



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 383

2014

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

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act, 2009 (Act No. 8 of 2009) and Regulation 5, 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the person referred to in the table below, has been awarded a Community Broadcasting Service Licence and a Spectrum Use Licence, effective from date of publication of this notice in the *Gazette*:

(a) Broadcasting Service Licence Application:

Licensee Name;	Licensee's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Category of Broadcasting Service Licence as contemplated in the Regulations Setting out Broadcasting and Telecom-munications Service Licence categories;	Provision of Signal Distribution;	Whether Licensee intends to use spectrum in the provision of broadcasting services intended to be provided;	Proof of Application fees paid up to date submitted?
Hardap Radio Trust Hardap Radio	t/a Namibian	100%	Community Broadcasting Service Licence	Own	Yes, application is contained in part (b) below.	Yes

(b) Spectrum Use Licence Application

Licensee Name;	Licensee'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 awarded by Authority for assignment;	Provision of Signal Distribution;	Description of geographic coverage areas(s)			Proof of Application fees paid up to date submitted?	
					Region;	District;	City/Town		
Hardap Radio Trust Hardap Radio	t/a Namibian	100%	88.7 MHz	Own	Hardap	Mariental	Mariental	Community Broadcasting Service	Yes

The above licences are issued subject to the Communications Act, 2009 (Act 8 of 2009), Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012; and the Regulations Regarding Licence Conditions for Spectrum Use Licences as published in Government Gazette No. 5354, General Notice No. 469, dated 2 December 2013.

REASONS FOR THE AUTHORITY'S DECISION

Hardap Radio Trust t/a Hardap Radio (hereinafter referred to as "Hardap Radio") submitted an application for a community broadcasting service licence and spectrum use licence between 88 MHz and 108 MHz in the geographical area of Mariental on the 12th of September 2013 for consideration by the Authority. The application was submitted in accordance with sections 83, 85 and 101 of the Communications Act 8 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 of 29 August 2011 (as amended).

As per documentation submitted by Hardap Radio with their application for a community broadcasting service licence, Hardap Radio is 100% Namibian owned as required by section 85 (2) of the Act and is registered as a Trust with the Master of the High Court in terms of the Trust Monies Protection Act 34 of 1934, as an association not for gain. Certified copies of the Trust Deed (T346/13) dated 21 October 2013 was submitted to the Authority.

In terms of section 101 (6) of the Act and regulation 5(2) of the Regulations Regarding Licensing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, a community broadcasting service licence application must be accompanied with a spectrum use licence application if the applicant intends to use spectrum in the provision of the intended broadcasting service. Hardap Radio accordingly submitted an application for spectrum use licence for FM broadcasting frequency between 88 MHz and 108 MHz dated 12 September 2013 for the geographical area of Mariental with a transmitter output power of 100 Watt.

Hardap Radio intends to provide its own signal distribution service, in terms of Regulation 5(2) of the Regulations Regarding Licensing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use License.

The following information and/or documentation was submitted in support of the application and as required in terms of regulations 5 and 6 of the Regulations Regarding Licensing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use License:

- i. All technical specifications of transmitter and antenna equipment;
- ii. A coverage plot of the intended broadcasting area;
- iii. A detailed programme schedule indicating programme content and broadcasting times;
- iv. A comprehensive curriculum vitae of Mr Morgan Schase indicating eight years experience in broadcasting industry;
- v. A letter of confirmation from Satcom Namibia to provide technical support; and
- vi. The required bank statements were submitted together with the application forms.

The application indicated that Hardap Radio intends to construct a broadcasting transmitter site at a private residence in Mariental. As such, the Authority requested Hardap Radio on the 17th of April 2014 to provide a letter of authorization from the Mariental Town Council to construct a broadcasting transmitter tower in a residential area in accordance with the Regulations regarding Environment Impact Assessments: Environmental Management Act, 2007 published in the Government Gazette No. 4878, Notice No. 30 dated 06 February 2012.

