



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$16.80

WINDHOEK - 31 July 2020

No. 7289

CONTENTS

Page

GENERAL NOTICES

No. 296	Communications Regulatory Authority of Namibia: Notice of intention to make Regulations Prescribing Reporting Obligations for Licensees	1
No. 297	Communications Regulatory Authority of Namibia: Amendment of General Notice No. 288 Government Gazette No. 7273 dated 15 July 2020: Notice in terms of the Regulations Prescribing the National Numbering Plan for use in the provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences: Communications Act, 2009	27

General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 296

2020

NOTICE OF INTENTION TO MAKE REGULATIONS PRESCRIBING REPORTING OBLIGATIONS FOR LICENSEES

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”) publishes this notice of intention to make “Regulations Prescribing Reporting Obligations for Licensees” which contains the following:

1. A concise statement of the purpose for the proposed Regulations as set out in Schedule 1;
2. A draft of the proposed Regulations as set out in Schedule 2.

Members of the public are invited to make written submissions to the Authority no later than 30 days from the date of publication of this notice of intention to make regulations, in the manner set out below for making written submissions.

Reply comments to written submissions may be submitted to the Authority.

- (a) no later than 15 days after the time for the making of written submissions has lapsed; or
- (b) if the opportunity for the submission of reply comments is published in a subsequent *Gazette*, after the lapse of 14 days from the date of such publication.

All written submissions must -

- (a) contain the name and contact details of the person making the written submissions and the name and contact details of the person or entity on whose behalf the written submissions are made, if different; and
- (b) be clear and concise.

All written submissions must be delivered to the Authority in the manner provided above for the delivery of notices of oral submissions.

H. M. GAOMAB II
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

CONCISE STATEMENT OF PURPOSE

The objects of the proposed Regulations are to -

- (a) establish an integrated reporting framework within which holders of telecommunications licenses, broadcasting licenses and postal licenses must submit information required by the Authority to discharge its regulatory functions under the Act; and
- (b) harmonise data collection activities of the Authority.

SCHEDULE 2

**PROPOSED REGULATIONS PRESCRIBING REPORTING OBLIGATIONS FOR
LICENSEES: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia in terms of section 129(1)(f) of the Communications Act, 2009 (Act No. 8 of 2009) -

- (a) makes the Regulations set out in the Schedule;
- (b) repeals the Regulations Setting Out Cost Accounting Procedures and Reporting Requirements, which were published under General Notice No. 474 of 6 December 2013;
- (c) amends the Regulations Regarding License Conditions for Broadcasting Service Licences published under General Notice No. 309 of 13 September 2012 by the deletion of subregulation (4) of regulation 11;
- (d) amends the Regulations Regarding License Conditions for Telecommunications Service Licensees published under General Notice No. 308 of 13 September 2012 by -
 - (i) the substitution for subregulation (1) of regulation 20 of the following:

- “A licensee must submit reports to the Authority in accordance with these Regulations.”;
- (ii) the deletion of subregulations (2) and (3) of regulation 20;
- (e) amends the Regulations Prescribing Quality of Service Standards applicable to Service Licensees published under General Notice No. 152 of 21 April 2015 by -
- (i) the substitution for subregulation (1) of regulation 5 of the following:
- “A licensee must submit reports to the Authority in accordance with these Regulations.”;
- (ii) the deletion of subregulation (9) of regulation 5 and Appendix B;
- (f) amends the Regulations Regarding Procedures for the Adjudication of Disputes, published under General Notice No. 468 of 9 November 2017 by -
- (i) the deletion of subregulations (2) and Form C;
- (iii) the substitution for subregulation (3) of regulation 8 of the following:
- “A service provider must submit reports to the Authority in accordance with these Regulations.”; and
- (g) amends the Broadcasting Code for Broadcasting Licensees published under General Notice No. 602 of 31 October 2018 by -
- (i) the substitution for item (2) of paragraph 30 of the following:
- “A broadcasting licensee must, for every completed year during which Part D pertaining to local content applied to such licensee, submit a compliance report to the Authority in accordance with regulation 6 of these Regulations.”; and
- (ii) the deletion of items (2) and (3) of paragraph 30.

SCHEDULE

ARRANGEMENT OF REGULATIONS

PART 1 INTRODUCTORY PROVISIONS

1. Definitions
2. Objects and application of Regulations
3. Submission of documents to the Authority

PART 2 SUBMISSION OF ANNUAL FINANCIAL STATEMENTS, QUARTERLY, BI-ANNUAL AND ANNUAL REPORTS AND OTHER INFORMATION

4. Submission of annual financial statements
5. Submission of returns other than annual financial statements: telecommunication licensees
6. Submission of returns other than annual financial statements: broadcasting licensees
7. Submission of returns other than annual financial statements: postal licensees

8. Submission of *ad hoc* reports
9. Submission of further information
10. Retention of information

PART 3
ITU AND UPU DATA REQUIREMENTS

11. Adherence to ITU and UPU data requirements

PART 4
GENERAL

12. Publishing of information
13. Condonation
14. Failure to submit information

PART 1
INTRODUCTORY PROVISIONS

Definitions

1. (1) In these Regulations, any word or expression to which a meaning is assigned in the Act has that meaning, and -

“Act” means the Communications Act, 2009 (Act No. 8 of 2009);

“broadcasting licensee” means the holder of a broadcasting license issued in terms of the Act;

“data portal” means the electronic interface found on the landing page of the official website of the Authority by means of which licensees are required to submit reports and other information required by the Authority;

“ITU” refers to the International Telecommunications Union, which is the United Nations specialised agency for information and communications technologies;

“licensee” means a broadcasting licensee, postal licensee or a telecommunications licensee;

“official website of the Authority” is the website with URL <https://www.cran.na>;

“postal licensee” means the holder of a postal license issued in terms of the Act;

“telecommunications licensee” means the holder of a telecommunications license issued in terms of the Act;

“these Regulations” means these Regulations Prescribing Reporting Obligations for Licensees as amended from time to time; and

“UPU” means the Universal Postal Union which is the United Nations specialised agency that coordinates postal policies among member nations, in addition to the worldwide postal system.

(2) For purposes of regulations 5, 6 and 7 -

(a) “due date for each quarter” of each year means -

(i) 30 April for the quarter commencing 1 January and ending 31 March;

- (ii) 31 July for the quarter commencing 1 April and ending 30 June;
 - (iii) 31 October for the quarter commencing 1 June and ending 30 September;
 - (iv) 1 January in the succeeding year for the quarter commencing 1 October and ending 31 December;
- (b) “due date for each semester” of each year means -
- (i) 31 July for the semester commencing 1 January and ending 30 June;
 - (ii) 31 January in the succeeding year for the semester commencing 1 July and ending 31 December; and
- (c) “due date for each year” means 31 January in the succeeding year for a calendar year.

