



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$8.40

WINDHOEK - 21 December 2018

No. 6798

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 686

2018

NOTICE OF APPOINTMENT OF INSPECTORS IN TERMS OF SECTION 123(1) OF THE COMMUNICATIONS ACT 8 OF 2009

The Communications Regulatory Authority of Namibia, in terms of section 123(1) of the Communications Act, 2009 (Act No. 8 of 2009, hereinafter referred to as the “Communications Act”), herewith gives notice that it has resolved to revoke the appointment of Inspectors as published in Government Gazette No. 5836, General Notice No. 444 dated 15 September 2015 and herewith appoint the following positions as *ex officio* Inspectors of the Authority:

1. Head: Electronic Communications;
2. Chief Operations Officer;
3. Head: Universal Access and Service Projects;
4. Manager: Electronic Communications & Projects;
5. Officer: Electronic Communications & Projects;
6. The two Spectrum and Licensing Officers;
7. Senior Financial Analyst; and
8. Officer: Investigation.

The appointment of Inspectors is effective from 16 October 2018, notwithstanding date of publication in the *Gazette*.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 687

2018

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, 2009 (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 **MultiChoice Namibia (Pty) Ltd on 13 November 2018** submitted an application for reconsideration of the Broadcasting Code for Broadcasting Licensees as published in the Government Gazette No. 6750, General Notice No. 602, dated 31 October 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 thirty (30) days from the date of publication of this notice in the *Gazette*.

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

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 688

2018

**NOTICE OF INTENTION TO AMEND REGULATIONS REGARDING PROCEDURES
FOR THE ADJUDICATION OF DISPUTES: COMMUNICATIONS ACT, 2009**

In terms of section 129 read with section 132 of the Communications Act, 2009 (Act No. 8 of 2009) and regulation 4(3) of the Regulations Regarding Rule-Making Procedures published by Government Gazette No. 334 dated 17 December 2010, the Communications Regulatory Authority of Namibia hereby -

- (a) publish a notice of intention to amend the Regulations Regarding Procedures for the Adjudication of Disputes as set out in Schedule 1; and
- (b) sets out a precise statement of the reasons and purpose for the proposed amendment to regulations in Schedule 2.

Members of the public are invited to make written submissions to the Authority within forty-five (45) days from the date of publication of this notice in the manner set out below:

- (a) all written submissions must contain the name and contact details of the person making the written submission and the name and contact details of the person or entity on whose behalf the written submission is to be made; and
- (b) be clear and precise with the submission.

All written submissions must be sent or delivered to the Authority at the following addresses:

- (a) if delivered by hand, to the head office of the Authority at the Communications House, 56 Robert Mugabe Avenue, Windhoek; or
- (b) if delivered by post, to the head office of the Authority at Private Bag 13309, Windhoek; or

- (c) if delivered through electronic mail to legal@cran.na; or
- (d) if delivered by facsimile at +264 61 222 790; or
- (e) if delivered by fax to email at +264 88642748.

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

SCHEDULE 1

**AMENDMENT OF REGULATIONS REGARDING PROCEDURES FOR THE
ADJUDICATION OF DISPUTES: COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009)**

In terms of section 129 read with section 132 of the Communications Act, 2009 (Act No. 8 of 2009) the Communications Regulatory Authority of Namibia amends the Regulations Regarding Procedures for the Adjudication of Disputes published in General Notice No. 468 by Government Gazette No. 6466 dated 9 November 2017.

1. Amendment of the purpose of the Regulations

By the substitution of the purpose with the following paragraph:

“In terms of section 129 read with sections 69 and 132 of the Communications Act, 2009 (Act No. 8 of 2009), the Communications Regulatory Authority of Namibia makes the regulations set out in the Schedule”.

2. Substitution of regulation 1 of the Regulations

Regulation 1 of the Regulations is hereby amended by the substitution of the definition of “service provider” with the following definition:

“service provider” means a carrier, licensee or a telecommunications service provider contemplated by Chapters V, VI and VII of the Act”;

By the deletion in the definition of “request for adjudication” and substituted by the following paragraph:

“request for adjudication” means a written request by a service provider requiring the authority to make a determination –

- (f) by the deletion of paragraph (f) in the definition.

“submitting party” means a complainant, service provider who intends to refer or who referred a dispute to the Authority;

3. Deletion of regulation 3(1)(c)

Regulation 3(1)(c) is hereby deleted.

