to the initial application for spectrum use licence to the Authority, other departments within **NAMDEB Diamond Corporation (Pty) Ltd** (Security, C&I, HT Electrical etc) realized the practical potential of the backhaul links and requested shared capacity that necessitates the request for the increase in the channel capacity. It would be in the interest of all parties involved to combine their requirement and to implement a single shared backhaul link network.

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 431

2013

#### NOTICE IN TERMS OF SECTION 42(2) OF THE COMMUNICATIONS ACT, 2009 READ WITH 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 42(2) of the Communications Act, 2009 (Act No. 8 of 2009), and Regulation 13 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, herewith gives notice of the following in respect of **Capricorn Radio cc**:

1. Capricorn Radio CC was assigned with the frequency 102.3 MHz for coverage in the geographical area of Rehoboth as published in Government Gazette No. 5179, General Notice No. 114, of 17 April 2013.
2. The Authority assigned the frequency of 102.3 MHz to Capricorn Radio CC erroneously insofar as the said frequency was already assigned to another licensee; namely Media for Christ (section 21 association not for gain) on the 13<sup>th</sup> of September 2012 in terms of Government Gazette No. 5037, General Notice No. 306 of 13 September 2012.
3. The Authority has identified 96.1 MHz as an alternative frequency for assignment to Capricorn Radio CC. This was the frequency that had to be assigned to Capricorn Radio CC by the Authority.
4. The Authority proposes that the spectrum use licence issued to Capricorn Radio CC on 17 April 2013 in terms of Government Gazette No. 5179, General Notice No. 114, of 17 April 2013 be modified to reflect the new frequency as 96.1 MHz.
5. The Authority deems the modification necessary, not only because the assigned frequency was already assigned to another licensee, but also to fulfill the Communications Act’s object of stimulating the commercial development and use of radio frequency spectrum in the best interests of Namibia in terms of Section 2 (h) of the Act.

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

**Capricorn Radio cc** 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; or
- (5) By fax to e-mail to: 0886550852

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

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## COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 432

2013

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

The Communications Regulatory Authority of Namibia, in terms of regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government *Gazette* No. 4714, Notice No. 126, dated 18 May 2011, and section 53 of the Communications Act, 2009 (Act No. 8 of 2009), herewith gives notice of the following tariffs for Telecom Namibia Limited, which will be in force, effective from date of publication of this notice in the *Gazette*:

Tariffs for fixed line voice call plans: Talknet And Talknet Pluspackages

	<b>TalkNet</b>	<b>TalkNet Plus</b>
<b>Package activation charge</b>	N\$ 99.00	N\$ 99.00
<b>CPE (Fixed)</b>	Gigaset A120	Panasonic KXTG1311
<b>On-net Peak Time calls: 07h00 – 19h00 Weekdays (Monday – Friday)</b>	Not Included	Free 1000 minutes/month
<b>On-net calls Off-Peak Time: 19h00 to 07h00 weekdays, Weekends &amp; Public Holidays</b>	Free & Unlimited	Free & Unlimited
<b>Out of bundle Call rates</b>	Normal fixed line call rates apply	
<b>Anytime Fixed to mobile calls</b>	50 minutes/month	100 minutes/month
<b>Line Rental</b>	Included	Included
<b>Fixed to mobile call rate (off-net)</b>	N\$ 0.85/min	N\$ 0.75/min
<b>Monthly Charge (6 Months contract)</b>	<b>N\$ 199.00</b>	<b>N\$ 299.00</b>
<b>Monthly Charge (12 Months contract)</b>	<b>N\$ 169.00</b>	<b>N\$ 259.00</b>

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

## COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 433

2013

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 section 101 of the Communications Act, No 8 of 2009 and regulation 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licenses and Spectrum Use Licenses”, published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the person referred to in the table below, has been awarded a spectrum use licence, effective from date of publication of this notice in the *Gazette*:

No.	Licensee;	Licensee's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Radio Frequen- cies or group of frequencies assigned;	Services intended to be provided using the spectrum being assigned;	Proof of Licence Application Fees Paid Up to Date Submitted?  Yes/No
1	HRT Africa Petroleo S.A.	Brazilian	0% <sup>1</sup>	6078.000 MH 3854.000 MHz	PRIVATE FIXED-SATELLITE (Earth-to-space) (space-to-Earth)	No

The licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Setting Out Spectrum Use Conditions to be issued in terms of the Regulations Regarding Rule Making Procedure.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 434

2013

**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 section 101 of the Communications Act, read with regulations 6 and 11 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the applicant referred to in the table below, submitted an application for a spectrum use licence to the Authority:

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<sup>1</sup> Section 46 (1) of the Communications Act, No 8 of 2009, which requires Namibian ownership of 51%, is not applicable to applications made in terms of section 101 of the Act.

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);			License Fees Outstanding;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)	International Treaty Organization	0%	6383.000 MH 4157.000 MHz	6383.000 MH 4157.000 MHz	Khomas	Windhoek	Windhoek	No	FIXED-SATELLITE (Earth-to-space)	Own
			6337.000 MH 4112.000 MHz	6337.000 MH 4112.000 MHz	Oshikoto	Tsumeb	Tsumeb	No	FIXED-SATELLITE (Earth-to-space)	Own

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;
- (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 222790; or
- (5) By fax to e-mail to: 088642748.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 435

2012

**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 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 the persons referred to in the table below have submitted the following applications to the Authority:



## Spectrum Use Licence Applications

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequencies or groups of radio frequencies applied for;	List of radio frequencies or groups of radio frequencies being considered for assignment 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	City/Town			
Namibian Broadcasting Corporation (NBC)	Namibia	100 %	88– 108 MHz	107.1 MHz - Rukavango	Karas	Keetmanshoop	Keetmanshoop	Yes	Public Broadcasting Service	Own
				106.4 MHz - Lozi						
				105.7 MHz - Setswana						
				99.3 MHz - San						
				88.1 MHz - Rukavango	Hardap	Mariental	Mariental			
				89.7 MHz - Lozi						
				93.3 MHz - Setswana						
				102.7 MHz - San						
				91.2 MHz - Oshiwambo	Hardap	Stampriet	Stampriet			
				94.4 MHz - Otjiherero						
97.7 MHz - Rukavango										
104.8 MHz - Lozi										
99.3 MHz - Setswana										
103.2 MHz - San										
90.0 MHz - National										
93.1 MHz - Oshiwambo	Hardap	Rehoboth	Schlip							
99.6 MHz - Oshihero										
106.7 MHz - Damarara>Nama										
95.3 MHz - Akrikaans										
103.9 MHz - German										
91.9 MHz - National										
95.1 MHz - Oshiwambo	Kunene	Kamanjab	Kamanjab							
98.4 MHz - Otjiherero	Hardap	Rehoboth	Rehoboth							
101.9 MHz - German										
93.8 MHz - Rukavango										
96.0 MHz - Setswana										
97.10 MHz - San										

The public may submit comments in writing to the Authority within a period of fourteen (14) days from the date of publication of this notice in the *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 –

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- (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; or
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**L. N. JACOBS**  
**CHAIRPERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 436

2013

**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, (Act No 8 of 2009) and regulations 4, 6, 11 and 19 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 as amended, herewith gives notice of the following licensee who is issued with a Class Comprehensive Telecommunications Service Licence (ECNS & ECS) and a spectrum use licence effective from date of publication in the *Gazette*:

**(a) Class Comprehensive Telecommunications Service Licence (ECNS and ECS)**

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;	Category of Class Telecommunications service to be provided;	Does Licensee intend to use spectrum in the provision of the telecommunication service?	Concise statement on Services intended to be provided;	Description of geographic coverage area(s);	Proof of Licence Application Fees Paid Up to Date Submitted?
Schoemans Technologies (Pty) Ltd	Namibia	100%	Class Comprehensive Telecommunications Service Licence (ECNS & ECS)	Yes, spectrum has been assigned	Electronic Communications	Namibia	Yes

