



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 63

2014

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

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act (No 8 of 2009) read with regulation 6 and regulation 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the person referred to in the table below has submitted an application for spectrum use licence to the Authority:

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequencies or groups of radio frequencies applied for;	List of radio frequencies or groups of radio frequencies being considered for possible assignment by the Authority;	Description of geographic coverage area(s);			Type of service licence;
					Region;	District;	City/Town;	
Converged Telecommunications Solutions (Pty) LTD	Namibian	100%	5905.000 – 5950.000 MHz	5905.000 – 5950.000 MHz	National	National	National	Class Comprehensive Telecommunications Service Licence (ECNS and ECS)

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

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

All written submissions must be made either physically or electronically -

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

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 64

2014

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

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

**SUBMISSION OF TARIFFS FOR VOICE CALL PLANS/PACKAGES BY
 TELECOM NAMIBIA LIMITED**

1. Talk International

Telecom Namibia Limited Talk International package is a call plan that will enable customers to sign-up for a 6 (six) month contract and make calls to any of the selected international destinations as set out in the table below:

International Destination	Out of Bundle N\$ Per Minute	Bundled Minutes
Group 1 Republic of South Africa Fixed and Mobile	0.99	Free minutes Limited to 100 P/ month during peak or off-peak time
Group 2 ANGOLA BOTSWANA ZAMBIA Fixed and Mobile	1.49	
Group 3 Germany, United Kingdom and United States of America Fixed and Mobile	1.99	
Out of bundle any time rates as per table above will apply to the above destinations. Normal gazette tariffs will apply to any other destinations.		
International Call Plan	Charges	
Monthly Charge (3 months)	N\$ 199.00	

2. Multi-Talk Family Package

The Multiple-Talk Family package will enable fixed line residential customers (post-paid) to apply for more than one analogue exchange connections/lines for different family members in the same or different towns under one name as per the table below:

	Family Package 2 lines 2 urban lines/Urban + Rural
On-net Peak and Off Peak calls	Free & Unlimited between package numbers

Out of package calls	Normal fixed line call rates apply
Fixed to mobile call rates off-net)	Normal fixed to mobile call rates apply
Installation Fee for 2 Residential Lines	NS349.00
Activation Fee	-
Monthly Rental (2 Residential Lines) 12 Months Contract	N\$105.00

Multi-Talk Family Package maximum number of lines will be limited to 3 (three) per package.

- Multi-Talk Family Package free calls will be activated between 3 (three) numbers only.
- Installation and Activation for Multi-Talk Family package additional line (N\$199.00)
- Line Rental for Multi-Talk Family package additional (N\$49.00)
- Normal international call rates apply.

3. Corporate Call Plans

Telecom Namibia Limited Corporate Call Plans will enable customers to make local and national calls at special rates after reaching pre-defined usage thresholds (in minutes) or customers will pay flat monthly rental and enjoy unlimited local and national minutes.

Local Calls		National Calls	
Minutes Threshold	Savings %	Minutes Threshold	Savings %
0 - 49,999	0%	0 - 49,999	0%
50,000 - 99,999	-5%	50,000 - 99,999	-5%
100,000 - 199,999	-7%	100,000 - 199,999	-7%
200,000 and More	-10%	200,000 and More	-10%

Note: The discounts will be applied on peak or off-peak minutes above threshold within a defined bracket.

Monthly Flat Rate	Call Plan	N\$/Min
N\$70,000	Local Calls	Unlimited
N\$250,000	National Calls	Unlimited
N\$300,000	Local & National	Unlimited

The flat rate call plan will be offered to customers on a 12 (twelve) months contract.

4. LCR (LEAST COST ROUTER) /PABX (PRIVATE AUTOMATIC BRANCH EXCHANGE) Business Solution Package

Telecom Namibia Limited LCR/PABX Business Solution Package offers a combination of fixed and mobile services, which consist of the following:

Features	Entry	Standard	Advanced
PABX	Pre-requisite	Pre-requisite	Pre-requisite
PABX capacity (trunks)	4-8	12-24	24-48
Least cost routing			
LCR Tariff N\$	0.65	0.65	0.65
Calls rate within group N\$	0.25	0.25	0.25