4. Substitution of regulation 4(2) of the Regulations

Regulation 4(2) of the Regulations is hereby amended by the deletion and substitution in that paragraph of the following paragraph:

“A service provider that wishes to submit a request for adjudication must do so by delivering a completed Request for Adjudication Form (Form B hereto) to the Authority”

5. Substitution of regulation 8(3) of the Regulations

Regulation 8(3) of the Regulations is hereby amended by the substitution of that paragraph with the following paragraph:

“(3) Service providers must annually by not later than 31 January of each financial year submit to the Authority-”

6. Deletion of regulation 9(b) of the Regulations

Regulation 9(b) of the Regulations is hereby deleted.

7. Substitution of Form C of the Regulations

Form C of the regulations is hereby substituted with the following form:

FORM C**Regulation 8(3)(a)****CONSUMER COMPLAINT REPORT FORM**

In terms of Regulation 8(3) of the Regulations Regarding Procedures for the Adjudication of Disputes, a service provider must maintain records of all complaints and provide an annual report to the Authority on this form.

After completion of the form in full, it must be signed and submitted to the Authority by not later than 31 January of each year.

A. LICENSEE OR PERSON PROVIDING A SERVICE WITHOUT A LICENCE

Name	
Indicate whether the person is a licensee or a person providing a service without a licence	

B. CONTACT PERSON

Contact Person	
Physical address	
Postal address	
Telephone number(s)	
Facsimile number(s)	
Electronic mail address(es)	

C. STATISTICS OF COMPLAINTS

Number of complaints received	
Number of complaints resolved within 14 days from date of receipt	
Number of complaints resolved after 14 days from date of receipt	
Number of complaints not resolved within 14 days from date of receipt	
Number of complaints not resolved after 14 days of receipt	
Number of complaints not resolved after 14 days which were subsequently submitted to the Authority	
Nature of complaints most received (e.g. billing, charges, service and product delivery, confidential information, customer service, service interruptions, dropped calls, advertisement, broadcasting content, reception or signal of broadcasting)	
Any preventative measures taken in response to complaints	
Any other relevant information	

D. COMPLAINTS SUBMITTED TO CRAN

Complainant	Nature of complaint	Date received	Resolution or status

E. UNRESOLVED COMPLAINTS NOT SUBMITTED TO CRAN

Complainant	Nature of complaint	Date received	Resolution or status

Signed by _____ at _____ in his or her capacity as _____, duly authorized and giving warranty to the Authority that the information herein is true and correct, on the _____ day of _____ 20 _____

Signature

ACKNOWLEDGEMENT OF RECEIPT BY CRAN

Name	
Date	
Place	
Signature	

SCHEDULE 2**PRECISE STATEMENT AND PURPOSE OF THE PROPOSED AMENDMENT OF REGULATIONS REGARDING PROCEDURES FOR THE ADJUDICATION OF DISPUTES: COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009)**

The purpose of the amendment of the Regulations Regarding Procedures for the Adjudication of Disputes is to include broadcasting and postal services (Chapter VI and VII) in the definition of “service provider”; to set a date on which licensees must submit the annual Consumer Complaint Reports; and to provide for the nature of complaints which may be received by the broadcasting and postal service licensees.

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 689

2018

PROPOSED AMENDMENT TO THE REGULATIONS IN RESPECT OF TYPE APPROVAL AND TECHNICAL STANDARDS FOR TELECOMMUNICATIONS EQUIPMENT

Pursuant to the Notice of Intention to amend the Regulations in respect of Type Approval and Technical Standards for Telecommunications Equipment as published in the Government Gazette No. 6750, General Notice No. 603 dated 31 October 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 Code of Conduct as follows:

DATE: 30 January 2019
TIME: 14H30 – 16H00
VENUE: TBD

The public is invited to make comments and/or oral submissions at the hearing on the proposed amendment to the Regulations in respect of Type Approval and Technical Standards for Telecommunications Equipment.

All written comments and notice of oral submissions to be made during the hearing must be submitted to the Authority on or before **25 January 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**

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 690

2018

**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 (Act No. 8 of 2009) read with regulation 8(1) of the Regulations Regarding the Submission of Interconnection Agreements and Tariffs, published in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, hereby gives notice that **MTN Business Solutions (Pty) Ltd** has filed a tariff with the Authority as set out in **Schedule 1**.

Any person may examine copies of the tariffs at the head offices of the Authority during 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*.

MTN Business Solutions (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.