Hardap Radio opted to rather apply to Telecom Namibia Limited to share their existing tower located at the Hardap Irrigation Scheme.

Following due process in terms of regulation 11 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette No. 5369, General Notice No. 512, dated 20 December 2013, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period closed on the 06 of January 2014 and no comments were received. Subsequently no reply comments were required from Hardap Radio.

Application for community broadcasting service licence

The Mariental area is currently serviced by four (4) commercial broadcasters namely; Omulungu Radio, Radio Kudu, Radiowave and Cosmos Digital Namibia and , two (2) community broadcasters namely; Media for Christ and Gospel Mission Ministries and the national broadcaster broadcasting in nine (9) language channels as well as NBC National Radio.

When considering the award of a broadcasting service licence, the Authority must consider the provisions of section 85(8) of the Communications Act, which provides as follows:

“When considering an application for the issue of a broadcasting licence the Authority must have regard to-

- (a) *the character of the applicant or, if the applicant is a body corporate, the character of its directors;*
- (b) *the adequacy of the expertise, experience and financial resources available to the applicant;*
- (c) *the desirability or otherwise allowing any person or association of persons, to have control or a substantial interest in-*
 - (i) *more than one broadcasting service;*
 - (ii) *more than one radio station and one television station and one registered newspaper with a common coverage and distribution area or significantly overlapping coverage and distribution areas;*
- (d) *whether the applicant is likely to comply with such technical broadcasting standards as the Authority may prescribe;*
- (e) *whether the conditions of a broadcasting licence will unjustly benefit one licensee above another;*
- (f) *the allocation of spectrum in such a manner as to ensure the widest possible diversity of programming and the optimal utilization of such resources. Provided that priority may be given to broadcasters transmitting the maximum number of hours per day;*
- (g) *the reservation of radio wave spectrum resources for future use; and*
- (h) *the desirability of giving priority to community based broadcasts*

In the opinion of the Authority, Hardap Radio has proved its ability to fulfill its licence obligations should a community broadcasting service licence be awarded in that it provided-

- (a) proof of extensive broadcasting experience and technical support to operate equipment and providing broadcasting services amounting to more than eight years collectively in total;
- (b) sufficient financial resources to operate a community broadcasting station;
- (c) Hardap Radio complied with all licensing requirements as set out in Regulation 5 of the licensing regulations as set out in point 6.2 above.

Application for spectrum use licence

Pursuant to the provisions of section 101(6) of the Act, an applicant may only be issued with a spectrum use licence, where the operation of a network or the provision of broadcasting service or the use thereof entails the use of radio waves.

In addition, section 101(7) of the Communications Act stipulates as follows:

“When a person applies for a licence to operate a network or provide telecommunications services or broadcasting services, that person must also apply for such spectrum licences as are necessary to render the service concerned.”

Section 101(8) places a duty on the Authority to consider the application for spectrum in conjunction with the application for a service licence and to ensure that such spectrum licence as may be required is issued to enable the applicant to render the services for which the service licence is issued.

The Authority has considered the spectrum use licence application submitted by Hardap Radio for spectrum to be utilized for FM broadcasting services within the geographical area of Mariental taking into consideration spectrum assigned to existing broadcasting licensees. It was further noted that the site location has changed from a residential house located in Mariental to sharing the tower owned by Telecom Namibia Limited situated at the Hardap Irrigation Scheme. Based on the technical information contained in the application form submitted, the Authority is of the opinion that no increase in power output is required due the change in site location. The power output of 100 Watt as applied for is deemed sufficient to provide FM broadcasting services within the Mariental geographical area.