Calls rate outside group N\$	0.80	0.80	0.80
SMS rate within group N\$	0.25	0.25	0.25
SMS rate outside group N\$	0.35	0.35	0.35
Data (MB) per month	500MB	1024MB	2048MB
N\$/MB	0.90	0.90	0.90
Free Minutes per month	100	200	300
Call Forwarding (fixed to mobile)	Normal rates apply		
Number of GSM Dual phones	1 GSM phone per package		
Contract Period (months)	24	24	24
Once-off activation fee per number	N\$ 175,00	NS175.00	NS175.00
Monthly Fee per subscriber	N\$269.00	N\$379.00	N\$639.00

GSM (Global Systems for Mobile communications) phones were identified for each package. All other calls will be charged at normal rates. Additional features like call limits, voicemail, CLIP1 & 11 and CDR are also available and part of the offer.

5. GENERAL

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

Reasons for the Authority's Decision

Telecom Namibia Limited (hereinafter referred to as "Telecom Namibia") filed for the approval of tariffs for Voice Call Plans/Packages on 13 December 2013, in terms of section 53 (1) and (7) of the Communications Act No. 8 of 2009 (hereinafter referred to as "the Act").

The proposed tariffs were published as General Notice No. 42 in the Government Gazette No. 5411 dated 17 February 2014 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 Government *Gazette*, within a period of fourteen (14) days from the date of publication of the Notice in the Government *Gazette*, which period lapsed on 3 March 2014. 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 tariff information, comparison and analysis are follows:

Table 1: Tariffs for Talk International

International Destination	Out of Bundle N\$ Per Minute	Bundled Minutes
Group 1 Republic of South Africa Fixed and Mobile	0.99	Free minutes Limited to 100 P/ month during peak or off-peak time
Group 2 ANGOLA BOTSWANA ZAMBIA Fixed and Mobile	1.49	
Group 3 Germany, United Kingdom and United States of America Fixed and Mobile	1.99	
Out of bundle any time rates as per table above will apply to the above destinations. Normal gazette tariffs will apply to any other destinations.		
International Call Plan	Charges	
Monthly Charge (3 months)	N\$ 199.00	

Telecom Namibia Limited Talk International package is a call plan that will enable customers to sign-up for a 6 (six) month contract and make calls to any of the selected international destinations as set out in the table below:

Table 2: Comparison to Current Tariffs

Destination	Time Period	Current tariff per minute N\$/Minute (Vat Excl)	International Call Plan N\$/Minute (Vat Excl)
RSA - Fixed	Peak	1.99	0.99
	Off-Peak	1.19	0.99
RSA - Mobile	Peak	2.30	0.99
	Off-Peak	1.99	0.99
Angola - Fixed	Peak	2.30	1.49
	Off-Peak	2.30	1.49
Angola - Mobile	Peak	2.30	1.49
	Off-Peak	2.30	1.49
Botswana - Fixed	Peak	2.20	1.49
	Off-Peak	1.55	1.49
Botswana - Mobile	Peak	2.99	1.49
	Off-Peak	1.99	1.49
Zambia - Fixed	Peak	2.20	1.49
	Off-Peak	1.55	1.49
Zambia - Mobile	Peak	2.99	1.49
	Off-Peak	1.99	1.49
UK - Fixed	Peak	3.00	1.99
	Off-Peak	2.55	1.99
UK - Mobile	Peak	3.50	1.99
	Off-Peak	2.99	1.99
Germany - Fixed	Peak	3.00	1.99
	Off-Peak	2.55	1.99

Germany - Mobile	Peak	3.50	1.99
	Off-Peak	2.99	1.99
USA (Fixed & Mobile)	Peak	3.50	1.99
	Off-Peak	2.99	1.99

A comparison of the proposed tariffs was done against the current tariffs. Overall, the new proposed tariffs are lower than the currently charged tariffs.

The tariffs as submitted for Talk International are lower than the currently charged tariffs. The Multi-Talk Family Package which allows family members in the same or different towns to apply for more than one analogue exchange connection for different family members under one name. This brings along some savings on call rates between these numbers, rental and installation.

The Corporate Call Plans will enable customers to make local and national calls at special rates after reaching a pre-defined usage threshold in minutes or customers will pay a monthly flat fee and will enjoy unlimited local and national call minutes.