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

SCHEDULE 1

SUBMISSION OF PROPOSED NAWA LTE CONNECT TARIFFS
BY MTN BUSINESS SOLUTIONS (PTY) LTD,
COMMUNICATIONS ACT, 2009

Capacity	12 Months Contract (N\$)	24 Months Contract (N\$)	36 Months Contract (N\$)
1MB (Upload 1MB), Unlimited	266	256	245
2MB (Upload 1MB), Unlimited	349	330	311
4 MB (Upload 2MB), Unlimited	499	471	444
5 MB (Upload 2MB), Unlimited	549	519	489
10 MB (Upload 2MB), Unlimited	999	943	890

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 691

2018

NOTICE IN TERMS OF REGULATION 19(1) OF THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms Regulation 19(1) 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 (as amended), hereby gives notice of the following decisions:

1. Applications to extend period of commencement of telecommunications services

- (a) The Authority resolved to grant **Loc8 Mobile CC** an extension of twelve (12) months, from the date of this Notice, to commence providing commercial telecommunications services in respect of its Class Comprehensive Telecommunications Service Licence (ECS & ECNS).
- (b) The Authority resolved to grant **Namibia TV & DVD Productions CC** an extension of twelve (12) months, from the date of this Notice, to commence providing broadcasting services in respect of its Broadcasting Service License.

2. Applications for Spectrum Licences

- (a) The Authority resolved, with effect from date of this Notice, to award a spectrum licence to **MTN Business Solutions Namibia (Pty) Ltd** for the provision of fixed wireless microwave network:
 - (i) Channel 1 Tx/RX: 27576.5/28584.5 MHz (centre frequency) with a bandwidth of 56 MHz;
 - (ii) Channel 2 Tx/RX: 27632.5/28640.5 MHz (centre frequency) with a bandwidth of 56 MHz;
 - (iii) Channel 1 Tx/RX: 37086.0/38346.0 MHz (centre frequency) with a bandwidth of 56 MHz;

- (iv) Channel 2 Tx/RX: 37142.0/38402.0 MHz (centre frequency) with a bandwidth of 56 MHz; and
 - (v) Channel 3 Tx/RX: 37198.0/38458.0 MHz (centre frequency) with a bandwidth of 56 MHz.
- (b) The Authority resolved, with effect from date of this Notice, to award a spectrum licence to **Mwireless (Pty) Ltd** for the provision of fixed satellite services:
- (i) 29507.5 MHz (centre frequency) (Uplink) with bandwidth of 5 MHz; and
 - (ii) 19707.5 MHz (centre frequency) (Downlink) with bandwidth of 5 MHz.

3. Application for Class Telecommunications Service Licence (Non-Profit ECNS)

- (i) The Authority resolved to decline the award of a Class Telecommunications Service Licence (Non-Profit ECNS) to **Academia Neighbourhood Watch**, and to direct Academia Neighbourhood Watch to cease the operation of surveillance cameras with immediate effect.
- (ii) The Authority resolved to award a Class Telecommunications Service Licence (Non-Profit ECNS) to the **Internet Exchange Association of Namibia**. The licence is awarded subject to the licence conditions as set out in the Regulations Setting out Licence Conditions for Telecommunications Service Licences, and the IXP Association of Namibia shall provide interconnection to the SADC regional internet exchange points located in Zimbabwe and South Africa within twelve (12) months from the date of this Notice.

4. Lapse of a Community Broadcasting Service License and Spectrum Use License

The Authority noted that the community broadcasting licence awarded to **Gospel Mission Ministries** expired on 18 April 2018. Further, the spectrum licence for 97.1 MHz awarded to Gospel Mission Ministries in the geographical area of Rehoboth also lapsed. Gospel Mission Ministries is directed to cease providing broadcasting services with immediate effect, and to return to the Authority the license certificates issued in respect of the broadcasting service licence and spectrum licence.

5. Modification of Spectrum Use Licence

- (a) The Authority resolved, with effect from the date of this Notice, to modify the spectrum use licence awarded to **West Coast FM** from 850.000 MHz to 445.200 MHz for the implementation of a fixed wireless link between the broadcasting studio and transmitter within the geographical area of Swakopmund.
- (b) The Authority resolved to retract its decision of 27 March 2018 as published in Government Gazette No. 6589, General Notice No. 173, dated 08 May 2018 on the modification of **Mobile Telecommunications Limited (MTC)**'s spectrum use licence and herewith modifies the spectrum use licences awarded to MTC as indicated below-
 - (i) 1710.200 -1725.200 MHz paired with 1805.200 -1820.200 MHz to be modified to 1710.000 -1725.000 MHz paired with 1805.000 -1820.000 MHz; and

- (ii) 1725.200 -1745.200 MHz paired with 1820.200 - 1840.200 MHz to be modified to 1725.000 - 1745.000 MHz paired with 1820.000 - 1840.000 MHz.