In light of the above, the Authority approved both the Community Broadcasting Service Licence Application and the Spectrum use Licence Application for 88.7 MHz with a power output of 100 Watt from the tower located at the Hardap Irrigation Scheme (24° 32'51.28" S, 17°57'21.86"E) to provide FM broadcasting services in the geographical area of Mariental.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 384

2014

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

The Communications Regulatory Authority of Namibia, in terms of sections 85 and 101 of the Communications Act (No. 8 of 2009) read with regulations 5, 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the Applicant referred to in the table below have submitted the following applications to the Authority:

(a) Broadcasting Service Licence Application:

Applicants Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of Broadcasting service licence as contemplated in the Regulations Setting out Broadcasting and Telecommunications Service Licence categories;	Provision of signal distribution;	Whether applicant intends to use spectrum in the provision of broadcasting services intended to be provided;	Proof of Application fees paid up to date submitted?
Southern Sun Media Trust	Namibian	100%	Community Broadcasting Service Licence	Own	Yes	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 for assignment by the Authority;	Description of geographic coverage area(s);			Maximum Output Power & Coordinates;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
Southern Sun Media Trust	Namibia	100 %	102.3 MHz	102.3 MHz	Karas	Keetmanshoop	Oxpass Municipal Tower	500 W S25°34'35.0" E18°07'04.9"	Community Broadcasting Service	Own
			850.000 MHz	453.0350 MHz	Karas	Keetmanshoop	Oxpass Municipal Tower	15 W S25°34'35.0" E18°07'04.9"	ST-LINK FIXED	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 the due date of the written public comments.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: legal@cran.na;
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 385

2014

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

The Communications Regulatory Authority of Namibia, in terms of regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice that **Telecom Namibia Limited** 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*.

Telecom Namibia Limited 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;
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L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

SCHEDULE 1

**SUBMISSION OF AMENDMENT TO FIXED BROADBAND PACKAGES AND RATES BY
 TELECOM NAMIBIA LIMITED (COMMUNICATIONS ACT, 2009)**

Current sped (Kb/s)	New Speed (Kb/s)
Speedlink Home	
384	512
512	1024
1024	2048
2048	3072
3072	4096
4096	Price reduction (to current 3Meg Price)
Speedlink Business (Standard/Professional)	
512	1024
1024	2048
2048	4096
4096	6144
6144	8192
8192	10240
10240	Price reduction (to current 8Meg Price)

The table below outlines the new pricing:

Speedlink Home					
Package	512k	1024k	2048k	3072k	4096k
CPE	Entry level CPE with Wi-Fi		Medium Range CPE with Wi-Fi		
Downlink Speed	512k	1024k	2048k	3072k	4096k
Uplink Speed	192k	384k	768k	1024k	1536k
Number of Voice/Fax numbers	1	2	4	4	4
Number of concurrent voice calls	1	1	3	3	3
Fax2email number/s	1	1	1	1	1
Internet Usage	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Email addresses	1	2	2	2	2

Web Space	50	50	100	200	200
On-net voice minutes	30	30	50	100	100
Monthly Charge (N\$) (12-month)	499	749	899	1,199	1,449
Monthly Charge (N\$) (24-month)	399	599	699	999	1,149
Monthly charge (N\$) (36-month)	349	549	649	949	1,099

Speedlink Business						
Package	1024k	2048k	4096k	6144k	8192k	10240k
CPE	Medium Range CPE with Wi-Fi		High Range CPE with Wi-Fi			
Downlink speed	1024k	22048k	4096k	6141k	8192k	10240k
Uplink Speed	512k	1024k	2048k	2048k	2048k	2048k
Number of Voice/Fax numbers	3	4	6	6	6	6
Number of concurrent voice calls	2	3	5	5	5	5
Fax2email number/s	2	2	2	2	2	2
Internet Usage	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Email addresses	3	8	15	20	25	40
Web space	100	100	200	200	200	200
On-net voice minutes	100	100	150	300	300	400
Monthly Charge (N\$) (12-month)	849	1,349	2,049	3,549	5,149	6,799
Monthly Charge (N\$) (24-month)	799	1,099	1,799	3,099	4,749	6,149
Monthly Charge (N\$) (36-month)	699	1,049	1,699	2,999	4,449	5,849

