



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 241

2014

NOTICE OF WITHDRAWAL OF APPLICATION FOR SPECTRUM USE LICENSE

The Communications Regulatory Authority of Namibia, herewith gives notice that the Applicant referred to in the table below has withdrawn the following application made to the Authority in

terms of section 101 of the Communications Act, 2009 (No. 8 of 2009) read with regulations 6 and 11 of the “Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum use Licences in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 as amended; which application was published on 20 December 2013, for public comments in Government Gazette No. 5374, Notice No. 322.

Spectrum Use Licence Application

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens	List of radio frequencies or groups of radio frequencies applied for;	List of radio frequencies or groups of radio frequencies being considered for assignment by the Authority;	Description of geographic coverage area(s);			License Fees Outstanding;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
Swakopmund Uranium (PTY) Ltd	Namibia	100 %	18 222.50 MHz 19 232.50 MHz 18 250.00 MHz 19 260.00 MHz	18 222.50 MHz 19 232.50 MHz 18 250.00 MHz 19 260.00 MHz	Erongo	Swakopmund	Within the Operational Borders of the Applicant's mine	Yes	FIXED	Own

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 242

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 regulations 10 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272, dated 29 August 2011 As amended), herewith gives notice that the license referred to in the table below has been withdrawn effective from date of publication of this notice:

Licensee;	Licensee's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Radio Frequencies or group of frequencies withdrawn;	Concise Statement of the reasons for proposed withdrawal;	Date on which licensee intends to permanently discontinue providing service;);	Proof of Licence Fees Paid Up to Date Submitted? Yes/No
Mobile Telecommunications Limited	Namibia	66%	25249.000 - 26257.000 MHz 25305.000 - 26313.000 MHz 25361.000 - 26369.000 MHz 25417.000 - 26425.000 MHz	The listed frequencies deliver poor quality of service during the rainy seasons thus the Licensee has migrated the services to 18GHz links.	Date of publication of this notice in the Government Gazette.	Yes

REASONS FOR DECISION

Mobile Telecommunications Limited submitted an application for withdrawal of spectrum use licences in the 25 GHz to 26 GHz spectrum band in accordance with Regulation 10 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice. No. 272 dated 29 August 2011 (as amended) to the Authority on 20 January 2014 for consideration.

These frequencies as listed in the table above were issued on a national basis allowing utilisation thereof within the borders of the Republic of Namibia. The reasons for the proposed withdrawal was that the above-captioned frequencies were no longer utilised since August 2013 and that all telecommunications services have been migrated to spectrum use licences awarded to the 18 GHz spectrum band. It was found that network performance within the 25 GHz to 26 GHz spectrum band is negatively affected by rain resulting in poor quality of service. Hence Mobile Telecommunications Limited made a business decision to decommission network equipment in the 25 GHz to 26 GHz spectrum band and migrate all customers utilising services in this band to 18 GHz. This process was concluded in August 2013 as per documentation submitted.

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 No. 5442, Notice No 78, dated 7 April 2014, allowing fourteen (14) days for public comments. No comments were received within the stated timeframe and subsequently no reply comments were required from Mobile Telecommunications Limited.

The Authority found the application for withdrawal of spectrum use licences in the 25 MHz to 26 MHz spectrum bands as submitted by Mobile Telecommunications to be compliant to Regulation 10(2) of Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4785, General Notice. No. 272 dated 29 August 2011 (As amended). This is because the application sets out the reasons for the proposed withdrawal, date of discontinuation and the fees are paid up to date.

The Authority notes that Mobile Telecommunications Limited has taken all necessary steps to ensure continuation of services offered to customers due to the fact that all telecommunications services have been migrated to the 18 GHz spectrum band prior to submitting the application for withdrawal to the Authority. In light of the above the Authority approves the withdrawal of the spectrum use licences issued to Mobile Telecommunications Limited on 13 September 2012 as published in Government Gazette No. 5037, Notice No. 305 as listed in the table above.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 243

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 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 licence and has submitted an application for withdrawal of licence to the Authority:

Applicant;	Applicant's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens;	Licence being withdrawn;	Concise Statement of the reasons for proposed withdrawal;	Date on which licensee intends to permanently discontinue providing service;	Proof of Licence Application Fees Paid Up to Date Submitted? Yes/No
Virtual Technology Services	Namibian	100%	Class Comprehensive Telecommunications Service License (ECS & ECNS)	Applicant indicated that it is "unable to obtain unbundled pricing from incumbent operator leading to the company taking the decision not to continue with telecommunications services".	Applicant has not commenced with the provision of telecommunications services as yet.	Yes

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. 244

2014

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

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

Broadcasting Service Licence Application:

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Category of Broadcasting Service Licence as contemplated in the Regulations Setting out Broadcasting and Telecommunications Service Licence categories;	Provision of Signal Distribution;	Whether applicant intends to use spectrum in the provision of broadcasting services intended to be provided;	Proof of Application fees paid up to date submitted?
FIMBO MEDIA INVESTMENTS t/a Fimbo FM	Namibia	100 %	Commercial Broadcasting Service Licence	Own	Yes	Yes

Spectrum Use Licence Application:

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequencies or groups of radio frequencies applied for;	List of radio frequencies or groups of radio frequencies being considered for assignment by the Authority;	Description of geographic coverage area(s);			Services intended to be provided using the spectrum being applied for;	Party providing Signal Distribution;	Proof of Application Fees paid up to date submitted?
					Region;	District;	City/Town;			
FIMBO MEDIA INVESTMENTS t/a Fimbo FM	Namibia	100 %	88– 108 MHz	88.700 MHz	Oshana	Os-hakati	Os-hakati	Commercial Broadcasting Services	Own	Yes

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

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

All written submissions must be made either physically or electronically -

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;

- (3) By electronic mail to the following address: legal@cran.na;
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No. 245

2014

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

The Communications Regulatory Authority of Namibia, in terms of regulation 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the persons referred to in the table below have submitted the following applications to the Authority:

Spectrum Use Licence Applications:

Applicant's Name;	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	List of radio frequencies or groups of radio frequencies applied for;	List of radio frequencies or groups of radio frequencies being considered for assignment by the Authority;	Description of geographic coverage area(s);			License Fees Outstanding;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
Equity Broadcasting	Namibia	100 %	400.000 MHz 470.000 MHz	458.8625 MHz 468.8625 MHz	Otjozondjupa	Otjiwarongo	Otjiwarongo Water Tower S20°28'27.34" E16°39'07.87"	Yes	FIXED	Own

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

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

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

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

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;

- (3) By electronic mail to the following address: legal@cran.na;
- (4) By facsimile to the following facsimile number: +264 61 222790; or
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L.N. JACOBS
CHAIR PERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 246

2014

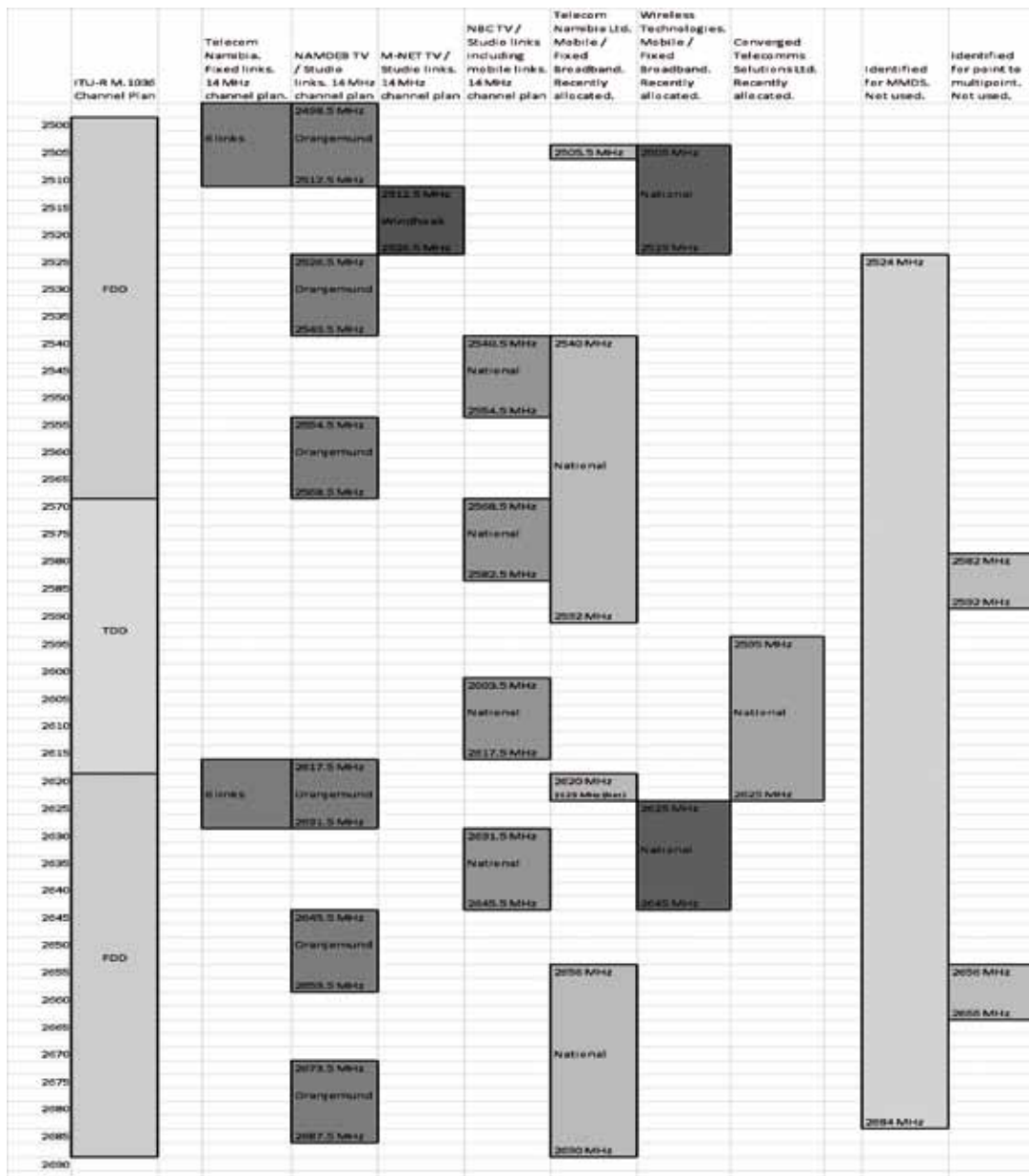
**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES
FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND
SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of sections 101 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 application for a spectrum use licence submitted by Mobile Telecommunications Limited has been denied in whole. The following are the reasons for the decision:

1. Mobile Telecommunications Limited submitted an application for a spectrum use license for telecommunications services to the Authority on 17 June 2011 for consideration. Due process in respect of the application was followed in terms of the procedures outlined in the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences.
2. It should be noted that the application herein was submitted prior to the completion of the transitioning process of telecommunications service and spectrum use licences as published in Government Gazette No. 4946, General Notice No. 121 dated 20 March 2012 for telecommunications service licences and Government Gazette No. 5037, Notice No. 305 dated 13 September 2012 for spectrum use licences respectively in terms of section 135 of the Communications Act (No. 8 of 2009) (hereinafter referred to as “the Act”)
3. Mobile Telecommunications Limited was issued with a Class Comprehensive Telecommunications Service License (ECS & ECNS) by the Authority in terms of section 38 of the Act and the Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences as published in Government Gazette No. 4946, General Notice No. 121 dated 20 March 2012.
4. When considering the award of a spectrum use licence, the Authority must consider the availability of spectrum as applied for.
5. In compliance with Section 101 of the Act and the Regulations regarding Licensing Procedures, the application was for 2x 20 MHz FDD in the 2.6 GHz spectrum band for the implementation of LTE services. Following due process in terms of regulation 11 of the Regulations regarding Licensing Procedures, the Authority published a notice in respect of the application in Government Gazette No. 4756, General Notice No 217, dated 15 July 2011. The publication allowed for fourteen (14) days for public comments from the date of publication of the Notice in the Gazette. No public comments were received and subsequently no reply comments were required from Mobile Telecommunications Limited.

6. Not all technical documents that are required by section G of the spectrum use license application form was submitted with the application form. The Authority could therefore, not proceed with the evaluation of the application. The Authority formally requested the outstanding technical information from Mobile Telecommunications Limited in terms of regulation 6 (4) of the Regulations regarding Licensing Procedures on 8 March 2014. Mobile Telecommunications Limited submitted all outstanding technical information to the Authority on 29 April 2014 and thus complied with all requirements set forth in the application form for a spectrum use licence. Consequently the Authority proceeded with the consideration and analysis of the application.

7. The Authority has not issued any new spectrum use licences in the 2.6 GHz spectrum band since its establishment on 18 May 2011. All spectrum use licenses held by licensees in this band has originally been issued by the Namibian Communications Commission and subsequently transitioned by the Authority in terms of Section 135 of the Act and Regulations regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences. The table below depicts the current assignment of spectrum use licences in the 2.6 GHz spectrum band as from 13 September 2012, which is the date of completion of the transitioning process for spectrum use licences. Please note: The column headings indicate the various spectrum use licence holders whilst the coloured blocks indicate the spectrum assignments for each licence holder.



8. The table above shows that the aforementioned spectrum band has been fully assigned to existing licensees as reflected in the table and as such, there is no available spectrum in the said band to assign to licensees at this stage.
9. Therefore, the Authority is unable to award a spectrum use licence for 2x 20 FDD spectrum in the 2.6 GHz spectrum band as applied for by Mobile Telecommunications Limited as the aforementioned spectrum band is fully assigned to existing licensees. The Authority is further unable to determine a future date when spectrum may become available as it is dependent on the withdrawal of spectrum use licences by the licensees currently operating in the band or by the Authority should a licensee not comply with the Regulations Setting Out Conditions for Spectrum Use Licences as published in Government Gazette No. 5354, Notice No. 469 dated 2 December 2013 after following due regulatory and administrative processes.
10. In light of the above and pursuant to the provision of regulation 11(9) of the Regulations regarding Licensing Procedures, the Authority herewith declines the application for a spectrum use licence for 2x 20 MHz FDD spectrum, in the 2.6 GHz spectrum band as submitted by Mobile Telecommunications Limited in whole.

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