Objects and application of Regulations

2. (1) The objects of these Regulations are to -
- (a) harmonise all data collection activities by the Authority; and
 - (b) make provision for the method of collecting data through the data portal.
- (2) These Regulations apply to all licensees.
- (3) If the provision of any regulation prescribed by the Authority under the Act contradicts these Regulations, the provisions of these Regulations apply.

Submission of documents to the Authority

3. A person permitted or called upon to submit information to the Authority must do so electronically via the data portal in accordance with these Regulations.

PART 2

SUBMISSION OF ANNUAL FINANCIAL STATEMENTS, QUARTERLY, BI-ANNUAL AND ANNUAL REPORTS AND OTHER INFORMATION

Submission of annual financial statements

4. For purposes of -
- (a) section 55(1) and (3), every telecommunications licensee must within the period agreed with the Authority but no later than six months after the end of such licensee’s financial year;
 - (b) section 91(1), every broadcasting licensee must within 60 days after the end of such licensee’s financial year; and
 - (c) section 96(7), every postal licensee must within 60 days after the end of such licensee’s financial year,

upload its audited annual financial statements in electronic format via the data portal: Provided that if a licensee contemplated in paragraphs (b) or (c) is unable to comply with the 60-day period, such

licensee must apply in writing to the Authority for extension of that period, subject thereto that the Authority may not extend the period for more than four months after the end of the 60-day period.

Submission of returns other than annual financial statements: telecommunications licensees

5. (1) Every telecommunications licensee must upload via the data portal -
- (a) a report on or before the due date for each quarter complying with the data requirements contained in **Annexure A, Form A1**;
 - (b) a report on or before the due date for each semester complying with the data requirements contained in **Annexure A, Form A2**; and
 - (c) a report on or before the due date for each year complying with the data requirements contained in **Annexure A, Form A3**.

(2) Every telecommunications licensee must annually after the finalisation of its annual financial statements referred to in regulation 4 correlate and align its reports referred to in subregulation (1)(a) for the financial year in question with its annual financial statements for that year, to ensure reliable data submissions and the monitoring of sector performance.

(3) If the audited annual financial statements of a telecommunications licensee are restated for any reason, the reports referred to in subregulation (1)(a) must again be uploaded on the data portal, if such restatement necessitates the amendment of any of those reports.

(4) A licensee who provides telecommunications services but not as its main business activity must have mechanisms in place to ensure that the data requested by the Authority in terms of subregulation (1)(a) is separate from its other business and audited by a person duly registered as an accountant and auditor under the Public Accountants and Auditors Act, 1951 (Act No. 51 of 1951).

Submission of returns other than annual financial statements: broadcasting licensees

6. (1) Every broadcasting licensee including the Namibian Broadcasting Corporation referred to in section 93 of the Act must upload via the data portal -
- (a) a report on or before the due date for each quarter complying with the data requirements contained in **Annexure B, Form B1**;
 - (b) a report on or before the due date for each semester complying with the data requirements contained in **Annexure B, Form B2**; and
 - (c) a report on or before the due date for each year complying with the data requirements contained in **Annexure B, Form B3**.

(2) Every broadcasting licensee must annually after the finalisation of its annual financial statements referred to in regulation 4 correlate and align its reports referred to in subregulation (1)(a) for the financial year in question with its annual financial statements for that year, to ensure reliable data submissions and the monitoring of sector performance.

(3) If the audited annual financial statements of a broadcasting licensee are restated for any reason, the reports referred to in subregulation (1)(a) must again be uploaded on the data portal, if such restatement necessitates the amendment of any of those reports.

Submission of returns other than annual financial statements: postal licensees

7. (1) Every postal licensee must upload via the data portal -
- (a) a report on or before the due date for each quarter complying with the data requirements contained in **Annexure C, Form C1**;
 - (b) a report on or before the due date for each semester complying with the data requirements contained in **Annexure C, Form C2**;
 - (c) a report on or before the due date for each year complying with the data requirements contained in **Annexure C, Form C3**.

(2) Every postal licensee must annually after the finalisation of its annual financial statements referred to in regulation 4 correlate and align its reports referred to in subregulation (1)(a) for the financial year in question with its annual financial statements for that year, to ensure reliable data submissions and the monitoring of sector performance.

(3) If the audited annual financial statements of a postal licensee are restated for any reason, the reports referred to in subregulation (1)(a) must again be uploaded on the data portal, if such restatement necessitates the amendment of any of those reports.

Submission of *ad hoc* reports

8. (1) The Authority may, while carrying out its obligations in terms of the Act, require a licensee to provide reports to enable the Authority to -

- (a) monitor and enforce spectrum utilisation, consumer protection, quality of service requirements, fair competition, compliance with licence conditions or other requirements of the Act;
- (b) collect and compile information to be used for purposes of sectoral analysis, planning, reporting and conducting inquiries;

(2) The Authority must provide to a licensee referred to in subregulation (1) detailed specifications of its data request, applicable response times and a contact person to whom queries may be addressed.

(3) Such licensee must provide any report referred to in subregulation (1) in the manner and in accordance with the format determined by the Authority.

Submission of further information

9. Licensees must submit any additional information requested by the Authority to verify or clarify cost accounting information within 30 days from receiving the request from the Authority.

Retention of information

10. All licensees must retain the information required to complete the reports and returns required in terms of these Regulation for a minimum of 36 months after the end of the reporting period, or for a longer time period as may be directed by the Authority.

PART 3
ITU AND UPU DATA REQUIREMENTS

Adherence to ITU and UPU data requirements

11. (1) As part of the international obligations of the Republic of Namibia the Authority must cause -

- (a) telecommunications licensees, where applicable to comply with the information and communication technologies data requirements published periodically by the ITU; and
- (b) postal licensees, where applicable to comply with data requirements published periodically by the UPU.

(2) The information and communication technologies indicators currently applicable are specified in-

- (a) **Annexure A, Form A1** for telecommunications licensees; and
- (b) **Annexure C, Form C1** for postal licensees.

(3) The Authority will substitute the data requirements referred to in subregulation (2) whenever they are amended or repealed by the ITU or the UPU, as the case may be.

PART 4
GENERAL

Publishing of information

12. (1) Subject to the provisions of section 27 and 28 of the Act and subregulation (2) and (3) the Authority may publish in any format and in the manner that the Authority deems reasonably appropriate, information obtained because of the submission of any return or report in terms of these Regulations.