Speedlink –Professional						
Package	1024k	2048k	4096k	6144k	8192k	10240k
CPE	High Range CPE with Wi-Fi					
Downlink speed	1024k	2048k	4096k	6144k	8192k	10240k
Uplink Speed	512k	1024k	2048k	2048k	2048k	2048k
Number of Voice/Fax numbers	5	5	5	5	5	5
Number of concurrent voice calls	5	5	5	5	5	5
Fax2email number/s	1	1	1	1	1	1
Internet Usage	Unlimited	Unlimited	Unlimitd	Unlimited	Unlimited	Unlimited
Email addresses	5	5	5	5	5	5
Web space	200	200	200	200	500	500
On-net voice minutes	100	100	100	300	300	400
Monthly Charge (N\$) (12-month)	1,849	2,014.88	3,219.37	4,858.92	6,024.47	7,363.47
Monthly Charge (N\$) (24-month)	1,666.00	1,799.00	2,849.00	4,499.00	5,849.00	7,149.00
Monthly Charge (N\$) (36-month)	1,579.00	1,697.17	2,766.02	4,204.67	5,466.36	6,681.31

General: In the event of incorrect billing, customers are entitled to register dispute over the affected portion of the account by reporting through the Customer Care Centre's toll free number 1100 or the nearest Teleshop.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 386

2014

**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, 2009 (Act No. 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 **Salt Essential IT (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*.

Salt Essential IT (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
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

SCHEDULE 1

SUBMISSION OF PROPOSED TARIFFS IN TERMS OF SECTION 53(1)
BY SALT ESSENTIAL IT (PTY) LIMITED (COMMUNICATIONS ACT, 2009)

The following are the proposed tariffs as submitted by Salt Essential IT (Pty) Ltd:

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	80.00	84.00
MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License and Software) for customers with more than 200 mailboxes	per mailbox	70.00	73.50
MS Exchange Messaging (1 GByte, Anti-Spam, ActiveSync, Backup, CAL, Outlook License but no software)	per mailbox	60.00	63.00
- Fax Integration (GFI)	per user (optional)	73.00	81.50
Mail Archiving (Backup, License, Web Access)	per user (optional)	9.90	12.80
<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	0.50	0.53
<i>DNS & Web Services</i>			
Domain Name & Website Hosting (1 second level .na domain, e.g. com.na, 1 GByte Website space)	per website	134.00	141.00

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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, 2009 (Act No. 8 of 2009) read with regulations 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011(as amended), herewith gives notice that the person referred to in the table below has been awarded a spectrum use licence by the Authority, which will be in force and effect from date of publication of this notice in the *Gazette*:

Licensee's Name;	Licensee'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 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	Established in terms of section 2 of the Namibian Broadcasting Act (Act No 9 of 1991)	State Owned Enterprise	!Na San 91.2 MHz Setswana 94.4 MHz Silozi 101.2 Mhz Rukavango 104.8MHz Rukavango 92.3 MHz Silozi 95.5 MHz Setswana 98.8 MHz !Na San 102.3 MHz	Otjozondjupa	Otjwarongo	Klein Waterberg S20°41'11" E17°3'49"	No	N/A ¹	Own			
										Otjozondjupa	Grootfontein	Signalberg S19°34'27" E17°42'39"

¹ The radio frequencies assigned require a broadcasting service licence. Note, however that as per section 93 of the Act, until a date determined by the Minister, Chapter IV on broadcasting service is not applicable to the NBC or to any broadcasting activities carried on by the NBC.

REASONS FOR THE AWARD OF THE LICENCE

On 12th September 2013, the Namibian Broadcasting Corporation submitted applications for eight (8) spectrum use licences at Klein Waterberg, and Signalberg for FM broadcasting services to provide coverage in the geographical areas of Otjiwarongo and Grootfontein on 12 for consideration to the Authority. The application was submitted, in accordance with regulation 6 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences.