**(b) Spectrum Use Licence**

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;	Radio Frequencies or group of frequencies applied for;	Radio Frequencies or group of frequencies to be considered by the Authority;	Services intended to be provided using the spectrum being applied for;	Type of Service Licence awarded;	Proof of Licence Application Fees Paid Up to Date Submitted?
Schoemans Technologies (Pty) Ltd	Namibia	100%	3650.000 – 3675.000 MHz 10755.000 / 10835.000 MHz 11285.000 / 11365.000 MHz	3650.000 – 3675.000 MHz 10755.000 / 10835.000 MHz 11285.000 / 11365.000 MHz	FIXED  FIXED	Class Comprehensive Telecommunications Service Licence (ECNS & ECS).	Yes

**REASONS FOR DECISION**

The following are the reasons for the decision:

Pursuant to the provisions of sections 38 and 101 of the Communications Act (Act No 8 of 2009) (hereinafter referred to as the "Act") and 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 of 29 August 2011, as amended, Schoemans Technologies (Pty) Ltd submitted applications for a class comprehensive telecommunications service licence (ECNS & ECS) and spectrum use licence for 3.6 GHz and 10 - 11 GHz spectrum bands on the 7<sup>th</sup> of May 2012 and 28<sup>th</sup> of February 2013 respectively.

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 5243, Notice No 282, dated 19 July 2013, allowing fourteen (14) days for public comments from the date of publication of the Notice in the Gazette. Only Telecom Namibia Limited submitted written comments within the stated timeframe as indicated below. The comments of Telecom Namibia Limited were also considered in this application.

Pursuant to regulation 11(3) of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority conveyed the comments received from Telecom Namibia to Schoemans Technologies (Pty) Ltd to

submit reply comments within fourteen (14) days from receipt thereof, which were submitted on 13 August 2013.

Schoemans Technologies (Pty) Ltd maintained that the *“market can not be effectively serviced by a single Service Provider, as the end user requirement, does not always match a Corporate Service Provider’s offering such as Telecom Namibia. Many of our Services offers are specialist services in areas where Telecom Namibia does not have a market offering.”* It further submitted that very few ITU-R recommendations have any bearing on the frequencies applied for as no ITU-R recommendations refer to specific frequencies but rather to spectrum bands. Specific reference is made to ITU-R F.755-2, ITU-R F1336-3, ITU-R F747 and ITU-R F387-9.

The Authority notes that Schoemans Technologies (Pty) Ltd is an established company with varied technical and operational expertise in the ICT industry and has conducted business operations as a reseller prior to the commencement of the Act. The Authority evaluated the business case supporting the application for a Class Comprehensive telecommunications service licence (ECNS & ECS) as submitted on 25 April 2013 and found it to be sound to provide sustainability for future business operations. It is envisaged that Schoemans Technologies (Pty) will provide internet access, video and voice services as well as back-haul services, hosting email, web sites and off-site data storage services going forward. The envisaged products are aimed at small to medium enterprises customized to the specific needs of the customer.

The Authority is further of the view that the market is not saturated as alluded to by Telecom Namibia Limited. It is evident from annual financial information received from licensees that revenue derived from electronic communication services is still growing. Taking into account that small to medium enterprises plays an important economic role in Namibia and rely on ICT service providers for telecommunications and IT services in lieu of in-house capacity to maintain the services, the Authority acknowledges that the awarding licenses to smaller entities will fill this gap in service provision.

The objectives of the Act also support the promotion of competition, encouragement of private investment and promotion of a wide range of telecommunications services throughout Namibia. The Authority regards the award of a Class Comprehensive ECS & ECNS telecommunications service licence to Schoemans Technologies (Pty) Ltd to be aligned with the objectives of the Act. The assignment of 3650 MHz – 3675 MHz for fixed wireless access and 10 755.000/10 835.000 MHz and 11 285.000/11 365.000 MHz for fixed transmission links is in accordance with the Regulations Setting out the Frequency Band Plan as published in the Government Gazette No. 5214, Notice No. 191 dated 31 May 2013.

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

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