(2) A licensee may request the Authority to treat any information contained in a report or return submitted in terms of these Regulations as confidential commercial information that may not be disclosed to third parties other than appropriate government agencies, in which event section 28 of the Act applies.

(3) Notwithstanding subregulation (1), the Authority must consult with a licensee before publishing any information referred to in that subregulation, which may be confidential commercial information of or regarding that licensee.

Condonation

13. (1) If a licensee is unable to comply with any period set out in these Regulations, it may request from the Authority for an extension of at least seven days prior to the time set out or within any other time agreed by the Authority upon good cause shown.

(2) The Authority must respond to the request for condonation as soon as practicable, and may in its sole discretion either grant or deny the request taking into account the nature and the reasons for non-compliance with the time set out.

Failure to submit information

14. (1) If a licensee fails to submit any return or reports required in terms of these Regulations, the Authority may -

- (a) issue a written request for submission of outstanding information within 30 days; or
- (b) require the licensee to implement a remedial plan within a time frame agreed with the Authority and again submit the outstanding or additional information to the Authority.

(2) If after the measures set out in subsection (1) above, the licensee still fails to submit the information requested, the Authority will deal with the matter in terms of sections 114, 115 and 116 of the Act and the Penalty Regulations published under General Notice No. 159 of 29 April 2020.

**ANNEXURE A
FORM A1**

(Regulation 5(1)(a))

QUARTERLY DATA REQUIREMENTS FOR TELECOMMUNICATION LICENSEES	
ITU Indicators	
Revenues	
Mobile	Revenues Mobile Data
	Revenues Mobile Voice Domestic
	Revenue Mobile Voice International
	Revenues SMS Domestic
	Revenues SMS International non-SADC
	Revenues SMS International SADC
Landline and VOIP	Revenue Fixed line rental
	Revenue Fixed line Voice domestic
	Revenue Fixed line Voice International
	Revenue VOIP Voice domestic
	Revenue VOIP Voice International
Data and Bandwidth	Revenue Data ADSL
	Revenue Data Fixed Wireless
	Revenue Data FTTX
	Revenue Data Leased lines and Ethernet
	Revenue National Data Transmission Retail
	Revenue National Data Transmission Wholesale
	Revenue Other Fixed Data connectivity
	Revenue VSAT
Expenses	Expenses ADSL Links
	Expenses International data capacity
	Expenses other purchased data capacity
	Expenses Purchased leased line capacity
Mobile KPIs	KPI Implied Price Overall
	KPI Implied Price Post-paid
	KPI Implied Price Prepaid
	KPI Overall Data ARPU (Average Revenue per Unit) Monthly Average

	KPI Overall MOU (Minutes of Use) Monthly Average
	KPI Overall Voice ARPU Monthly Average
	KPI Post-paid Data ARPU Monthly Average
	KPI Post-paid MOU Monthly Average
	KPI Post-paid Voice ARPU Monthly Average
	KPI Prepaid Data ARPU Monthly Average
	KPI Prepaid MOU Monthly Average
	KPI Prepaid Voice ARPU Monthly Average
Interconnection	Revenue Interconnection All
	Revenue Interconnection Domestic
	Revenue Interconnection International
	Expenses Interconnection Domestic
	Expenses Interconnection International
	Expenses Interconnection All
Subscribers	Subscribers Mobile Post-paid active SIM Cards
Mobile	Subscribers Mobile Prepaid active SIM Cards
	Subscribers mobile broadband via dongle
	Subscribers mobile broadband via mobile
	Subscribers Mobile M2M (Machine-to-machine)
	Subscribers Smartphones
	No ported
Landline	Subscribers Fixed line business
	Subscribers Fixed line residential
	Subscribers IDSN Dialup
	Subscribers Modem Dialup
	Subscribers xDSL 10Mbps and above
	Subscribers xDSL 2 to 10Mbps
	Subscribers xDSL below 2Mbps
Other	Subscribers Fibre to the home
	Subscribers Leased lines
	Subscribers Metronet Ethernet
	Subscribers Other wireless
	Subscribers Satellite broadband VSAT
	Subscribers VoIP (Voice over Internet Protocol)
Investment	Investment Network expansion upgrade
	Investment Software
Infrastructure	International downlink bandwidth Gbps
	International uplink bandwidth Gbps
	Infrastructure No(number) Microwave Links
	Infrastructure Fibre Route km (kilometre)
	Infrastructure No End-users Connected Fibre (RAN Sites)
	Infrastructure No Sites Fixed Wireless
Traffic	
Mobile	Traffic mobile incoming minutes from Fixed lines
	Traffic mobile incoming minutes from other mobile operators
	Traffic mobile incoming minutes International
	Traffic mobile Outgoing Minutes International
	Traffic mobile Outgoing Minutes Off net Fixed line

	Traffic mobile Outgoing Minutes Off net Mobile
	Traffic mobile Outgoing Minutes On net
	Traffic mobile SMS Received
	Traffic mobile SMS Sent
	Traffic mobile Data GB used
Landlines	Traffic Fixed line incoming from mobile operators
	Traffic Fixed line incoming International
	Traffic Fixed line Outgoing International
	Traffic Fixed line Outgoing On-net
	Traffic Fixed line Outgoing other mobile operators
Employment	Employment contract semi-permanent
	Employment disabled fulltime
	Employment expats fulltime
	Employment female fulltime
	Employment female management
	Employment fulltime
	Employment part-time
Other Indicators	
Infrastructure	Revenue Other Infrastructure
	Revenue Tower Colocation
GDP Contribution	GDP Operating Expenses total Reported
	GDP Revenue total Reported
	GDP Salaries Expenses total Reported
	Depreciation/Amortisation Reported
Product Submission	Product Name
	Application Letter in PDF
	Tariff information Excel/Word
	Terms & Conditions
Promotions	Product Name
	Start Date
	End Date
	Promotional Material 1
	Promotional Material 2

ANNEXURE A
FORM A2
(Regulation 5(1)(b))

BI-ANNUAL DATA REQUIREMENTS FOR TELECOMMUNICATION LICENSEES	
Quality of Service	Billing and administration No complaints
	Billing and administration Resolved 24H (hours)
	Calls to customer services answered 20 Seconds Percent
	Customer Service No Complaints
	Customer Service resolved 24h
	Fault Repair Within 24h
	Fault Repair Within 48h
	Fixed line Faults per 100 lines