As per section 93 of the Communications Act, 2009 (Act No. 8 of 2009), chapter IV on Broadcasting Services is not applicable to the Namibian Broadcasting Corporation until a date to be determined by the Minister. As such the Authority has not issued a broadcasting service licence to the Namibian Broadcasting Corporation. The spectrum applied for by the Namibian Broadcasting Corporation is not deemed to be licence exempt and therefore, requires spectrum use licences to be issued by the Authority after due consideration of the applications submitted.

The Namibian Broadcasting Corporation submitted the spectrum use applications for spectrum between 88 MHz and 108 MHz to expand FM broadcasting services in Otjiwarongo and Grootfontein for the following languages –

- i. Klein Waterberg providing coverage to Otjiwarongo
 - (a) !Na (San)
 - (b) Setswana
 - (c) Silozi
 - (d) Rukavango
- ii. Signalberg providing coverage to Grootfontein
 - (a) Rukavango
 - (b) Silozi
 - (c) Setswana
 - (d) !Na (San)

All technical documentation as required by Section G of the spectrum use licence application forms was submitted. Technical equipment specifications provided by the Namibian Broadcasting Corporation indicated the use of Constant Impedance Broadband (CIB) combiners requiring a minimum channel spacing of 0.8 MHz and Starpoint combines requiring a minimum channel spacing of 1.5 MHz.

It was further requested that the Authority considers assignment of frequencies between 88 MHz to 108 MHz. The services will be implemented on the existing broadcasting transmitter towers owned by Namibian Broadcasting Corporation located at Klein Waterberg tower providing FM broadcasting service to the Otjiwarongo area and at Signalberg providing FM broadcasting services to the Grootfontein area.

Taking into consideration that these sites are considered to be high sites being located on a mountain the Authority conducted an investigation on efficient use of spectrum to identify the proposed frequencies for assignment as identified below:

- i. Klein Waterberg (Otjiwarongo) -

(a)	!Na (San)	91.2 MHz	1KW
(b)	Setswana	94.4 MHz	1KW
(c)	Silozi	101.2 MHz	1KW
(d)	Rukavango	104.8 MHz	1KW

ii.	Signalberg (Grootfontein) -		
(a)	Rukavango	92.3 MHz	1KW
(b)	Silozi	95.5 MHz	1KW
(c)	Setswana	98.8 MHz	1KW
(d)	!Na (San)	102.3 MHz	1KW

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 5470, Notice No 129, dated 27 May 2014 allowing fourteen (14) days for public comments. The commenting period lapsed on the 11th June 2014 and no comments were received and therefore, no reply comments were required from the Namibian Broadcasting Corporation.

The Namibian Broadcasting Cooperation is a State Owned Enterprise, established in terms of section 2 of the Namibia Broadcasting Cooperation Act (No. 9 of 1991) and is governed in terms of the State Owned Enterprises Governance Council Act (No. 2 of 2006).

Although the Namibian Broadcasting Corporation already offers National Radio, NBC Afrikaans, NBC Damara>Nama, NBC German, NBC Oshiwambo and NBC Otjiherero within this area, broadcasting in the additional four languages namely Rukavango, !Na San, Setswana and Silozi will extend public broadcasting service to more listeners.

To date four (4) commercial broadcasting licensees (Radiowave, Omulungu Radio, Radio Kudu, HitRadio and Cosmos Digital Namibia) and one (1) community broadcasting licensee (Media for Christ) provides broadcasting services in English and Afrikaans in Grootfontein whilst Otjiwarongo is served by seven (7) commercial broadcasters (Omulungu Radio, Hitradio, Radio Kudu, Equity Broadcasting, Radio 99, Radiowave, Cosmos Digital Namibia), one (1) community broadcaster (Media for Christ). The Authority notes that no existing commercial and community broadcasting service licensees providing services in these geographical areas (Otjiwarongo and Grootfontein) offers programs in the aforementioned four languages. The services to be provided by the Namibian Broadcasting Corporation will address this gap in the provision of radio-broadcasting.