6. Application for Reconsideration

The Authority resolved to decline the request for reconsideration submitted by Mobile Telecommunications Limited, and confirmed its decision in respect of the amendment of the spectrum licence awarded to Paratus Telecommunications (Pty) Ltd, as published on 25 July 2018.

7. Application for a Commercial Broadcasting Service Licence

The Authority resolved to award a Commercial Broadcasting Service Licence to Mr. John Walenga for the provision of broadcasting services within the boundaries of the Republic of Namibia or any part thereof, and to award Spectrum Licences to Mr John Walenga as detailed in the **Table 1** below. The Spectrum Licences are awarded subject to the relevant provisions of the Communications Act, 2009, and the Regulations Regarding License Conditions for Spectrum Use Licensee as published in Government Gazette No. 5354, General Notice No. 469, dated 2 December 2013. Notwithstanding the provisions of regulations 6(4) and (5) of the Regulations Regarding License Conditions for Spectrum Use Licensee, the Spectrum License shall lapse after twelve (12) months if the licensee fail to commence providing broadcasting services in respect of those Spectrum Licences.

Table 1

List of radio Frequencies or group of frequencies assigned	Description of geographic coverage areas			Maximum Output power
	Region	District	Site Location	
105.9 MHz	Otjozondjupa	Grootfontein	Signaalberg	2000 W
107.2 MHz	Omusati	Ruacana	Ruacana Powercom Tower	100 W
100.1 MHz	Ohangwena	Eenhana	Eenhana Powercom Tower	500 W
107.3 MHz	Karas	Keetmanshoop	Keetmanshoop Powercom Tower	100 W
91.2 MHz	Karas	Luderitz	Luderitz NBC Tower	100 W
90.5 MHz	Oshikoto	Omuthiya	Omuthiya Powercom Tower	100 W
101.2 MHz	Hardap	Mariental	Mariental Powercom Tower	100 W
104.0 MHz	Otjozondjupa	Okahandja	Okahandja Powercom Tower	20 W
93.1 MHz	Caprivi	Katima Mulilo	Katima Mulilo NBC Tower	1000 W
107.7 MHz	Karas	Oranjemund	Oranjemund NBC Tower	100 W
93.6 MHz	Omusati	Outapi	Outapi Powercom Tower	100 W
106.3 MHz	Kavango	Rundu	Arendsness NBC Tower	1000 W
105.9 MHz	Otjozondjupa	Otjiwarongo	Klein Waterberg NBC Tower	2000 W
96.8 MHz	Oshana	Oshakati	Oshakati NBC Tower	2000 W
88.3 MHz	Erongo	Swakopmund	Rossing Mountain NBC Tower	2000 W
105.8 MHz	Hardap	Rehoboth	Rehoboth Powercom Tower	100 W

The full reasons for the decisions in this notice can be requested from the Authority. Further, in terms of section 31 of the Communications Act, 2009 (Act No.8 of 2009), the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 692

2018

**NOTICE OF INTENTION TO MAKE REGULATIONS PRESCRIBING LICENSE
CATEGORIES AND LICENSING PROCEDURES FOR POSTAL SERVICE
LICENSEES: 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 License Categories and Licensing Procedures for Postal Service Licensees in Government Gazette No. 6798, General Notice No. 692 dated 21 December 2018.

The said notice also gave notice of a public hearing to take place on 30 January 2018. Kindly note that the date of 30 January 2018 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: 30 January 2019
TIME: 09H00 - 11H00
VENUE: TBA

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

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 693

2018

**NOTICE IN TERMS OF SECTION 53(7) OF THE COMMUNICATIONS ACT, 2009
READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF
INTERCONNECTION AGREEMENTS AND TARIFFS**

The Communications Regulatory Authority of Namibia, in terms section 53(1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that it has approved:

1. International Voice tariffs as submitted by **MTN Business (Namibia) (Pty) Ltd**, which came into force and effect on **12 December 2018**, notwithstanding date of publication of the notice in the *Gazette*; and
2. The Pre-paid and Postpaid International SMS tariffs as submitted by **Mobile Telecommunications Limited**, which will come into force and effect on **13 December 2018**, notwithstanding date of publication of the notice in the *Gazette*.

3. The proposed tariffs of Data Links and Express Routes and the amendment of Speedlink Lite packages as submitted by **Telecom Namibia Limited**, which came into force and effect on **12 December 2018**, notwithstanding date of publication of the notice in the *Gazette*.
4. The proposed amendment of Aweh O'yeah tariffs as submitted by **Mobile Telecommunications Limited**, which will come into force and effect on **5 February 2019**, notwithstanding date of publication of the notice in the *Gazette*.

Please note that the full tariff submission and reasons for approval can be obtained from the Authority.

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