	Fixed line percent faults cleared next working day
	Fixed line Waiting list
	Number portability No Complaints
	Number portability resolved 24H
	Other No complaints
	Other resolved 24h
	Resolved Complaints Fault Repair 24H
	Supply time Fixed line initial connection within 5 elapsed days percent
	Supply time Internet within 5 elapsed days percent
	Supply time initial mobile within 5 days percent
	Total No complaints not resolved
	Total No complaints resolved within 24 Hours
	Unsuccessful SMS Attempts
	Total number portability request
	Total Calls received customer support
	Supply time Mobile initial connection within 7 days % (Fixed Contract)
	Supply time Internet within 7 days %
	Supply time Fixed within 7 days %
	Percent of faults repaired within 24 lapsed hours
	Remaining percentage of faults repaired within 48 elapsed hours
	SMS originating Attempts
	Number test data transmissions
	Number successful test data transmissions
	Number successful login attempts
	Number portability request deviating process
	Data Speed advertised Mbps (Megabits per second)
	Data Speed achieved Mbps
	Total No of bills issued to customers
	No of bills issued resulting in customer complaints
	Hours defined as busy time for calls
	% successful Calls during busy time
	No of Successful send and received SMS
	Hours defined as busy time for calls
	Hours defined as busy time for SMS
	% dropped Calls
	% deviating requests number portability
	Hours defined as busy time for internet
	No of log-in attempts
	No of successful log-ins
	No of originating SMS attempts
	No of successfully send SMS
	No of test data transmissions
	No of successful data transmissions
	Hours defined as busy time for data
RAN SITES	
Home	Site Name
	Site Owner

	Address
	Tower Height (m)
	Electricity
	Number of 2G Cells
	Number of 3G Cells
	Number of 4G Cells
	Colocation space available
RAN Sites	
Site Info	Operator ID (identification)
	Site ID
	Name
	Site Owner
	MCC (Mobile Country Code)
	MNC (Mobile Network Code)
	Site Manager
	Region
	Address
	Site Type
	Landlord
	Site Altitude
	Site Latitude
	Site Longitude
	Tower Make
	Tower Model
	Tower Type
	Tower Height (m)
	Building Height (m)
	OPEX per month (N\$) (excluding collation costs)
Technology	2G
	3G
	4G
	CDMA
	WIFI
	WIMAX
Transmission Backhauling	Fiber
	Microwave
	Other
	Bandwidth Mbps
	Backhaul Data Connectivity
	Backhaul Bandwidth
	Backhaul Cost per month (N\$)
	Electricity
	Electricity Cost per Month (N\$)
	Colocation site
	Space available
	Co-locator Names
	Co-location rent per month (N\$)
GSM Cells	Cell name

	NE (Network) name
	Tower Height (m)
	Type
	Antenna Type
Antenna info	Antenna Vendor
	Antenna Model
	Antenna height meters
	Power Max Watt
	Azimuth
	BCC
	BCCH (Broadcast Control Channel)
	BSIC (Base Station Identity Code)
	CL
	LAC (Location Area Code)
	Tilt Electrical
	Tilt Mechanical
	Power Actual Watt
	Frequency Download Mhz
	Band Number
	ARFCN
	Bandwidth
	NCC (Network Colour Code)
	TCH (Traffic Channel)
UMTS Cells	NE Name
	RNC ID (Radio Network Controller)
	NodeB ID
	Cell ID
	NodeB Name
	Cell Name
	LAC (Location Area Code)
	RAC (Routing Area Code)
	Upload Frequency
	Download Frequency
	PSC (Packet Switch Capability)
	Site Configuration
	Antennae Type
	Antenna Vendor
	Antenna Model
	Power Max Watt
	Azimuth
	Tilt Electrical
	Tilt Mechanical
	Frequency Download Mhz
	Band Number
	UARFCN
	Bandwidth
Antennae Height (m)	
LTE Cells	Cell Name

	Antennae Type
	Azimuth
	EARFCN (E-UTRA Absolute Radio Frequency Channel Number)
	eNodeB ID
	eNodeB Name
	Local Cell ID
	Antenna Vendor
	Antenna Model
	Antenna height meters
	Power Max Watt
	Power Actual Watt
	Azimuth
	Tilt Electrical
	Tilt Mechanical
	Frequency Download Mhz
	Band Number
	EARFCN
	Bandwidth
	Tilt Electrical
	Tilt Mechanical
	PHYCell ID
	Root Sequence Idx
	TAC
Point-to-Point Links	Bandwidth MHz
	Data Rate Mbits
	Site ID
	Frequency MHz
	Model
	Antenna Model
	Manufacturer
	Modulation Type
	Polarization
	Antenna Height (m)
Point-to-Multi-Point Links	Bandwidth MHz
	Data Rate Mbits
	Site ID
	Frequency MHz
	Model
	Antenna Model
	Manufacturer
	Modulation Type
	Polarization
	Antenna Height (m)
Satellite	Satellite Name
	Satellite Type
	Frequency Type
	Type Service
	Modem

	Polarization
	Power Output (Watt)
	Power DBM
	Uplink Speed Mbps
	Uplink Centre Frequency MHz
	Downlink Centre Frequency MHz

ANNEXURE A
FORM A3
(Regulation 5(1)(c))

ANNUAL DATA REQUIREMENTS FOR TELECOMMUNICATION LICENSEES	
Customer Complaints	No of complaints received
	No of complaints resolved within 14 days from date of receipts
	No of complaints resolved after 14 days from date of receipts
	No of complaints not resolved within 14 days from date of receipts
	No of complaints not resolved after 14 days from date of receipts
	No of complaints not resolved after 14 days which were submitted to the Authority
	No of complaints: Billing
	No of complaints: Quality of Service
	No of complaints: Customer Service
	Other: Service and product delivery, advertisement, confidential information

ANNEXURE B
FORM B1
(Regulation 6(1)(a))

QUARTERLY DATA REQUIREMENTS FOR BROADCASTING LICENSEES	
Revenue	Advertisements
	Sponsorships
	Decoder sales
	Infrastructure sharing
	SMS short codes
	Subscription fees
	Other broadcasting related
	Other non-broadcasting related
Expenses	Signal distribution terrestrial
	Signal distribution satellite
	Decoders and end-user equipment
	Programming fees international content
	Programming fees local content
	Studio Cost
	Local Content Production Costs
	Other
Investment	Property and plant
	Satellite transmission infrastructure

	Terrestrial transmission infrastructure
Subscribers	Digital mobile
	Digital terrestrial
	Satellite tv
Content	Total number of hours or time the broadcasting licensee broadcast applicable local content during the performance period
	Total number of hours or time broadcasting licensee broadcast exclusions set out in sub-rule (4) during the performance period
	Total number of hours or time the broadcasting licensee broadcast programmes or music (including local content programmes and music) during the performance period
	Amount spent on local content
Staff	Full time women
	Full time disabled
	Full time expatriates (excluding permanent residence)
	Part-time
	Contract and semi-permanent