All aforementioned broadcasting licensees with the exception of Media for Christ is located within the respective towns with power output of up to 250 Watt and therefore only serve the immediate areas of Grootfontein and Otjiwarongo whilst the Namibian Broadcasting Corporation will also serve the surrounding rural areas by deploying a power output of 1 KW.

Pursuant to the provisions of section 101(6) of the Act, an applicant may only be issued with a spectrum use licence, where the operation of a network or the provision of broadcasting service or the use thereof entails the use of radio waves. The spectrum applied for by the Namibian Broadcasting Corporation is not deemed to be licence exempt and therefore, requires spectrum use licences to be issued by the Authority after due consideration of the applications submitted.

The application submitted complies with all technical requirements as required by regulation 6(2) (f) of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use License and as set out in Section G of the Spectrum Use application form in that documentation containing site coordinates, coverage plots, antenna heights and equipment specifications were submitted.

The Authority does not limit its analysis to technical information submitted by the applicant, but also considers:

- i. The ability of licensees to utilise spectrum efficiently as prescribed in the Regulations Setting out Licence Conditions for Spectrum Use Licence published in Government Gazette 5354 Notice No. 469 dated 2 December 2013;

- ii. The objectives of the Communications Act as contained in section 2(h) of the Communications Act, 2009; and
- iii. The promotion of fair competition as contained in chapter IV of the Communications Act, 2009.

The Namibian Broadcasting Corporation is in good standing with the Authority.

In light of the above, the Authority awarded the additional spectrum to NBC as contained in the Notice above to offer FM broadcasting services in Rukavango, Silozi, Setswana and !Na (San) to be transmitted from Klein Waterberg and Signalberg respectively, for coverage in the geographical areas of Otjiwarongo and Grootfontein and surrounding rural areas with a power output of 1 KW and a channel spacing of 0.8 MHz.

The licence is awarded subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding Licence Conditions for Spectrum Use Licensee as published in Government Gazette No. 5354, General Notice No. 469, dated 2 December 2013.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 388

2014

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

The Communications Regulatory Authority of Namibia, in terms of sections 85 and 101 of the Communications Act (No. 8 of 2009) read with regulations 5, 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the Applicant referred to in the table below have submitted the following applications to the Authority:

(a) **Broadcasting Service Licence Application:**

Applicants Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of Broadcasting service licence as contemplated in the Regulations Setting out Broadcasting and Telecommunications Service Licence categories;	Provision of signal distribution;	Whether applicant intends to use spectrum in the provision of broadcasting services intended to be provided;	Proof of Application fees paid up to date submitted?
Maroela Trust	Namibian	100%	Community Broadcasting Service Licence	Own	Yes	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 for assignment by the Authority;	Description of geographic coverage area(s);			Maximum Output Power & Coordinates;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
Maroela Trust	Namibia	100 %	88– 108 MHz	103.600 MHz	Oshana	Ondangwa	Ondangwa	250W S17°54'55.27" E15°17'17.22"	Community Broadcasting Service	Own
			400.000 / 470.000 MHz	450.0250 / 460.0250 MHz	Oshana	Ondangwa	Telecom Namibia Tower			

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

The applicant may submit written reply comments within fourteen (14) days from the due date of the written public comments.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: legal@cran.na;
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 389

2014

NOTICE OF AMENDMENT IN TERMS OF SECTION 101(13) OF THE COMMUNICATIONS ACT (NO 8 OF 2009) AND REGULATION 8(2) & 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 101(13) of the Communications Act, 2009 (Act No. 8 of 2009) and regulations 8 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence, in Government Gazette No. 4785, Notice No. 272 dated 29 August 2011 (as amended), herewith gives notice that the following Spectrum Use licenses of **The Namibian Broadcasting Corporation** have been amended effective from date of publication of this notice in the *Gazette*.