The Least Cost Routing (LCR)/Private Branch Exchange (PABX) Solution Package offers a combination of fixed and mobile service. The above packages offer value for money by either offering lower tariffs or more services to the customer. The tariffs are deemed reasonable and do not impair competition.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to. The tariffs were published in the *Government Gazette* as required in terms of section 53(10) of the Act for comment and Telecom Namibia stated that the tariff would come into force on 11 February 2013 in terms of section 53(8) of the Act. All pertinent information as required by section 53(9) was submitted to the Authority such as the terms and conditions in terms of the tariffs. The tariffs were accompanied by such accounting and cost information as required by section 53 (18). Based on the analysis and reasons advanced above, the Authority approved the proposed tariffs for Voice Call Plans / Packages submitted by Telecom Namibia Limited.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No.65

2014

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

The Communications Regulatory Authority of Namibia, in terms of section 38(10)(i) of the Communications Act (Act No 8 of 2009) and regulations 7, 11 and 19 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", gazetted in *Government Gazette* No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the spectrum use licences and control of spectrum use licences contained in Schedule 1 to this Notice has been transferred as follows:

Transfer of Licences and transfer of control of Spectrum Use Licences

Transferor/Licensee;	Licences to be transferred;	Transferee and Percentage of Stock owned by Namibian Citizens;	Reason for transfer of licence and transfer of control;
Powercom (Pty) Ltd t/a Leo	Spectrum Use Licences in respect of the frequencies listed in Schedule 1 to this notice.	Telecom Namibia Limited (100% Namibia Post and Telecommunication Holding Limited)	The transferor has sold stock in the licensee to the transferee.

The reasons for the above captioned decision are the same as contained Government *Gazette* 5432, Notice No 70, dated 27 March 2014.

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

SCHEDULE 1

The following table contains the frequencies and groups of frequencies assigned in respect of the spectrum use licences been transferred:

Powercom (Pty) Ltd t/a Leo	905.000 - 915.000 MHz	MOBILE
	950.000 - 960.000 MHz	MOBILE
	1775.000 - 1785.000 MHz	FIXED MOBILE SYSTEMS
	1870.000 - 1880.000 MHz	FIXED MOBILE SYSTEMS
	1965.000 - 1970.000 MHz	FIXED MOBILE SYSTEMS
	1975.000 - 1980.000 MHz	FIXED MOBILE SYSTEMS
	2155.000 - 2160.000 MHz	FIXED MOBILE SYSTEMS
	2165.000 - 2170.000 MHz	FIXED MOBILE
	7485.000 MHz	FIXED
	7513.000 MHz	FIXED
	7541.000 MHz	FIXED
	7569.000 MHz	FIXED
	7653.000 MHz	FIXED
	7681.000 MHz	FIXED
	7709.000 MHz	FIXED
	7737.000 MHz	FIXED
	14739.000 MHz	FIXED
	14767.000 MHz	FIXED
	14795.000 MHz	FIXED
	14823.000 MHz	FIXED
	14851.000 MHz	FIXED

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 66

2014

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

The Communications Regulatory Authority of Namibia, in terms of regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice that **Paratus Telecommunications (Pty) Ltd** has filed the following National Standard 4G broadband (Wimax) Bundles and Voice tariffs with the Authority which will be in force and effective as from date of publication in the Gazette.

1. National Standard 4G Broadband (WiMAX) bundles

New Pricing				
Product	Bandwidth Speeds	Cap	Standard Monthly Fee	Reseller Monthly Fee
Entry Level	4 Mbps DOWN/2Mbps UP *	10GB	N\$ 299-00	N\$ 270-00
Soho	4 Mbps DOWN/2 Mbps UP *	20GB	N\$ 550-00	N\$ 500-00
Business	4 Mbps DOWN/2Mbps UP *	40GB	N\$ 999-00	N\$ 910-00
Professional	4 Mbps DOWN/2 Mbps UP *	80GB	N\$ 1 850-00	N\$ 1 680-00

* Bandwidth Speeds listed indicate maximum transmission speed and is not guaranteed

* Installation Fee at N\$ 800-00

- (a) Pricing based on a 24 months contract and Excludes 15% Value Added Tax (VAT)
- (b) Recharge bandwidth at N\$ 80-00 per Gig
- (c) Standard Terms and Conditions Apply

2. Voice Tariffs (per minute)

NOTE: Standard National Rate fixed at N\$ 0.77 (exclusive of Value Added Tax (VAT)) per minute.