ANNEXURE B
FORM B2
(Regulation 6(1)(b))

BI-ANNUAL DATA REQUIREMENTS FOR BROADCASTING LICENSEES	
Quality or service	Supply time for subscription-based television service connections within 5 elapsed days percent
	Supply time for subscription-based television service connections within 7 elapsed days percent
	Fault Repair Within 24h
	Fault Repair Within 48h
	Customer Service No Complaints
	Customer Service resolved 24h
SITES	
	Site Name
	Site Altitude
	Site Latitude
	Site Longitude
	Antenna Height (m)
Studio Links	Antenna Model
(Point-to-Point Links)	Site Frequency 1
	Site Frequency 2
	Site Frequency 3
	Site Owner
	Bandwidth MHz
	Data rate Mbits
	Technology
	Site Name
	Site Latitude
	Site Longitude
Satellite	Antenna Model

	Manufacturer
	Modulation Type
	Polarization
	Antenna Height (m)
	Satellite Name
	Satellite Type
	Frequency Type
	Type Service
	Modem
	Polarization
	Power Output (Watt)
	Power DBM
	Uplink Speed Mbps
	Uplink Centre Frequency MHz
	Downlink Centre Frequency MHz

ANNEXURE B
FORM B3
(Regulation 6(1)(c))

ANNUAL DATA REQUIREMENTS FOR BROADCASTING LICENSEES	
Customer complaints	
Number of complaints received on:	Advertisement
	Content
	Billing
	Reception/signal
	Supply time for subscription-based television service connection
	Customer/Licensee complaint resolution time
	No of complaints received
	No of complaints resolved within 14 days from date of receipts
	No of complaints resolved after 14 days from date of receipts
	No of complaints not resolved within 14 days from date of receipts
	No of complaints not resolved after 14 days from date of receipts
	No of complaints not resolved after 14 days which were submitted to the Authority

ANNEXURE C
FORM C1
(Regulation 7(1)(a))

QUARTERLY DATA REQUIREMENTS FOR POSTAL LICENSEES	
UPU	
Employment	Employment contract semi-permanent

	Employment disabled fulltime
	Employment expats fulltime
	Employment female fulltime
	Employment female management
	Employment fulltime
	Employment part-time
Revenue	Postal items
	Letter post
	Parcels and express
	Other postal services (MOU, PostFin, etc)
	Interconnection
	Other income
	Bills (Number of payments (sent in paper form, by electronic means or by other communication methods)
	Money orders (Number of payments (sent in paper form, by electronic means or by other communication methods)
	Operating revenue
	Operating result Both Profit and Loss
	Operating costs
Postal Access and Deliveries	Number of permanent post offices
	Number of post offices accepting financial transactions
	Number of post offices offering public internet services
	Number of postal establishments not open to the public i.e. sorting centers
	Number of letter boxes (P O Boxes)
	Number of private bags
	Number of post boxes occupied
	Number of Private bags occupied
	Number of post offices in remote areas including, mobile post offices
	Number of ordinary mail deliveries per working day in rural areas
	Number of ordinary mail deliveries per working day in urban areas
	Number of post offices providing savings bank (PostFin) service
	Average number of deliveries per working day in urban areas
	Average number of deliveries per week in rural areas
	Percentage of the population having mail delivered at home
	Percentage of the population having to collect mail from a postal establishment
	Number of automated parcel lockers
	Percentage of items delivered to post office boxes
	Number of postal establishments and public access points having post office boxes
	Percentage of population without postal services
Postal Financial Services	Subsidies received
Domestic Services - Total Number sent in manual form, electronic means/other means	No of bill payments over the counter(tv, utilities, etc.)
	No of money orders sent

Letter-Post Communications Products	
Letter -Post items	Weight of domestic letter post items
	Weight of international letter post items (receipt)
	Weight of international letter post items (dispatch)
Advertising items	
Domestic service	No. of Addressed items
	No. of items Unaddressed items
International service - dispatch	No. of Addressed items
Hybrid mail	No. of Domestic service
Express Items	Domestic service
	International service (EMS) - dispatch
	International service (EMS) - receipt
Postal Parcel	Domestic service
	International service - dispatch
	International service - receipt
Connectivity	Permanent post offices using counter automation systems
	Number of post offices with broadband Internet access
	Number of post offices providing Internet access points
Tariffs (weight per category)	No of Letter mail (up to 100 g)
	No of Fast mail (Priority mail up to 100 g)
	No of Printed matters domestic
	Up to 250 g
	251 g up to 500 g
	501 g up to 750 g
	701 g up to 1 kg
	Basic tariff for a domestic priority letter (first weight step)

ANNEXURE C
FORM C2
(Regulation 7(1)(b))

BI-ANNUAL DATA REQUIREMENTS FOR POSTAL LICENSEES	
Quality of Service	No. of standard mail delivered within 2 days within a town (J+2)
	No. of standard mail delivered within a town after 2 days (J+2)
	No. of standard mail delivered within 3 days from town to town (J+3 - intra-city)
	No. of standard mail delivered after 3 days from town to town (J+3- Intra-city)
	No. of standard mail delivered within 5 days for International dispatchers (J+5)
	No. of standard mail delivered after 5 days (J+5)
	No. of mail delivered to the wrong address
	No. of items that suffered loss
	No. items that were damaged
	No of applications received for post boxes/private bag
	No of post boxes awarded within 14 days
	No. of post boxes awarded within 30 days

Other Traffic Information	
Total weight transported	Domestic and international dispatch, all categories together (in Kilograms)
Trackable items	Domestic and international dispatch, all categories together (Total No. of items)

ANNEXURE C
FORM C3
(Regulation 7(1)(c))

ANNUAL DATA REQUIREMENTS FOR POSTAL LICENSEES	
Customer Complaints	No. of complaints resolved within 14 days from date of receipts
	No. of complaints resolved after 14 days from date of receipts
	No. of complaints not resolved within 14 days from date of receipts
	No. of complaints not resolved after 14 days from date of receipts
	No. of complaints not resolved after 14 days which were submitted to the Authority
	No. of complaints: Billing
	No. of complaints: Quality of Service
	No. of complaints: Customer Service
	No. of complaints: Opened packages
	No. of complaints: Losses
	No. of complaints: late delivery
	Other: Service and product delivery, advertisement, confidential information

ANNEXURE D

**CONSIDERATION OF COMMENTS ON THE REGULATIONS PRESCRIBING
REPORTING OBLIGATIONS FOR LICENSEES**

1. Introduction

The purpose of this paper is to review the comments received from stakeholders on the proposed Regulations Prescribing Reporting Obligations for Licensees which was published in Government Gazette No. 7004 on 25 September 2019. Written comments were received from MTC Mobile Telecommunications Limited (“MTC”), MultiChoice Namibia (“MultiChoice”) and Telecom Namibia (“Telecom”).