Licensee;	Licensee's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Amendment;	Reasons for the proposed amendment;	Description of geographic coverage area(s)			License Fees Outstanding;
					Region;	District;	City/Town;	
Namibian Broadcasting Corporation (NBC)	Established in terms of section 2 of the Namibian Broadcasting Corporation Act (Act No 9 of 1991)	State Owned Enterprise	<p>Increase the output power of the following transmitters from 100 Watts to 1000 Watts:</p> <ol style="list-style-type: none"> 1. Afrikaans 2. German 3. Damara/ Nama 4. Setswana 5. Silozi 6. San <p>Increase the output power of the following transmitters from 100 Watts to 5000 Watts:</p> <ol style="list-style-type: none"> 1. Otjiherero 2. Rukavango 	The NBC has conducted a study on populations demographics covered within the current output power limits in the concerned district and would like to increase coverage by increasing output power.	Oshana	Oshakati	Oshakati	No

Reasons for the Authority's decision

In accordance with the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Namibian Broadcasting Corporation submitted an application for amendment of their spectrum use licences for FM Broadcasting in the geographical area of Oshakati to increase power output from 100W to 1KW for the following services; NBC Afrikaans, German, Damara>Nama, Tswana, Lozi and San and to increase power output from 100W to 5 KW for the services of NBC Herero and Kavango, respectively. The application was accompanied by all relevant documentation and was submitted to the Authority on 18th December 2013 for consideration.

Following due process in terms of regulations 8 and 11 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 5460; Notice No 105 dated 08th May 2014, allowing fourteen (14) days for public comment. No comments were received and therefore, no reply comments were requested from the Namibian Broadcasting Corporation.

Section 101(13) of the Communications Act, 2009 (Act No. 8 of 2009) mandates the Authority to amend a spectrum use licence upon request by the concerned licensee. The NBC indicated that it has conducted a study on population demographics covered within the current output power limits and would like to increase coverage by increasing output power. Therefore, the increase of power output on the transmitters of the Namibian Broadcasting Corporation will consequently increase the coverage area for FM broadcasting content allowing more consumers to listen to the various language channels broadcasted by the Namibian Broadcasting Corporation in Oshakati and surrounding areas.

The Authority is of the opinion that approval of the application submitted will be of benefit to the consumer, and will not have a negative impact on existing broadcasting service licensees in the same geographical areas. In addition, the application has no impact on the spectrum use licences awarded by the Authority on 13th September 2012. The Namibian Broadcasting Corporation has paid all outstanding fees in respect of the licenses in question.

In light of the above, the Authority herewith approves the application for amendment of spectrum use licences submitted by the Namibian Broadcasting Corporation to increase the power output from 100W to 1KW and 5 KW (respectively) for the aforementioned spectrum use licences, in order to increase the coverage for the FM broadcasting services.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 390

2014

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

The Communications Regulatory Authority of Namibia, in terms of 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 (As amended), herewith gives notice that the person referred to in the table below has submitted the following applications to the Authority:

(a) Broadcasting Service Licence

Applicant	Applicant's citizenship or place of incorporation	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Category of Broadcasting service licence as contemplated in the Regulations Setting out Broadcasting and Telecommunications Service Licence categories;	Provision of signal distribution	Whether applicant intends to use the provision of broadcasting services?	Proof of Application fees paid up to date submitted?
Okati Global Trading CC	Namibia	100%	Commercial Broadcasting Service Licence	Own	Yes	Yes

(b) Spectrum Use Licence

Applicant	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)			Party providing Signal Distribution	Proof of Application fees paid up to date submitted?
					Region	District	City/Town		
Okati Global Trading cc	Namibia	100 %	88– 108 MHz	101.100 MHz	Oshana	Oshakati	Oshakati	Own	Yes

Service to be provided using frequency applied for;

Commercia
Broadcasting Ser-
vice

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

L.N. JACOBS
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