	STANDARD RATE	PREMIUM RATE	RESELLER RATE
	N\$ (Excl VAT)	N\$ (Excl VAT)	N\$ (Excl VAT)
Intra Company	0.26	0.25	0.22
National	0.77	0.72	0.68
Mobile	0.77	0.72	0.68
Republic of South Africa (Fixed)	1.48	1.43	1.43
Republic of South Africa (Mobile)	2.16	2.09	2.09
Angola (Fixed)	2.32	2.25	2.25
Angola (Mobile)	2.40	2.32	2.32
Botswana, Lesotho, Mozambique, Swaziland, Zambia, Zimbabwe (Fixed)	1.79	1.74	1.74
Botswana, Lesotho, Mozambique, Swaziland, Zambia, Zimbabwe (Mobile)	2.33	2.26	2.26
Germany (Fixed)	2.98	2.89	2.89
Germany (Mobile)	3.47	3.37	3.37

United Kingdom (Fixed)	3.01	2.92	2.92
United Kingdom (Mobile)	3.50	3.40	3.40
Netherlands (Fixed)	3.51	3.40	3.40
Netherlands (Mobile)	4.08	3.96	3.96
Sweden, Switzerland (Fixed)	3.57	3.46	3.46
Sweden, Switzerland (Mobile)	4.20	4.07	4.07
Spain, Australia, France, Kenya (Fixed)	3.46	3.36	3.36
Spain, Australia, France, Kenya (Mobile)	4.06	3.94	3.94
United States of America (Fixed and Mobile)	3.48	3.38	3.38
Rest of the World	4.71	4.57	4.57

NOTES:

- (a) Standard Terms and Conditions Apply
- (b) All Pricing exclude 15% Value Added Tax (VAT)
- (c) Premium Rates are applicable to Corporate Customers buying existing Data Services from Paratus Telecommunications (Pty) Ltd
- (d) Reseller Rates are applicable on Resellers of Paratus Telecommunications (Pty) Ltd, reselling Voice Services to their existing customers.

REASONS FOR APPROVAL OF TARIFFS

Paratus Telecommunications (Pty) Ltd (hereinafter referred to as “Paratus Telecommunications”) filed for the approval of tariffs for National Standard 4G Broadband (WIMAX) Bundles and voice services on 8 November 2013 in terms of section 53 (1) and (7) of the Communications Act No. 8 of 2009 (hereinafter referred to as “the Act”). The submission was made to implement the new pricing as promotional pricing in terms of section 53(2) of the Act and obtain approval in terms of section 53 (1) and (7) to implement tariffs of data (WiMax) and voice services going forward pending a final decision by the Board of Directors of the Authority.

The proposed tariffs were published as General Notice No. 513 in the Government Gazette No. 5369 dated 20 December 2013 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 Government Gazette, within a period of fourteen (14) days from the date of publication of the Notice in the Government Gazette, which period lapsed on 6 January 2014. 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 Paratus Telecommunications.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to. The tariffs were published as stipulated in section 53(10) for comment and Paratus Telecommunications stated that the tariff would come into force on 4 November 2013 as required by section 53(8) of the Act. 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.

Table 1: Data Tariff Comparisons

Product	Paratus Telecom N\$/month (excl VAT)	Telecom Namibia N\$ (excl VAT)	TN Mobile N\$ (excl VAT)	MTC N\$ (excl VAT)
10 GB	299.00	399.00 (unlimited data)	349.00 (5GB data)	399.00 (4G)

It is difficult to compare and benchmark the data packages due to the differences in the packages offered by the market players. The upload and download speed differs, the amount of data offered differs and the overall packages differ. The package offered by Paratus Telecommunications will however offer customers a new product, which in turn will provide more choice and competition. The tariffs are further deemed reasonable and promote competition.

Table 2: Voice Tariff Comparison

Destination	Paratus Telecommunications N\$ (excl VAT)	Telecom Namibia N\$ (excl VAT)	TN Mobile N\$ (excl VAT)	MTC N\$ (excl VAT)
Inter-company	0.26	N/A	N/A	0.29
National	0.77	0.85	0.99	0.99
Mobile	0.77	1.49	0.99	0.99
RSA: Fixed	1.48	1.99	3.90	2.98
RSA: Mobile	2.16	2.30	3.90	3.91
Germany: Fixed	2.98	3.00	9.00	6.05
Germany Mobile	3.47	3.50	9.00	6.05
Rest of the World	4.71	4.90	10.00	8.40