2. Consideration of Comments

COMMENTS BY MTC		
	Comment	Review & Consideration
1.	Regulation 11 (1) states that the Authority may publish any information obtained because of the submission of any return or report in terms of these Regulations. Information provided for in terms of these Regulations is in reference to Licensee’s commercial, financial and technical confidential information.	In terms of section 28 of the Act, CRAN has to determine if information is confidential, in terms of the procedure set out in the Regulations Pertaining to Confidential Information. Section 27(7) deals with instances in which CRAN is able to share confidential information.

	<p>MTC opines that Section 27 of the Communications Act provides for the information the Authority may publish and as such finds that Regulation 11 should be amended so as to not allow the publication of Licensee's reports in terms of these Regulations. The reports should therefore be treated as confidential information and should not be published without the permission of the respective Licensee.</p>	<p>However, CRAN will not and does not share any commercially sensitive or financial data with any other licensee, members of the public or organisations which is not public information. All reporting done by CRAN is aggregated data, that is, the providers of the data are not identified. However, we point out that the information as contained in the licensee's Annual Report is specified, as published from time to time, but this does not contain any commercially sensitive or confidential financial data. Regulation 11 cross-refers to sections 27 and 28 of the Communications Act, which means that any information deemed confidential will not be published.</p>
COMMENTS BY MULTICHOICE		
	Comment	Review & Consideration
1.	<p>MultiChoice supports the Authority's objectives in harmonising its data collection activities. They furthermore support Regulation 12 which permits a licensee to request an extension for the submission of data, which is a pragmatic step in order to ensure compliance with the obligations, while taking into account the needs of licensees.</p>	<p>Noted</p>
2.	<p>In terms of Regulation 3 "Electronic submission of data through an online portal" of the proposed regulations calls for information to be submitted electronically via an online data portal on the landing page of the Authority's official website. MultiChoice further states that they appreciate that the Authority's rationale for proposing electronic submission of data may be to streamline reporting processes and document management, we caution that the use of an online portal raises serious data security concerns.</p>	<p>Although the portal can be opened from the CRAN website, it is hosted on a separate CRAN server administered and controlled by CRAN. CRAN has taken the following precautionary measures to ensure that both the server and portal are as secure as possible to protect the information and data of all licensees:</p> <ul style="list-style-type: none"> a) Each licensee indicates the staff members who would have access to the portal and each staff member is issued with a username and password;
	<p>Furthermore, MultiChoice states that the information from licensees required by the Authority is often extremely confidential and commercially sensitive. Although the proposed regulations provide for the Authority to treat licensees' information as confidential, they do not address or indicate what provisions will be in place to ensure the security of the data. Once data is uploaded by licensees, it may be open to being monitored and/or stolen by cyber criminals. This is of particular concern since Namibia's cyber security laws are still in the process of being drafted under the draft Cybercrime Bill, 2019.</p> <p>MultiChoice thus opines that licensees will require certain minimum assurances from the Authority regarding the security of their data. Before implementing an online data portal, and in order to ensure an efficient transition to such a system of reporting, it would be advisable for the Authority to first engage licensees on the security measures in place to guard against cyberattacks.</p>	<ul style="list-style-type: none"> b) The portal is hosting a database for each licensee which is tracked by login details and IP address; c) Each licensees' portal has a unique address to ensure that data cannot be shared with other licensees; d) Within CRAN only one person has administrative rights; e) Data is encrypted; and f) The server has all the necessary safety precautions, in accordance with international best practice to ensure that the data thereon is protected.

3.	<p>In terms of Regulation 4 “Submission of annual returns “of the proposed regulations it states that a period of six months from the end of a licensee’s financial year for the submission of audited annual financial statements via the data portal.</p> <p>MultiChoice further states that Section 91 of the Communications Act, 2009 (“the Act”) and Reg. 11 of the Regulations regarding Licence Conditions for Broadcasting Service Licensees, 2012 (“the Licence Conditions Regulations”) provide for a period of 60 days from the end of a licensee’s financial year for such submission.</p> <p>MultiChoice thus submits that the conflict between the two different time periods could lead to confusion, and that they thus accordingly propose that the period in the proposed regulations be aligned with Section 91 of the Act being the empowering legislation.</p>	<p>Section 91 of the Act indicates that annual financial statements by licensees have to be submitted two months after year-end. This requirement of the Act has proven very difficult for licensees to submit their AFS on time to the Authority.</p> <p>Due to requests from industry based on the impracticability and even impossibility to submit annual financial statements within 60 days after year-end, the Authority has therefore been allowing licensees to submit their AFS within 6 months after year-end to allow them ample time to have their financial statements audited and submitted to CRAN. However, the proposed regulations will be updated to be in line with the Communications Act.</p>
4.	<p>Regulation 6 “Submission of quarterly compliance reports” read with Annexure B provides that broadcasting licensees upload quarterly reports indicating, <i>inter alia</i>, the broadcasting licensee’s</p> <ol style="list-style-type: none"> a) revenue split by advertisements, sponsorships, decoder sales, infrastructure sharing, SMS short codes, subscription fees, other broadcasting related revenue and other non-broadcasting related revenue; b) expenses, split by signal distribution terrestrial, signal distribution satellite, decoders and end-user equipment, programming fees international content, programming fees local content, studio cost, local content production costs and any other expenses; c) investment split by property and plant, satellite transmission infrastructure and terrestrial transmission infrastructure; d) subscribers split by digital mobile, digital terrestrial and satellite; e) content split by share of Namibian music broadcast, share of local news broadcast and share of local programmes broadcast; f) staff split by full time women, full time disabled, full time expatriates (excluding permanent residence), part-time, contract and semi-permanent; and g) quality of service split by number of complaints received on advertisement, content, billing, reception/signal, and supply time for subscription-based television service connection and customer/licensee complaint resolution time. <p>MultiChoice states that there is a concern that Regulation 6(1) read with Annexure B of the proposed regulations impose reporting obligations on licensees that are overly complex and onerous in circumstances where the Authority is already provided with such information.</p>	<p>CRAN understands that a lot of the data requested on a quarterly basis are already contained in the AFS. However, the data are also required on a quarterly basis for the following reasons:</p> <ol style="list-style-type: none"> a) CRAN has the mandate to monitor compliance and performance. This requires continuous data collection to be able to analyse trends, implement early warning systems or regulatory compliance; b) Licensees have different financial year-ends and collecting data on a quarterly basis allows for comparison and aggregation of data from licensees with different financial periods; c) To allow licensees to correct and continuously update their data; d) CRAN is enabled to compare the veracity of information across different financial period and quarterly data; and e) To allow CRAN to obtain the information per licensees and not for the group as is reported in the annual reports of a number of licensees. <p>Further, CRAN has incorporated all reports currently contained in all the different regulations such as Quality of Service, Customer Complaint, Broadcasting Code, etc. and technical data requirements into the portal to ensure that all reporting, as required, be done online for that specific period. The portal will send out an email to licensees to remind them that the reports are due and when such reports would be due.</p> <p>The proposed regulations on Prescribing Reporting Obligations will therefore be updated and corrected to ensure that all reporting obligations are contained in the proposed regulations and that the obligations, as contained in other regulations, be repealed.</p>

