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OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 141

2015

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

The Communications Regulatory Authority of Namibia, in terms of section 53(7) of the Communications Act, 2009 (Act No. 8 of 2009) hereinafter referred to as the “Communications Act”) read with regulation 8 of the Regulations Regarding the Submission of Interconnection Agreements and Tariffs as published in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice that it wishes to rectify the notice published in Government Gazette No. 5683, General Notice No. 101, dated 2 March 2015, which indicated that the Authority has approved the retail tariffs for Time Division Multiplexing pricing as submitted by **Telecom Namibia Limited** effective from the date of publication in the *Gazette*, being 2 March 2015.

Pursuant to the provision of section 53(8) of the Communications Act, the decision is effective from 19 January 2015 and not 2 March 2015. Kindly further be informed that the rest of the notice as published in Government Gazette No. 5683, General Notice No. 101, dated 2 March 2015 remains valid and unchanged.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 142

2015

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

The Communications Regulatory Authority of Namibia, in terms section 53 of the Communications Act read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved the following proposed amendments to the tariff for line rental as submitted by **Telecom Namibia Limited** which will be in force and effective from 5 March 2015.

**TARIFFS FOR PROPOSED AMENDED LINE RENTAL
BY TELECOM NAMIBIA LIMITED
COMMUNICATIONS ACT, 2009**

Table 1: Proposed Tariff Amendments

Type of Service	Current Price N\$/month	Proposed Price N\$/month	Percent Increase
Residential Analogue line (within *MRA)	72.00	79.00	9.7%
Business Analogue line (within MRA)	82.00	95.00	15.9%
Residential/Analogue line (outside MRA)	103.00	109.00	5.8%
ISDN *BRA (Main Service)	203.00	222.00	9.4%
ISDN BRA (per additional ****MSN)	37.00	39.00	5.4%
ISDN Primary Rate Access (30B+D)	2,674.00	2,829.00	5.8%

* *MRA - Main Residential Area*

** *ISDN - Integrated Services for Digital Network*

*** *BRA - Broadband Remote Access*

**** *MSN - Multiple Subscriber Numbering*

REASONS FOR THE APPROVAL OF THE TARIFFS:

In terms of section 53 (1) and (7) of the Communications Act No. 8 of 2009 (hereinafter referred to as “the Act”), Telecom Namibia Limited (hereinafter referred to as “Telecom Namibia”), filed for the approval of amendment of tariffs for line rentals on 19 November 2014.

The proposed tariffs were published as General Notice No. 24 in the Government Gazette No. 5659 dated 30 January 2015 in terms of Regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government Gazette No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the *Gazette*, which period lapsed on 13 February 2015.

No public comments were received in respect of the tariffs as published during the commenting period, and as such no reply comments were required from Telecom Namibia. The date of commencement of the tariffs is 1 March 2015.

FINANCIAL AND ECONOMIC ANALYSIS OF THE TELECOM NAMIBIA LIMITED TARIFFS FOR TN1 PACKAGES

Telecom Namibia submitted the amendment of tariffs under section 53(1) and (7) of the Act.

The tariff information submitted to the Authority by Telecom Namibia is as provided for in the table herein above.

The tariffs as proposed were compared to other tariffs in the region.

Table 2: Tariffs for Line Rentals in the SADC Region

Type of Service	Telecom Namibia proposed	South Africa	Botswana
Residential Analogue line (within *MRA)	79.00	166.50	90.00
Business Analogue line (within MRA)	95.00	239.00	150.00
Residential Analogue line (outside MRA)	109.00	166.50	90.00
ISDN *BRA (Main Service)	222.00	286.77	272.40
ISDN BRA (per additional ****MSN)	39.00	42.32	7.56
ISDN Primary Rate Access (30B+D)	2,829.00	5,312.53	

All prices are excluding VAT

1 Pula = N\$ 1.20

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

According to the consumer price index (CPI) information released by the National Statistics Agency, the CPI for the year 2014 was 5.36%. The increases proposed are somewhat higher than the CPI for the year. The justification provided by Telecom Namibia is that they are currently undercharging for these services.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to. All pertinent information as required by section 53(9) was submitted to the Authority such as the terms and conditions. The tariffs contained all pertinent information relating to the tariff such as costing and budget information as required by section 53(18) of the Act.

Postponement of tariff commencement in terms of section 53(13)

The tariffs submission by Telecom Namibia, indicated that the tariffs would come into force on 1 March 2015 as required by section 53(8) of the Act.

Section 53(13) provides that “the Authority may postpone the date of commencement of a tariff before it has come into operation, for a period not exceeding 90 days, to examine the reasonableness of the tariff”.

Due to the late publication of the tariffs in the Government Gazette, a letter was written to Telecom Namibia, informing Telecom Namibia that the commencement date will be postponed by a period of 30 days to allow the Authority sufficient time to examine the reasonableness of the tariff and consequently postpones the commencement date to 1 April 2015.

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

1. All requirements in terms of section 53 of the Act that deals with the approval of the tariffs have been adhered to.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as the terms and conditions, which includes rights and remedies available to customers in the event of disputes.
3. The tariffs contained the costing information as required by section 53(18) of the Act.

In light of the above, Authority approved the proposed amendment to line rentals as submitted by Telecom Namibia Limited.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 143

2015

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

The Communications Regulatory Authority of Namibia, in terms section 53 of the Communications Act read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved the following tariffs for Fixed Broadband Packages as submitted by **MTN Business Solutions (Namibia) (Pty) Ltd** will be in force and effective from 11 January 2015.