The tariffs are deemed reasonable and do not impair competition. These tariffs compare very well with the Telecom Namibia Limited fixed line tariffs and should provide healthy competition tariffs and an incentive to the incumbent to reduce tariffs in the future. It is also not deemed to be unreasonably discriminatory by the Authority in terms of section 53(19) of the Act since the tariffs submitted are competitive compared to the other operators in the market.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 67

2014

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

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act, read with regulations 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 (As amended), herewith gives notice that the applicant referred to in the table below, has been awarded a spectrum use licence:

Licensee;	Licensee's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequencies or groups of radio frequencies assigned;	Description of geographic coverage area(s);			License Fees Outstanding?	Service to be provided using frequency applied for;	Party providing Signal Distribution;
				Region;	District;	City/Town;			
Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO)	International Treaty Organization	0%	6383.000 MHz 4157.000 MHz	Khomas	Windhoek	Windhoek	No	FIXED-SATEL-LITE (Earth-to-space)	Own
			6337.000 MHz 4112.000 MHz	Oshikoto	Tsumeb	Tsumeb	No	FIXED-SATEL-LITE (Earth-to-space)	Own

The licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding Setting Out Conditions for Spectrum Use Licences, as published in Government Gazette No. 5354, Notice No. 469, dated 02 December 2013.

The following are the reasons for the decision:

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences the Authority published a notice in the Government Gazette 5343, Notice No 434, dated 14 November 2013 allowing fourteen (14) days for public comments as required by section 9(3) of the aforementioned regulations. No comments were received within the aforementioned period for comments.

Namibia is bound by the Cabinet's Decision #4/12.03.02/010 to allow CTBTO to operate VSAT equipment located in Windhoek and Tsumeb to conduct monitoring of nuclear explosions. Operation of a private ECNS network does not require the issuance of a telecommunications service licence in terms of Regulation 5(2) of the Regulations Setting out Broadcasting and Telecommunications Service Licences as published in Government Gazette No. 4714, Notice No. 124 dated 29 August 2011 (as amended).

Therefore, the Authority concluded to only consider the application for spectrum use licenses. Section 101(6) requires the issuance of a spectrum use licence to an applicant, should the offering of envisaged service requires spectrum in the appropriate spectrum band for Fixed Satellite (Earth-to-Space). The application also complies with all the substantive requirements as captioned in regulation 6 of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 68

2014

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

The Communications Regulatory Authority of Namibia, in terms of regulations 10 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 (As amended), herewith gives notice that the applicant referred to in the table below, intends to permanently discontinue providing a service in accordance with its license and has submitted an application for withdrawal of licence to the Authority:

Licensee;	Applicant's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies con- trolled by Namibian Citizens;	Type of Licence being withdrawn;	Concise Statement of the reasons for proposed withdrawal;	Date on which licensee intends to permanently discontinue providing service;
Converged Telecommuni- cations Solu- tions (PTY) Ltd	Namibia	49% ¹	Spectrum Use Licence as issued on 19 July 2013, published in Government Gazette 5243, Notice 283. Please note that only the following frequencies are to be withdrawn: 5150 -5195 MHz	The utilization of the frequency 5150 – 5195 MHz does not require a spectrum use licence in Namibia, as per the Regulations Regarding Licence Exempt Spectrum published in Government <i>Gazette</i> No. 4839 Notice 395, dated 25 November 2011.	Date of final publication of the Authority's decision, which must be at least 60 days from date of submission of this application.

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

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

All written submissions must be made either physically or electronically -

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: legal@cran.na;

¹ Subject to section 46(2) of the Communications Act, 2009 (No. 8 of 2009).

- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 0886550852.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 69

2014

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

The Communications Regulatory Authority of Namibia, in terms of section 135 (5) and regulation 9 of the “Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, as published in Government Gazette No. 4737, General Notice No. 171, dated 17 June 2011, herewith gives notice that the applicant referred to in the table below has been awarded with the following licence:

Licensee;	Licensee’s citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Existing Type of Telecommunications Service Licence(s) / Providing a Service Without a Licence Existing Licence;	Type of Telecommunications Licence awarded;	Telecommunication services intended to be provided by applicant	Description of geographic coverage area(s);	Proof of Licence Fees paid up to date?
Telepassport Communications (Pty) Ltd	Namibia	60%	Providing a service lawfull without a licence in terms of section 135(5) of the Communications (No. 8 of 2009)	Class Telecommunications Service Licence (ECS)	Electronic Telecommunications services	Namibia or any part thereof	Yes

The licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding Licence Conditions for Telecommunications Service Licences, as published in Government Gazette No. 5037, Notice No. 308, dated 13 September 2012.