<p>Furthermore, the proposed data required by the Authority as regards revenue, expenses, investment, subscribers, content and staff is required in granular detail. Many licensees may not account for, or report, their financial data in such granularity and therefore reporting in the manner required by Annexure B of the proposed regulations would be intensely administrative and overly burdensome on licensees.</p> <p>Furthermore, Regulation 6(1) and 6(7) require quarterly submission of the data, i.e. it is proposed that licensees report to the Authority every three months. This is in conflict with the current reporting timeframes provided for in the Act, the Licence Conditions Regulations, the Broadcasting Code, the Quality of Service Regulations and the Adjudication of Disputes Regulations as indicated in paragraphs 8.1 - 8.4 above. In addition, quarterly reporting, combined with the extremely detailed nature of the data required, will exacerbate the significant administrative burden on licences.</p> <p>MultiChoice thus suggests that Regulation 6(1) and Annexure B be deleted and replaced simply with a requirement for broadcasting licensees to submit the reports contemplated in the Act, the Licence Conditions Regulations, the Broadcasting Code, the Quality of Service Regulations and the Adjudication of Disputes Regulations.</p> <p>MultiChoice also submit that the requirements of Regulation 6(2), read with Annexure C, and Regulation 6(3), read with Annexure D, are both a verbatim duplicate of the provisions of Regulation 6(1) and Annexure B and are therefore unnecessary. Accordingly, MultiChoice submits that Regulation 6(2), Regulation 6(3), Annexure C and Annexure D be deleted.</p>	<p>The proposed regulations will further be updated to deal with comment 11.2 to ensure that the data that should be submitted annually be split such as the data requirements as contained in the Broadcasting Code and the Adjudication of Dispute Regulations.</p> <p>We further take note of the recommendation as contained in comment 15 and would try and merge the requirements for the different types of broadcasters.</p>
<p>5. Regulation 9 “Retention of annual returns and quarterly reports” requires that that reports and returns obtained in terms of these Regulations be retained for a minimum of 36 months after the end of the reporting period or for a time period as may be directed by the Authority. This conflicts with existing obligations as follows -</p> <p>a) The Quality of Service Regulations requires that the licensees must retain all quality of service data, including all measurements and related records for a minimum period of five (5) years, after the end of the reporting period, or for a time period as may be directed by the Authority.</p> <p>b) The Broadcasting Code requires that a broadcasting licensee must keep and maintain logs, statistical forms and channel, programme and music records necessary to comply with relevant local content quotas for a period of not less than 12 months after the end of each calendar year to which they relate</p>	<p>CRAN takes note of the concern as contained in comment 16 and will merge the obligations to retain information to ensure that it is consistent across all regulations.</p>

	<p>MultiChoice submits that the conflict between these retention periods could lead to confusion, and thus accordingly propose that Regulation 9 be amended to reflect that licensees should maintain the records in accordance with the periods contemplated in the Quality of Service Regulations, the Broadcasting Code or other applicable regulations.</p>	
6.	<p>Regulation 11(2) “Publishing of confidential information” proposes that the Authority is able to disclose a licensee’s confidential commercial information to “appropriate government agencies”.</p> <p>MultiChoice submits that it is not clear what government agencies would constitute appropriate government agencies in terms of the Regulations, nor in what circumstances the Authority would be permitted to disclose confidential commercial information to such agencies. Notwithstanding this, Section 28 of the Act expressly prohibits the disclosure of confidential information.</p> <p>MultiChoice thus propose that the phrase “other than appropriate government agencies” contained in Regulation 11(2) of the proposed is ultra vires and must be deleted.</p>	<p>Section 27 and 28 deal with the confidential information. Section 27(7) indicates that confidential information may only be shared if it is public interest or if revealing the information outweighs the interest of any person affected by that information.</p> <p>CRAN does not share business or financial information except in aggregated format to protect the licensees. However, CRAN takes note of your concern and will update the section in the regulations in this regard.</p>
TELECOM NAMIBIA		
Comment		Review & Consideration
1.	<p>Telecom submits that they note that the intention of Regulation 2 (1) (a) “” is to harmonise the reporting obligations and to have one central place with the requirements of reporting obligations, however they submit that the regulation only speaks of a few reports that are required from the operators such as annual financial statements.</p> <p>Telecom thus propose that if the intention is to harmonise the reporting obligations, then perhaps all the reports from all other regulations required by the Authority should be listed under this regulation together with the timelines when such reports are required in order to achieve the intended harmony and create certainty.</p> <p>Alternatively, Telecom suggest a list with all the reports that the Authority require from the licensees other than the Adhoc reports can be attached as an annexure to these regulations. Telecom suggests that this will create much needed certainty for all parties especially considering the law is changing and the Communications Act is also undergoing changes.</p>	<p>CRAN has incorporated all reports currently contained in all the different regulations such as Quality of Service, Customer Complaints, etc. and technical data requirements into the portal. This is to ensure that all reporting can be done online in one specific period. The portal will send out an email to remind licensees to submit information when reports are due.</p> <p>Kindly refer to the annexes “A to H” to the draft regulations indicating all information that must be submitted by licensees and the period for such data submission. This information does not only relate to financial reporting.</p>
2.	<p>Regulation 3 “Submission of documents to the Authority” provides that a person permitted or called upon to submit information to the Authority must do so electronically via the data portal in accordance with these Regulations.</p> <p>Telecom further submits that in terms of Regulation 2(1) of the repealed Regulations Setting out Cost Accounting Procedures and Reporting Requirements provided for other alternative methods to submit documents to the Authority.</p>	<p>CRAN has decided that all information be submitted online, in light of the following considerations:</p> <ul style="list-style-type: none"> a) It allows the licensees to update and correct previously submitted data online; b) The data is immediately saved in a database; c) It enables efficient data analysis; d) The data is not re-entered resulting in reliable data capture; and