**TARIFFS FOR BIZSAT (VSAT) BY MTN BUSINESS SOLUTIONS (PTY) LTD
 COMMUNICATIONS ACT, 2009**

SCHEDULE 1

Table 1: New BIZSAT Products

Standard Package rates - Public IP							
UPLOAD SPEED	DOWN-LOAD SPEED	CAPPING	Month-to-Month	12 Months	18 Months	24 Months	36 Months
384k/1024k	10 MBPS	500MB	630	590	550	510	480
384k/1024k	10 MBPS	1 GIG	810	760	710	660	610
384k/1024k	10 MBPS	3 GIG	1 570	1 470	1 370	1 270	1 180
384k/1024k	10 MBPS	5 GIG	2 160	2 020	1 890	1 750	1 620
384k/1024k	10 MBPS	10 GIG	3 760	3 520	3 290	3 050	2 820

384k/1024k	10 MBPS	20 GIG	6 780	6 360	5 930	5 510	5 090
384k/1024k	10 MBPS	30 GIG	10 030	9 420	8 670	7 920	7 540
384k/1024k	10 MBPS	50 GIG	15 600	15 060	13 980	12 910	12 360

Standard Package rates - Private IP							
UPLOAD SPEED	DOWN-LOAD SPEED	CAPPING	Month-to-Month	12 Months	18 Months	24 Months	36 Months
384k/1024k	10 MBPS	500MB	470	440	410	380	360
384k/1024k	10 MBPS	1 GIG	650	610	570	530	490
384k/1024k	10 MBPS	3 GIG	1 410	1 320	1 230	1 140	1 060
384k/1024k	10 MBPS	5 GIG	2 000	1 870	1 750	1 620	1 500
384k/1024k	10 MBPS	10 GIG	3 600	3 370	3 150	2 920	2 700
384k/1024k	10 MBPS	20 GIG	6 620	6 210	5 790	5 380	4 970
384k/1024k	10 MBPS	30 GIG	9 870	9 270	8 530	7 790	7 420
384k/1024k	10 MBPS	50 GIG	15 440	14 910	13 840	12 780	12 240

Additional Charges					
1. Equipment rental options	Month-to-Month	12 Months	18 Months	24 Months	36 Months
384k upload	8 300	770	520	430	390
1024k upload	15 330	1 410	730	610	550
2. Equipment purchase	Once-off				
384k upload	N\$ 8 300				
1024k upload	N\$ 15 330				

REASONS FOR THE APPROVAL OF THE TARIFFS:

MTN Business Solutions (Pty) Ltd (hereinafter referred to as “MTN Business”), filed for the approval of tariffs for new BIZSAT (VSAT) Products on 4 November 2014 in terms of section 53 (1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”).

The proposed tariffs were published as General Notice No. 25 in the Government Gazette No. 5659 dated 30 January 2015 for public comments in terms of section 53 (10) of the Act and regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government Gazette No. 4714 of 18 May 2011.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of publication, which period lapsed on 13 February 2015.

No public comments were received in respect of the tariffs, and as such, no reply comments were required from MTN Business.

FINANCIAL AND ECONOMIC ANALYSIS OF THE MTN BUSINESS (PTY) LTD TARIFFS FOR VSAT PRODUCTS

MTN Business submitted the new tariffs in terms of section 53(1) and (7) of the Act, which stipulates that all rates and charges received in respect of any telecommunications services must be in accordance with a tariff filed and permitted to come into operation in accordance with the provisions of section 53 and it should be filed in the prescribed manner with the Authority for approval.

The tariff information submitted to the Authority by MTN Business is as provided for in the tables herein above.

The tariff packages submitted are new packages submitted by MTN Business. MWireless (Pty) Ltd is the other provider of VSAT in this format. The prices are therefore compared with the MWireless tariffs for VSAT which were approved by the Board and published as General Notice No. 102 in Government Gazette No. 5460 dated 8 May 2014.

MWireless (Pty) Ltd t/a Africa Online VSAT Products

NAWASAT PRODUCTS			
UPLOAD SPEED	DOWN LOAD SPEED	2 YEAR	CAPPING
256K	512K	N\$ 499.00	3 GIG
256K	1024K	N\$ 829.00	4 GIG
256K	2048K	N\$ 1 049.00	6 GIG
256K	4096K	N\$ 1 129.00	8 GIG
256K	6144K	N\$ 1 479.00	10 GIG
256K	4096K	N\$ 4 999.00	8 GIG - Unlimited

It is very difficult to do a comparison between the two products that the two organisations provide. The upload/download speeds of the packages of the two organisations differ as well as the contract period and offering of the organisations.

The new BIZSAT products gives the customers a wider choice by providing different packages at different prices and also creates competition in the market since it is not only one organisation providing VSAT products. Previously MWireless (Pty) Ltd was the only provider of VSAT in this format. Telecom Namibia Limited no longer provided the service and Paratus Telecom (Pty) Ltd calculates the cost on a per project basis. Costs vary due to the technical requirement of site inspections done prior to costing of any installation project.

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

1. The tariffs were published as stipulated in section 53(10) for comment and MTN stated that the tariff would come into force once the Authority approved the tariff as required by section 53(8) of the Act that stipulates that the Licensee has to indicate the date that the tariffs will come into force.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as the terms and conditions which include rights and remedies available to the consumer in the event of disputes.
3. The tariffs contained the cost information as required by section 53(18) of the Act.

The tariffs submitted would give customers more choice since more products at higher speeds and different tariffs are available to customers from different organisations. Therefore, the tariffs are reasonable, are not deemed discriminatory or impairing competition.

In light thereof, the Authority approved the BIZSAT (VSAT) Products a submitted by MTN Business Solutions (Namibia) (Pty) Ltd.

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