The following are the reasons for the decision:

Telepassport Communications (Pty) Ltd (hereinafter referred to as the “licensee”) has been providing voice arid SMS services to corporate customers via least cost routing since, utilizing the number ranges and cellular networks of Mobile Telecommunications Limited and Powercom (Pty) Ltd (now owned by Telecom Namibia Limited.) since 2004. Telepassport Communications (Pty) Ltd maintains its own billing and customer administration systems and is also responsible for implementation of customer end-user equipment and networks.

Pursuant to the provisions of section 135(5) of the Act, the licensee was, therefore, lawfully providing telecommunications services without a licence on date of commencement of the Act. This is because the Namibian Communications Commission Act (4 of 1992) now repealed, did not require a licence

for the provision of the services that were provided by licensee. However, the Communications Act (No 8 of 2009) (Hereinafter referred to as the “Act”) now requires such services to be licenced. Licensee was therefore, requested to submit an information form in terms of section 135(5) of the Act. The licensee complies with the provisions of section 46(1) of the Act, in that it is a company incorporated in Namibia and Namibian citizens own 60% of its shareholding.

Licensee did not submit an application for spectrum use because it does not own or maintain an electronic communications network. Proof of the least cost routing agreements with Mobile Telecommunications Networks and Powercom (Pty) Ltd t/a Leo were submitted to the Authority.

The fact that Telepassport Communications (Pty) Ltd has been operating since 2004 on a sustainable basis as illustrated by its annual financial report indicates that the market can support licensees providing telecommunications services to specific market segments whilst acquiring network access from exiting Class Comprehensive (ECS & ECNS) service licence holders.

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 70

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

The Communications Regulatory Authority of Namibia, in terms of regulations 10 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, published in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the licence referred to in the table below has been withdrawn, effective from the date of publication of this *Gazette*:

Licensee;	Li- censee’s Citi- zen- ship or place of incorpo- ration;	Percentage of Stock owned by Namibian Citizens or Namibian Companies con- trolled by Namibian Citizens;	Type of license be- ing withdrawn;	Concise Statement of the reasons for withdrawal;	Date on which licensee intends to permanently discontinue providing service;	Proof of Licence Fees Paid Up to Date Sub- mitted? Yes/No;
Powercom (Pty) Ltd t/a Leo	Namibia	100%	Class Comprehen- sive Telecommu- nications Service License (ECNS & ECS)	Telecom Namibia Limited has acquired 100% shareholding of Powercom (Pty) Ltd and plans to integrate the GSM business into its operations. Powercom (Pty) Ltd t/a Leo, will therefore, per- manently discontinue providing licensed services in terms of its previously held licence.	Date of publica- tion of this no- tice in the Gov- ernment Gazette.	Yes

REASONS FOR DECISION

The reasons for the above-captioned decision are as follows:

1. The withdrawal and transfer applications comply with the substantive and procedural requirements set out in the Communications Act and the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences.

2. The applicant has cited the reasons for the withdrawal and transfers respectively, which is that Telecom Namibia Limited has acquired 100% shareholding of Powercom (Pty) Ltd t/a Leo and wishes to integrate the GSM business into its operations. Powercom (Pty) Ltd t/a Leo, will therefore, permanently discontinue providing licensed services in terms of its previously held licence, as awarded on 16 April 2012, published in Government Gazette 4930, Notice No. 106.
3. As per the applications submitted, Powercom (Pty) Ltd t/a Leo will now be integrated into the Telecom Namibia Limited operations and will cease to provide telecommunications services that require a licence.
4. Further benefits of the transfer of spectrum use license and withdrawal of service licence are that the current Powercom (Pty) Ltd t/a Leo customers will retain their services, as they have been transferred to TN Mobile, which operates under the Telecom Namibia Limited service licence.
5. The Authority understands the needs and expectations of the Powercom (Pty) Ltd t/a Leo consumers, especially given the transition that will be brought by the nature of the applications at hand. Therefore most aspects of consumer protection will be monitored on a continuous basis and dealt with in terms of the relevant provisions of the Communications Act and Regulations Regarding Consumer Complaints.

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