	<p>Telecom thus proposes that the Authority also caters for alternative methods in addition to the data portal method for instances where we are experiencing technical difficulties accessing the data portal or where the data portal is not updated in terms of the information to be loaded.</p> <p>Telecom thus propose that Regulation 3 should read as follows:</p> <p><i>“A person permitted or called upon to submit information to the Authority must do so electronically via the data portal or in any other manner or an alternative addresses set out by the Authority from time to time in accordance with these Regulations.”</i></p>	<p>e) CRAN is able to continuously check on compliance and monitor the ICT industry in accordance with its functions and duties under the Communications Act, 2009.</p> <p>CRAN will therefore only accept data requested, in these regulations, submitted online on the portal.</p>
3.	<p>Telecom seeks advice as to whether Regulation 5 only deals with Telecommunications Licensees or whether it should be applicable to all licensees.</p> <p>Telecom further submits that the proposed amendments to the Communications Act might allow licensees to report separate turnover on regulated revenue as long as the operators comply with the conditions set for such separation between regulated activities and non-regulated activities.</p> <p>Telecom thus requires advice from the Authority as to how this will be handled under these regulations especially in terms of Regulation 5 (4).</p>	<p>The submission of revenue and expense reports is applicable to all licensees (broadcasting and postal) but due to different data reporting requirements, the obligation for postal and broadcasting is dealt with in regulation 6. Hence, yes Regulation 5 is only applicable to telecommunications licensees. For clarity, the titles of regulations 5 and 6 will be revised to refer to the respective license categories.</p> <p>Section 54 of the Act deals with separation of account and cost accounting. Licensees may thus currently already report separate turnover on regulated revenue, provided they comply with the requirements of section 54.</p>
4.	<p>In terms of Regulation 6 (7) Telecom seeks clarity on the issue of “the information required in respect of the proceeding three months”.</p> <p>Telecom further submits that as an Administrative body and in order to be transparent, they propose that the Authority also inform the operators of the reasons why the Adhoc information is required in each request for Adhoc information. They further submit that the request for Adhoc reports must therefore be clear and concise and indicate why the information is required because although the Authority have the right to request for any information in terms of the Act, the operators equally have a right not to incriminate themselves and not to be entrapped.</p>	<p>The regulations compel licensees to submit the information for the 3 months of each quarter e.g. 1 January to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December. In this way different financial years of different licensees can be accommodated in the reporting framework as we are well aware that the financial year-ends of licensees differ.</p> <p>Licensees will have 30 days after each period to submit the data required on the portal.</p> <p>All information to be submitted by licensees is as pre-determined in the annexes to the Regulations. The information will enable CRAN to discharge its regulatory functions under the Communications Act.</p> <p>We note that while your comments under this regulation refer to <i>ad-hoc</i> reports, regulation 6(7) does not deal with <i>ad-hoc</i> reports. This may be an error on your part.</p>

5.	<p>Telecom submits that in terms of Regulation 7(1) “submission of ad hoc reports”, this should be clearly defined; its open from non-regulated information request;</p> <p>Telecom also implore the Authority to consider reducing the intervals of some of the reporting from quarterly to at least once or twice a year. The data production for some of the reports is an administrative challenge and given the number of reports in total that are to be provided to the Authority in a year, perhaps a revision of the intervals is warranted.</p>	<p>Regulation 7 on <i>ad hoc</i> reports mandates CRAN to collect data on issues that are not dealt with on a continuous basis e.g. the data submission done by Telecom Namibia for the PSTN Cost Study. A formal request and the format in which such data should be provided will be submitted to the licensee/s if data is needed for a specific purpose. Similar to scheduled reporting, <i>ad hoc</i> reports will only pertain to regulated activities and matters ancillary thereto, to enable CRAN to discharge its regulatory functions under the Communications Act.</p>
6.	<p>Regulation 13(2) “Failure to submit information” provides that:</p> <p><i>“if after the measures set out in subsection (1) above, the licensee still fails to submit the information requested, the Authority will deal with the matter in terms of section 114, 115 and 116 of the Act.”</i></p> <p>Telecom proposes that for the sake of transparency, the penalty for failure to submit information upon request by the Authority be explicitly contained in the Regulations as opposed to making reference to sections in the Communications Act. The thus propose that the process to be followed can be in terms of section 114 and 115.</p>	<p>CRAN has harmonised the Penalty framework as the recently published in Penalty Regulations Gazette No. 7197 Notice No. 159. For clarity, we will add a sub-clause to regulation 13 which cross-refers to those regulations, in addition to the general powers of enforcement set out in sections 114-116.</p>
7.	<p>Regulation 12 “Condonation” states that “All licensees must upload via the data portal statistics on its information and communication technologies complying with the data requirements in Annexure”</p> <p>Telecom proposes that the Authority should ensure that the portal is updated with all its fields.</p>	<p>Due to all data submission requirements being incorporated in the portal, some of the fields are not yet fully functional. The portal will be 100% functional before the next data collection period which would be 31 August 2020.</p>

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 297

2020

AMENDMENT OF GENERAL NOTICE NO. 288, GOVERNMENT GAZETTE NO. 7273
DATED 15 JULY 2020: NOTICE IN TERMS OF THE REGULATIONS PRESCRIBING
THE NATIONAL NUMBERING PLAN FOR USE IN THE PROVISION
OF TELECOMMUNICATIONS SERVICES IN THE REPUBLIC OF NAMIBIA,
NUMBERING LICENCE FEES AND PROCEDURES FOR NUMBER
LICENCES: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia in terms of Regulation 18 of the Regulations regarding the National Numbering Plan for Namibia for use in the provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences as published in Government Gazette No. 5983, General Notice No. 97 dated 1 April 2016, herewith gives notice that the persons referred to in the table below, submitted application for number licence to the Authority:

(a) Numbering Licence Application

Applicant's Name	Applicant's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens	Number Category	Number of Blocks considered to be awarded by the Authority	Description of geographic coverage area (s)	Service to be provided using numbers applied for
Focus Engineering Services CC	Namibia	100%	Electronic Communications (821000000 - 821999999)	1block (100,000 numbers)	National	Electronic Communications

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: 088642748.

H. M. GAOMAB 11
CHAIRPERSON OF THE BOARD OF DIRECTORS
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA
