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CONTENTS

Page

GENERAL NOTICE

No. 352	Communications Regulatory Authority of Namibia: Notice of intention to make regulations regarding the National Numbering Plan for the use in the provision of telecommunications services in the Republic of Namibia, numbering licence fees and procedures for number licences: Communications Act, 2009	1
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General Notice

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 352

2014

NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING THE NATIONAL NUMBERING PLAN FOR THE 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 Section 81 of the Communications Act, 2009 (Act No. 8 of 2009) and regulation 4(3) of the Regulations Regarding Rule-Making Procedure published in General Notice No. 334 of 17 December 2010 –

- a) publishes this notice of intention to make Regulations Regarding the National Numbering Plan for the Use in the Provision of Telecommunications Services, as set out in the Schedule 1; and
- b) sets out the concise statement of the reasons and purpose for the proposed regulations in Schedule 2.

The public may make oral submissions on the proposed regulations to the Authority, at a time, date and place notified by the Authority.

The public may also make written submissions to the Authority within fourteen (14) days from the date of publication of this notice in the Gazette, in the manner set out below for making of written submissions. The comments are specifically required for regulations 40 and 41, which were not included in the draft regulations as published in Government Gazette No. 5414, General Notice No. 46, dated 27 February 2014. The Authority will however, also accept comments in respect of other provisions of the proposed regulations.

Written replies to written submission may be submitted to the Authority within fourteen (14) days from the date of notification of written comments by the Authority.

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 for whom the written submission is made, if different; and
- b) be clear and concise.

All written submission must send or given in any of the following manner:

- a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- c) by electronic mail to the following address: legal@cran.na;
- d) by facsimile to the following facsimile number: +264 61 222 790; and
- e) by fax to e-mail to: 0886550852.

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

SCHEDULE 1

ARRANGEMENT OF REGULATIONS

CHAPTER I **INTRODUCTORY PROVISIONS**

Regulation

1. Definitions and interpretation
2. Purpose of the Regulations
3. Submission of Documents to the Authority
4. Applicability
5. Exclusions

CHAPTER II **STRUCTURE OF THE NATIONAL NUMBERING PLAN**

6. Structure of the National Numbering Plan
7. Short Codes Categories
8. Use of Short Codes

9. Signalling Point Codes (SPCs)
10. Network Codes
11. International Carrier Codes
12. Unstructured Supplementary Service Data (USSD) Codes
13. Transitional Arrangements

CHAPTER III MANAGEMENT OF THE NUMBERING RESOURCES

14. Responsibilities of the Authority
15. Licensees' Responsibilities and Obligations
16. Eligibility to Apply for Numbering Resource
17. Applications for Assignment of Numbering Resources
18. Criteria for the Assessment of Applications for an Assignment of Numbering Resources
19. Transfer of licences and transfer of control of licences
20. Application Procedures
21. Confidentiality of Licensee's information
22. Withdrawal of Number Assignments
23. Reservation of Numbering Resources
24. Notification of Number Activation
25. Duration of Number Assignments
26. Applications for ITU-T Numbering Resources
27. ENUM

CHAPTER IV PROCEDURAL MATTERS

28. Oral Hearings
29. Condonation
30. Record of Proceedings
31. Publication of licensing decisions and licenses
32. Appeals against Assignment and Withdrawal Decisions
33. Non-compliance and Enforcement

CHAPTER V AUDIT OF THE USE OF NUMBERING RESOURCES

34. Objective of Audit
35. Audit Methods
36. Frequency of Audit
37. Content of the Annual Audit Return

CHAPTER VI FEES

38. Timetable for the Payment of Fees
39. Calculation of Fees

CHAPTER VII INTEREST AND PENALTIES

40. Interest and penalties in respect of payment of fees for use of numbering resources
41. Penalties for non-compliance

**CHAPTER VIII
REVIEW AND REVISION OF THE REGULATIONS**

42. Review and Revision of the Regulations

**CHAPTER I
INTRODUCTORY PROVISIONS**

Definitions and Interpretation

1. In these Regulations, any word or expression to which a meaning is assigned in the Act, Licence Regulations and ITU-T Recommendation E.164, has the same meaning, unless the context indicates otherwise –

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

“Area Code” is synonymous with the ITU-T’s use of the term “Network Destination Code” as they apply it in their Recommendations relating to numbering matters.

“Call” where the context requires the term, it shall include SMS texts and other services.

“Clearing House” means a central service that co-ordinates the steps of porting a number between two or more licensees and manages the porting messages flowing between them.

“Commercial Services” means short codes that are to be used for services for which a charge is made for the call that exceeds the licensee’s standard cost of call or SMS text message.

“Customer” includes providers of Electronic Communications Service (ECS) and Electronic Communications Network Service (ECNS) who are licence exempt using numbering resources assigned to them by a licensee.

“Day(s) means calendar days

“Dialled” where the context requires, the term shall include any method a customer uses to initiate a call.

“Donor Licensee” means the licensee that is losing or ‘exporting’ the number to another licensee under number portability.

“E.164” means the ITU-T Recommendation E.164: The International Public Telecommunication Numbering Plan, 2010.

“ECS” means Electronic Communications Service.

“ECNS” means Electronic Communications Network Service.

“ENUM” means the translation of an E.164 number to one or more IP addresses in accordance with the RIPE specification RFC 3761: The E.164 to Uniform Resource Identifiers (URI) Dynamic Delegation Discovery System (DDDS) Application (ENUM)

“Emergency and Public Services” means short codes to be dialled by any customers to access emergency or public services from any network

“FreeFone” means a call that is free from charges to the calling customer, also referred to as “Toll Free” calls.

“Higher Rate” means a call charge that exceeds a licensee’s standard charge for an off-net call or SMS text and the call charge may include payment for the service accessed by the call.

“ISPC” means International Signalling Point Code

“ITU-T” means the International Telecommunications Union – Telecommunications.

“ITU / TSB” means the International Telecommunications Union – Telecommunications Standards Bureau.

“Licence Regulations” means the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories published in Government Gazette No. 4714, General Notice No. 124 dated 18 May 2011, as amended from time to time.

“Licensee Services” means non-commercial services provided by a licensee to its customers to support the provision of telecommunications services e.g. Customer Care or fault reporting by dialling a “on-net” short code.

“Machine-to-Machine (M2M)” means a call that is initiated by a device, rather than the customer, to another device or automated answering service.

“Mobile Number Portability” means Number Portability when a customer changes the Licensee that provides their mobile service.

“National Numbering Plan” means the National Numbering Plan for the use in the provision of telecommunications services in the republic of Namibia

“Network Access” means a short code used as a prefix by the customer at the start of the dialling sequence or added by the licensees’ network to ensure correct routing of a call.

“NSPC” means National Signalling Point Code.

“Number Portability” means the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability or convenience when switching from one carrier to another.

“Numbering Resources” means the prefixes, codes, short codes, numbers and numbering ranges specified in these regulations.

“Numbering Steering Group” means the committee established in terms of regulation 12 to co-ordinate the implementation of numbering changes in accordance with the National Numbering Plan contained in these regulations during the transitional phase.

“Off-net” means calls that can originate and terminate or could originate and terminate on different networks. All numbers in these regulations are off-net unless explicitly stated to be on-net.

“On-net” means calls that originate and terminate on the same network.

“Premium Rate” means a call to service where the charge to the calling customer includes payment for the service accessed, normally in addition to standard call or SMS charges.

“Recipient Licensee” means the operator gaining or ‘importing’ the number from another licensee in terms of number portability.

“Reference database” means a database that contains information containing a record of (at least) all ported numbers and the current licensee that has the rights to use the number.

“SANC” means Signalling Area/Network Code.

“Short Codes” means numbers with significantly fewer digits than customer numbers. They may be used as numbers in their own right or as prefixes to other numbers for some special purpose, normally call routing purposes.

“Specially Tariffed Numbers” means numbers where the calling customer pays a tariff that is different from the licensees’ standard call tariff.

“Standard Licence Conditions” means the Licence Conditions for Telecommunications Service Licences as published in Government Gazette No. 5037, General Notice No. 308 of 13 September 2012.

“Third party service providers” means service providers that may not be ECS or ENCS providers that offer value added services to telecommunications customers through the use of E.164 numbers.

“USSD” means Unstructured Supplementary Service Data.

“VSAT” means Very Small Aperture Terminal.

“Written” shall include letters, facsimiles and electronic communications.

“Virtual Telephone” means services that are additional to and enhance a standard Voice or SMS service.

Purpose of the Regulations

2. (1) The purpose of these Regulations are –
- (a) to prescribe a National Numbering Plan for use in the provision of telecommunications services;
 - (b) to provide a long-term framework for the National Numbering Plan that can continue to be developed to support developments of the telecommunications market for the benefit of all Namibian consumers of telecommunications services.
 - (c) to take account of existing numbering plans or schemes and to introduce amendments to these existing numbering plans or schemes that would avoid unnecessary inconvenience to the customer;
 - (d) to put in place the procedures for the allocation of adequate prefixes, numbers and numbering ranges to licensees without unreasonable delay, in a non-discriminatory, proportionate and transparent manner, in return for a fee that is no greater than necessary to compensate for the management costs of the numbering plan and the control of its use and its implementation;
 - (e) to assign numbers in a manner that does not confer any competitive advantage to any particular licensee;
 - (f) to specify the conditions under which prefixes, individual numbers and number ranges may be used, subject to the conditions specified in licences, and

- (g) to provide for number portability.

Submissions of Documents to the Authority

3. In these regulations “submit in writing to the Authority” means either physically or electronically-
- (1) by hand to the head offices of the Authority, namely Communications House, 56 Robert Mugabe Avenue, Windhoek or at any other address set out by the Authority from time to time;
 - (2) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek, 9000 or at any other address set out by the Authority from time to time;
 - (3) by electronic mail to the following address: operations@cran.na or at any other address set out by the Authority from time to time;
 - (4) by facsimile to the following facsimile number: +264 61 222 790 or at any other number set out by the Authority from time to time; or
 - (5) in any other manner or at alternative addresses set out by the Authority from time to time.

Applicability

4. (1) These regulations are applicable to the application for and use of Namibian numbering resources by telecommunications service licensees.
- (2) Providers of ECS and ECNS services who are licence exempt may not use numbering resources in any manner that contravenes or compromises the use of numbering resources as specified in these regulations.
 - (3) Numbering Resources for telecommunications purposes are a national resource. The duty to efficiently and effectively manage the numbering resources remains with the Authority who may grant or deny rights to use the resources to licensees, in terms of the Act and these regulations.
 - (4) Licensees assign individual or groups of numbers to customers and providers of ECS and ECNS services who are licence exempt.
 - (5) Licensees may not trade the rights to use numbering resources.
 - (6) Licensees may not transfer the rights to use numbering resources other than –
 - (a) a customer requesting the transfer of individual numbers when they change the licensee that provides their service;
 - (b) the provision of numbering resources to providers of private ECNS / ECS who are licence exempt, Resale of ECNS / ECS and Non-profit ECNS/ECS; and
 - (c) the transfer or takeover of the Licensee’s corporate assets by another Licensee after obtaining the permission of the Authority.

- (7) Number Assignment Applications, where the Authority in its sole discretion, determines that the number assignment applications will be processed on a first come, first serve basis

Exclusions

5. (1) Internet names and addresses such as IP addresses and URIs are not part of the National Numbering Plan and are not governed by these regulations.
- (2) Numbering Resources for satellite, maritime and other global services that use a Country Code assigned by the ITU-T for these purposes do not form part of the National Numbering Plan.
- (3) The ITU-T has recognised an appropriate Recognized Operating Agency to administer the Numbering Resources for each of these Country Codes.

CHAPTER II STRUCTURE OF THE NATIONAL NUMBERING PLAN

Structure of the National Numbering Plan

6. (1) The numbering resource based on the initial leading digit is structured as follows:

Leading Digit	Use	Total Number length (N[(s) N])	Notes
+	International Access prefix		
0	0 – National Access prefix 00 – International Access prefix 01-09 Protected for future number plan expansion	-	
1	Short Codes	3 to 5 digits	
2			Protected
3			Protected
4			Protected
5			Protected
6	60 – CDMA 612, 613, 614, 625, 632, 642, 644, 645, 652, 662, 672 and 673 Existing DID Services only All other ranges	9 digits 9 digits	no further allocations to be made, the existing allocation will be withdrawn once the service ceases and the range will become Protected Allocations to be made for existing customers only Protected
7			Protected

Leading Digit	Use	Total Number length (N[(s] N)	Notes
8	80 – FreeFone 81 – Mobile 82 – M2M 83 – VoIP 85 – Mobile 86 – Fixed Line, DID and VSAT 87 – Higher Rate 88 – Virtual Telephone All other ranges	9 digits 9 Digits 12 digits 9 Digits 9 Digits 9 Digits 9 Digits 8 digits	Includes ENUM services Protected
9	Short Codes	3 to 5 digits	

- (2) Customers should dial the National Escape Prefix first when dialling calls, unless the call is to a Short Code or to a fixed line number beginning with the same four leading digits (the Area Code).
- (3) Customers should dial the International Escape Prefix “00” first when dialling international outgoing calls.
- (4) Mobile customers may replace the “00” with the symbol “+” when dialling the International Escape Prefix in accordance with ITU T-REC E.164

Short Code Categories

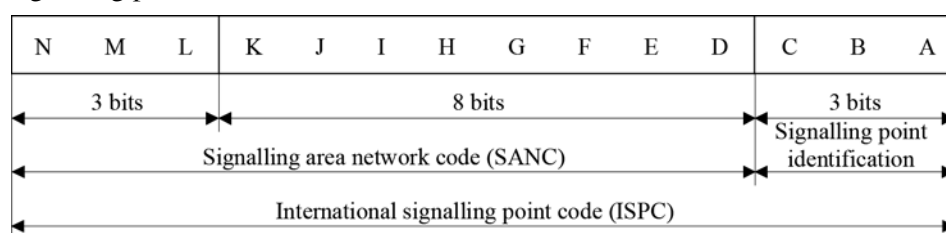
7. (1) Short Codes shall form part of the National Numbering Plan used for voice and related services form part of the E.164 numbers but are not part of the International Numbering Plan. They are included in the National Numbering Plan.
- (2) Short Codes used for SMS text messaging and related services are not part of the E.164 numbers but are included in the National Numbering Plan.
- (3) Short Codes are categorised as follows:
 - (a) Emergency and Public Services;
 - (b) Licensee Services;
 - (c) Network Access; and
 - (d) Commercial Services
- (4) All licensees are required to route Emergency and Public Service short codes dialled by their customers to the correct terminating point without charge to the customer. Where the call is routed via a second or subsequent network, no interconnection charges will be payable between the licensees as per the Standard Licence Conditions.
- (5) Network access codes may only be used for inter-network routing purposes and the use of the codes does not change any Interconnection payment arrangements.
- (6) The commercial service short code provided by the Licensee or a third party provider, may be subject to commercial agreement between the Licensee and the third party provider. Where the call is routed via a second or subsequent network charges will be in accordance with the Standard Licence Conditions.

Use of Short Codes

8. (1) Codes starting with the digit 1 may be used for Emergency and Public Services, Licensee Services and Network Access. They consist of three to five digits.
- (2) Codes starting with the digit 9 may be used for Emergency and Public Services and Commercial Services. They consist of three to five digits.
- (3) Codes starting with other leading digits shall not be used.
- (4) Licensees must correctly route calls making use of Short Codes designated for Emergency Services. These Short Codes designated for Emergency Services will be found on the Authority's website.
- (5) In the event that licensees offer the same or similar voice and/or SMS service; they should use the same code for the services.
- (6) Where a licensee introduces voice and/or SMS Licensee Service that is the same or similar to another licensee's existing voice and / or SMS Licensee Service ,they shall use the Short Code already in use by the latter licensee.
- (7) Licensees may enter into commercial agreements with other licensees to provide the Licensee Service on their behalf. Such agreements will be deemed to be 'on-net', the call may be routed to the second licensee's network. The costs and payments associated with the call routing and termination are subject to the Standard Licence Conditions.

Signalling Point Codes (SPCs)

9. (1) The Authority shall manage the International Signalling Point Codes (ISPCs) utilising the Signalling Area/Network Codes (SANCs) allocated to Namibia by the Telecommunication Standardization Bureau of the International Telecommunications Union (ITU / TSB) in accordance with ITU-T Recommendations. The Authority will adopt the procedures specified by the ITU / TSB from time to time in Recommendation Q.708 or its successor recommendation(s).
- (2) A Signalling Point must have a Signalling Point Code from each signalling network to which it is connected. An international gateway will have both an ISPC and a NSPC.
- (3) No Signalling Point shall have more than one Signalling Point Code from the signalling network to which it is a member. Only one ISPC and / or one NSPC per Signalling Point shall be allowed.
- (4) A 14-bit code shall be used for the identification of signalling points in conformance with the ITU-T Recommendations.
- (5) The format of the 14-bit binary code used for the identification of international signalling points shall be:

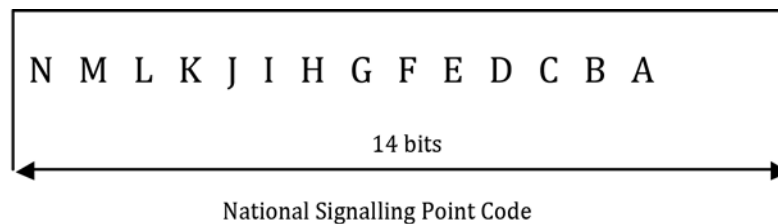


The binary code is represented by three (3) decimal numbers indicated as follows:

- a) The first indicating the three (3) most significant bits (NML), with a value of 0 to 7;
- b) The second indicating the following eight (8) bits (K-D), with a value of 0 to 255; and
- c) The third consisting of the three (3) least significant bits (CBA), with a value of 0 to 7.

The combination of the fields containing bits NML and bits K-D is regarded as the Signalling Area/Network Code (SANC). The three (3) bits (CBA) identify a specific signalling point which when combined with the SANC forms the 14-bit ISPC (e.g. 2-068-1).

- (6) ITU / TSB have allocated 2-SANC to Namibia. These are 5-072-X and 6-098X. No other SANC shall be used by Licensees unless the Authority has applied for it to the ITU/TSB and Namibia has been allocated SANCs from the ITU / TSB.
- (7) ISPCs will be assigned to licensees using the next available code using the CBA bits, on a 'first-come first-served' basis.
- (8) The format of the 14-bit binary code used for the identification of national signalling points shall be:



A single decimal number represents the binary code, which always consists of 4-digits, 1000 to 9999.

- (9) NSPCs will be assigned to licensees using the next available code on a 'first-come first-served' basis.

Network Codes

10. (1) A Licensee may use any scheme of network codes within their individual networks in accordance with ITU-T Recommendations provided such codes are used internally and are not used for public use or used for inter-network purposes, including identifying a signalling point between networks.
- (2) These Codes shall include Mobile Network Codes (recommendation E.212), Data Network Identification Codes (Recommendation X.121) and System identification codes (various TIA wireless standards including IS-2000 'cdma2000').
- (3) When the ownership of a network changes and the new owner has an existing network code for that type of network, the Licensee shall inform the Authority and relinquish one of the codes.
- (4) ITU-T has allocated the Mobile Country Code 649 and the Data Country Code 649 to Namibia.

International Carrier Codes

11. Licensees shall obtain and use an ITU Carrier Code (ICCs) in accordance with ITU-T Recommendation M.1400.

Unstructured Supplementary Service Data (USSD) Codes

12. (1) Licensees shall use USSD codes in accordance with the standards GSM 02.90 Unstructured Supplementary Service Data – Stage 1 (Customer Initiated USSD) and GSM 03.90 Unstructured Supplementary Service Data – Stage 2 (Network Initiated USSD).
- (2) Licensees shall co-ordinate their use of USSD codes and use the same code for the same or similar services for the convenience of customers.

Transitional Arrangements

13. (1) Every licensee shall enable the introduction of the changes to be affected in accordance with these regulations following date of implementation of these regulations -
- (a) the immediate revocation of numbering resources allocated to Licensees but not in customer service;
 - (b) within (6) six months of the date of implementation of these regulations, the revocation of number and short code allocations that are in use but that the Authority has determined will be withdrawn;
 - (c) within (6) six months, from date of implementation of these regulations, and in consultation with any third party service provider(s), agree the new Short Codes and Special Tariffed Numbers to replace those that are in use that the Authority has determined must be changed to conform with these regulations;
 - (d) within (6) six months, from the date of implementation of these regulations, agree and introduce harmonised USSD codes in accordance with regulation 11.
 - (e) within (9) nine months, from the date of implementation of these regulations, the migration of Short Codes and the number used for Fixed-line, VSAT services and any other numbers to the number ranges specified in these regulations.
- (2) Each Licensee shall be responsible for their own implementation of the changes to their networks and support systems and customer communications in terms of regulation 13(1) of these regulations.
- (3) All Parties shall bear their own cost in relation to the changes to be affected.
- (4) The Authority shall confirm and assign numbering resources that are already in service with customers provided their use is in accordance with the permitted use in terms of these regulations.
- (5) The Authority shall determine those numbering resources (including prefixes and short codes) that are to be withdrawn or migrated due to use other than that specified in these regulations or because they are not in service with customers.

- (6) The Authority shall not assign new numbering resources to existing licences during the transitional periods which transitional period shall end (6) six months after the implementation of these regulations.
- (7) Any M2M numbers in service with customers at the time that these regulations are promulgated will not be migrated to the M2M number range.
- (8) The Authority shall confirm and assign NSPCs that are already in service within Licensee's network(s) regardless of the codes' conformance with the Code scheme contained in these regulations.

CHAPTER III MANAGEMENT OF THE NUMBERING RESOURCES

Responsibilities of the Authority

14. (1) The Authority shall:
 - (a) establish and publish Regulations, Procedures and Conditions of Use of Numbering resources that are open, transparent and non-discriminatory ensuring fair and equitable treatment of all Licensees, subject to the need to ensure efficient use and effective management of numbering resources;
 - (b) ensure that the National Numbering Plan are in accordance with ITU-T Recommendations and other relevant International standards;
 - (c) design the National Numbering Plan so that it provides sufficient capacity and flexibility to meet current and foreseeable future demands for numbering resources, including the provision of reasonable capacity for new services and for ease of future expansion of the scheme;
 - (d) establish assignment of numbering resources procedures and criteria that result in efficient utilisation of the limited numbering capacity;
 - (e) make decisions on applications for the assignment of numbering resources in a timely manner. This will normally be within (21) twenty one working days from the date of receipt of all required and/or requested information relevant to the application by the Authority;
 - (f) where changes to the numbering scheme or rights of use are necessary, the changes should be implemented in a way that minimises disruption, cost and inconvenience for customers and licensees;
 - (g) co-ordinate licensees' implementation of changes to the National Numbering Plan ensuring clear, appropriate and timely customer information;
 - (h) publish general Conditions of Use as Licensee Responsibilities and Obligations in the Regulations;
 - (i) only stipulate appropriate and relevant specific conditions for individual allocations of the rights to use numbers;
 - (j) changes to rights of use for assigned numbers or their conditions of assignment or procedures should be limited to justified cases and should be carried out in a proportionate manner;

- (k) assign numbering resources as blocks of numbers that balance the need for efficient use of the available resources with operational efficiency of the Licensees and administrative efficiency. To achieve this the numbering resources will be assigned in the following block sizes:

1st Digit	Use	Proposed Block Size
+	International Access prefix	
0	National and International Escape digits	
1	Short Codes	Single Number
2		N/A ¹
3		N/A
4		N/A
5		N/A
6	CDMA	1,000 numbers
	Fixed-Line DID only	10,000
7		N/A
8	FreeFone	Single numbers
	Mobile	100,000
	M2M	100,000
	VoIP	100,000
	Fixed-line, DID and VSAT	10,000
	Higher Rate Services	Single numbers
	Virtual Telephone	100
9	Short Codes	Single numbers
	Signalling, Network and Carrier Codes	Single codes

- (l) ensure that the available numbering resources are used efficiently by Licensees. This will be achieved by audits of the Licensees and by the use of clear criteria when the Authority considers an application for the allocation numbering resources;
- (m) when new services are introduced that require a review of the National Numbering Plan designations, make appropriate temporary allocations of numbering resource to permit the service launch pending the review of the National Numbering Plan. Such temporary allocations shall be without prejudice to the review;
- (n) make available to Licensees relevant information on the status of the blocks of numbering resources. All Blocks will be assigned a status as described below:
- (i) Assigned (with the Licensee's name, which may be more than one in the case of Short Codes);
 - (ii) Assigned with a time limit specified (with the Licensee's name, which may be more than one in the case of Short Codes);
 - (iii) Application under consideration (the applicants name will be confidential to the Authority);
 - (iv) Available for assignment;
 - (v) Protected (with the reason which may be confidential to the Authority).
- (o) Liaise with the ITU-T on numbering matters on behalf of the Namibian Industry, including the allocation of Signalling, Network and International Carrier Codes.

¹ N/A = Not Applicable at this time. When the number range is made available for allocation the block size and utilisation will be established

Licensees' Responsibilities and Obligations

- 15.** (1) Licensees' shall:
- (a) register with the Authority, and maintain current and correct details of the primary person, and up to two authorised agents, responsible for all numbering matters within their organisation;
 - (b) accept that the assignment of numbering resources only grants the rights of use and that no proprietary rights are granted;
 - (c) only assign numbers from the National Numbering Plan that the Authority has assigned to customers and sub-allocate to providers of private ECNS / ECS who are licence exempt, Resale of ECNS / ECS and Non-profit ECNS/ ECS, terminals, locations or functions in accordance with the uses specified in these regulations and any specific assignment conditions made by the Authority;
 - (d) only use allocated numbering resources for the purposes specified in their application;
 - (e) not use the allocation of numbering resources (in general or specific allocations) to gain a competitive advantage;
 - (f) accept that where temporary allocations have been made for any reason, including the need to review the National Numbering Plan designations or ranges, that the numbers will be withdrawn at the end of the temporary period and that for the service to continue the customers may need to undertake a number change;
 - (g) activate in their networks numbering resources allocated to another Licensee within (3) three months of the Licensee informing them of the assignment;
 - (h) route all calls dialled with a valid assigned number to the correct termination, including transferring 'off-net' calls to other networks when appropriate or necessary for the correct termination of the call. Where the routing occurs before concluding an Interconnection or commercial agreement, the terms of that agreement shall be applied retrospectively once the agreement is concluded;
 - (i) route calls on the number of dialled digits defined in these regulations and suppress any additional digits dialled by a customer before the call is routed to the called customer or another network;
 - (j) ensure that such end-users are able to call the emergency and public services free of charge using any and all of the designated Short Codes in these regulations;
 - (k) as soon as technically and economically practicable, make caller location information available to authorities and agencies receiving the emergency calls dialled using the Short Codes designated in these regulations;
 - (l) activate in their networks numbering resources within (6) six months of the Authority making the assignment. Failing which, the Licensee will be notified accordingly in writing and the Authority will withdraw the assignment temporarily whereby the licensee may on good cause shown, submit to the

Authority in writing as to why the withdrawal of the assignment should not be made final. At the Authority's discretion, it may decide whether or not to make the withdrawal of the assignment final based on the submissions made by the Licensee.

- (m) place a number in quarantine for a period of (6) six months when a number that has been in use is cancelled by a customer, or is recovered or replaced by the Licensee, and during this period the number shall not be re-assigned to any customer but the previous customer;
 - (n) maintain an accurate record of their use of the numbering resources allocated to them including the percentages of numbers in use as a percentage of the numbers assigned to the Licensee (including those numbers in 'quarantine', those ported to other Licensees (if applicable) and numbers reserved for identified customers);
 - (o) Submit to the Authority in writing the information required for the Authority's annual audit on the last day of January each year;
 - (p) submit to the Authority the information requested by the Authority within (14) fourteen days from the date of such request for an ad-hoc audit;
 - (q) Maintain, and provide to the Authority when requested, a record of numbers that have been ported to other Licensees within the time frame as prescribed by the Authority;
 - (r) not use network-specific numbers or codes / private network telephone numbers that may cause interference with the National Numbering Plan defined in these regulations or prevent evolution of the National Numbering Plan in any way;
 - (s) ensure that the measures are in place that have been agreed by all Licensees and the Authority to inform and support customers during and after the implementation of any change to this National Numbering Plan. Where agreement is not reached, Licensees must implement a minimum level of customer support mandated by the Authority;
 - (t) ensure that their customer service terms and conditions of use include the right of the Authority to withdraw the assigned numbers subject to a fair hearing;
 - (u) recognise that the Authority may amend, add or repeal any of the above conditions where the needs of the national, customer or telecommunications industry require same.
- (2) Where the Authority identifies a need to specify further compliance requirements relating to a right of use of numbers, it may issue directions to a Licensee to take or refrain from certain actions, which directions shall be binding on such Licensee in terms of these regulations.
- (3) Where the Authority finds that a Licensee has not complied with its responsibilities, obligations or one or more conditions for the rights of use of numbers assigned to it, or with a related direction or decision by the Authority, it will take measures to remedy any such non-compliance, which may include the withdrawal without compensation of some or all of the rights of use of numbering resources assigned to that Licensee subject to a fair hearing.

Eligibility to Apply for Numbering Resource

16. Only licensed providers of ECNS / ECS services may apply for and be assigned numbering resources.

Applications for Assignment of Numbering Resources

17. (1) A Licensee intending to offer services requiring a number range as stipulated in the National Numbering Plan must submit, in writing to the Authority, an application for a number or block of numbers on the prescribed form made available by the Authority attached as Annexure A to these regulations.
- (2) The applicant must-
- (a) set out the full and official name of the Licensee intending to utilise a number or block of numbers ;
 - (b) set out the name of the contact person (if different from the applicant) and the following contact details-
 - i. physical address;
 - ii. postal address;
 - iii. telephone number(s);
 - iv. facsimile number(s); and
 - v. electronic mail address(es)
 - (c) identify the category of the number as contemplated in the National Numbering Plan
 - (d) set out a complete, accurate and concise statement of the services intended to be provided utilising the number or block of numbers applied for and, in the case of applications for a Short Code, the category that the Licensee believes applies to the service;
 - (e) for Licensees that have been offering the described service for more than (12) twelve months, the percentage utilisation achieved with existing allocations;
 - (f) the anticipated utilisation of existing assignments and the numbers applied for (12) twelve months after the date of the application;
 - (g) a declaration of compliance with the obligations and general conditions of use described in these regulations, along with an agreement to comply with any specific or additional conditions the Authority may specify when allocating the numbering resource’.
 - (h) include any other information the applicant believes might be relevant to the Authority considering the application.
- (3) The application must be accompanied by the relevant application fee, as determined by the Authority from time to time.

- (4) The Authority may request additional information in respect of any application it may receive in terms of these regulations. Applications will be deemed to be withdrawn by the applicant if requested additional information is not received within (14) fourteen of such a written request being made by the Authority.
- (5) The Authority will process all applications in the order that they were received
- (6) Successful applications will be allocated the next free block of numbers from the appropriate level in the National Numbering Plan.

Criteria for the Assessment of Applications for an Assignment of Numbering Resources

18. (1) Applications will be assessed taking into consideration the following:
- (a) whether the application has the capacity to bring the application?
 - (b) Whether all required and/or requested information has been submitted and/or whether additional information is required?
 - (c) whether the proposed use of the numbers conform with these regulations?
 - (d) whether the proposed use of the numbers conform with national and international regulations, recommendations and standards?
 - (e) Whether there are numbering resources available for the proposed use or should additional resources be made available?
 - (f) whether the planned activation date is within (6) six months of the application?
 - (g) whether the Licensee complied with the minimum utilisation of numbering resources already assigned for the same or similar purpose as described below?

1 st Digit	Use	Required Utilisation
+	International Access prefix	
0	National and International Escape digits	
1	Short Codes	100%
2		N/A
3		N/A
4		N/A
5		N/A
6	CDMA	70%
	Fixed-Line DID only	70%
7		N/A
8	FreeFone	100%
	Mobile	70%
	M2M	70%
	VoIP	70%
	Fixed-line	60% in the geographic area related to the application

1st Digit	Use	Required Utilisation
	DID	70%
	VSAT	70%
	Higher Rate Services	100%
	Virtual Telephone	100 %
9	Short Codes	100%
	Signalling, Network and Carrier Codes	100%

- (h) whether the Licensee's use of previous assignments of numbering resources complied with:
- (i) the general conditions of use described in these Regulations; and
 - (ii) any specific conditions attached by the Authority to previous allocations?
- (2) Where the Authority finds that one or more of these criteria is not achieved, the Authority may request further information regarding the criteria. In the absence of information confirming compliance, the application will be rejected.
- (3) Should the Authority find that the application does not align with the designations of the National Numbering Plan, the Authority may either consult with the applicant to identify the appropriate number level or, for a new service, consult more widely on any new designation required within the Plan.
- (4) Where the Authority consults on the designations in the National Numbering Plan, it may offer an allocation for a period that shall not exceed (6) six months to permit the new service to be launched. A condition of such an allocation is that all numbers in use at the end of the period must be changed to align with any revised designations in the National Numbering Plan.
- (5) Such consultations shall be treated as requests for further information.

Transfer of licences and transfer of control of licences

- 19.** (1) A Licensee may request the Authority to authorise the transfer of an assigned number or block of numbers or the transfer of control of an assigned number or block of numbers by submitting in writing to the Authority, an application to transfer or transfer control on the prescribed form made available by the Authority as Annexure B to these regulations.
- (2) The application must –
- (a) set out the details of the number or block of numbers including a copy of the number certificate;
 - (b) set out the full and official name of the Licensee intending to transfer (referred to as the transferor) a number or block of numbers ;
 - (c) set out the name of the contact person (if different from the applicant) and the following contact details-
 - (i) physical address;

- (ii) postal address;
 - (iii) telephone number(s);
 - (iv) facsimile number(s); and
 - (v) electronic mail address(es);
- (d) in respect of the number or block of numbers, set out the details of the proposed new Licensee called for in regulation 17 (2) (a) – (b) and (h) of these regulations;
 - (e) set out a complete, accurate and concise statement of the reasons for the proposed transfer or transfer of control; and
 - (f) include any other information the transferor believes might be relevant to the Authority considering the application.
- (3) The transfer application must be accompanied by the relevant application fee as determined by the Authority from time to time.
 - (4) The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority.

Application Procedures

- 20. (1) In respect of any applications made in terms of these regulations, the Authority will publish a notice of the application in the *Gazette*.
- (2) After the Authority publishes a notice of an application in the *Gazette* the public may submit in writing to the Authority, comments within the time set out in the notices, which time may not be less than fourteen (14) days from the date of publication.
- (3) If the Authority considers it necessary, it will provide the opportunity to the applicant to respond to the public comments.
- (4) Applicant responses to public comments must be submitted in writing to the Authority within the time set out by the Authority, which time may be not less than fourteen (14) days from the submission of public comments or if the opportunity for the submission of responses is published in a subsequent *Gazette*, not less than fourteen (14) days from the date of publication.
- (5) The times for the submission of public comments and applicant responses are to be determined by the Authority in light of the nature of the application.
- (6) The Authority may consider written submissions not timeously filed if, in its opinion it is practicable to do so.
- (7) The Authority may request further written submissions, for example, further information or clarification, which must be provided to the Authority in the time and the manners set out by the Authority
- (8) 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 for whom the written submission is made, if different;
 - (b) Be clear and concise; and
 - (c) Conform to any further requirements determined by the Authority from time to time.
- (9) After considering any applications made in terms of these regulations and any written or oral submissions, the Authority will either deny the application or grant the application, in whole or in part, and-
- (a) Issue the appropriate number or block of numbers;
 - (b) Issue the appropriate number or block of numbers to the transferee in respect of number transfer applications.
- (10) No application will be considered by the Authority should any fees be outstanding in case of the applicant, transferor or transferee as may be applicable.
- (11) In the event the Authority is unable to render a decision within (60) sixty days of the last written or oral submission, the Authority will inform the Licensee of its inability and the reasons for such inability and what measures are being taken to address the matter urgently, which matters must then be addressed within a further maximum period of (60) sixty days, unless the Authority has identified extraordinary circumstances, beyond its reasonable control that makes it impossible to render its decision within the further maximum period of sixty(60) days.
- (12) The Authority may modify and/or amend an assignment of numbers and or the National Numbering Plan if it is in the interest of the Act and these regulations to do so.

Confidentiality of Licensee's information

- 21.** (1) Any licensee providing information or documentation may designate information as confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the licensee that it may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of Section 28 of the Act.
- (2) Any licensee making oral submissions may request a closed hearing on the grounds that the submissions are confidential. Closed hearings will be treated as confidential meetings in terms of Section 29 of the Act, and the notice of the closed meeting required by Section 29(4) must be maintained in the relevant application file.

Withdrawal of Number Assignments

- 22.** (1) If a licensee intends to permanently discontinue providing service in accordance with its licence and assigned number and/or number blocks, it must request the Authority to withdraw its number assignment by submitting in writing to the Authority, an application to withdraw its number assignment on the prescribed form made available by the Authority attached as Annexure C to these regulations.
- (2) The application must-

- (a) set out the details of the number or block of numbers including a copy of the number certificate;
 - (b) set out the full and official name of the Licensee intending to withdraw a number or block of numbers;
 - (c) set out the name of the contact person (if different from the applicant) and the following contact details-
 - (i) physical address;
 - (ii) postal address;
 - (iii) telephone number(s);
 - (iv) facsimile number(s); and
 - (v) electronic mail address(es);
 - (d) set out a complete, accurate and concise statement of the reasons for the proposed withdrawal;
 - (e) set out the date the Licensee intends to permanently discontinue utilisation of the number or block of numbers, which date must be at least sixty (60) days after the date the application is submitted;
 - (f) indicate whether the Licensee has paid all fees payable to the Authority in relation to the number or block of numbers to be withdrawn; and
 - (g) include any other information the transferor believes might be relevant to the Authority considering the application.
- (3) The Authority may request further information or documentation, which must be provided to the Authority in the time and the manner set out by the Authority in relation to the application of withdrawal of a number assignment.
- (4) To manage the National Numbering Plan in an effective manner the Authority shall have the right to withdraw number assignments. Such an action will only be undertaken in one or more of the following circumstances:
- (a) all numbers of an assigned range having been withdrawn from customer service;
 - (b) the need for additional numbering capacity elsewhere mandates such withdrawal;
 - (c) international harmonisation requires withdrawal;
 - (d) it is necessary in order to implement a change to the National Numbering Plan;
 - (e) serious or repeated failures of a Licensee to meet one or more of the usage conditions;

- (f) the Licensee fails to pay the fees due for the use of numbering resources within (30) thirty days of the Authority notifying the Licensee of the amount due;
 - (g) insufficient or inappropriate usage of one or more assigned numbers;
 - (h) withdrawal being deemed to be in the overall national interest;
- (5) In the event that the Authority intends to withdraw a number assignment, the affected Licensee shall have the right to make submissions to the Authority in writing and on good cause shown as to why the number assignments should not be withdrawn. At the discretion of the Authority and based on the submissions made by the affected Licensee, it may decide to either withdraw the number assignments under consideration or not.
- (6) When the Authority agrees with a Licensee's request to withdraw an allocation, it shall give (3) three months' notice in writing to all affected Licensees stating the reasons for the proposed withdrawal.
- (7) During the notice period, the Authority may discuss with relevant Licensees any implementation procedures and how customers should be informed.

Reservation of Numbering Resources

- 23.** The Authority may, at its sole discretion, reserve one or more number blocks for any reason including anticipation of future application(s) from Licensee(s).

Notification of Number Activation

- 24.** (1) The Authority shall inform the Licensee making an application in writing of its decision regarding any application for the assignment of numbers. Where an application is refused a brief summary of the reasons will be provided with the notification.
- (2) It is the responsibility of the recipient of each assignment to notify all other Namibian Licensees of the assignment and the proposed date that the numbers will be assigned to customers within (30) thirty days from the date of notification of such assignment.
- (3) Licensees notified by the recipient of the assignment must activate the numbers in their network(s) between the Licenses, in terms of the Standard Licence Conditions and, in any case, no longer than (30) thirty days from date of receipt of notice of such assignment.
- (4) To facilitate this process and on request, the Authority will provide Licensee(s) with the primary person and their authorised agents responsible for numbering matters for other Licensee(s).

Duration of Number Assignments

- 25.** Unless otherwise specified in the Authorities decision on a numbering resource application, all assignments will last until the end of the licence period of the Licensee, and will be automatically extended if the licence is renewed or extended.

Applications for ITU-T Numbering Resources

- 26.** (1) ITU-T Numbering Resources include:
- (a) Signalling Area Network Codes;
 - (b) International Carrier Codes;
 - (c) Mobile Network Country Codes, and
 - (d) Data Network Country Codes.
- (2) Licensees applying for numbering resources managed by the ITU-T or the Authority delegated by the ITU-T must follow the procedures in the relevant ITU-T Recommendations.
- (3) Applications must be submitted to the Authority in writing on the prescribed forms by the ITU-T and available on their website.
- (4) Depending on the delegation (if any), the Authority shall either submit the application to the ITU-T or decide on the application using the criteria in the ITU-Ts recommendations.

ENUM

- 27.** (1) The Authority shall be the only Namibian organisation permitted to apply to the ITU-T and / or RIPE for delegation of the 264.arpa domain.
- (2) Licenced and ECNS / ECS providers who are licence exempt may use the ENUM technology and protocols using the 264.arpa or any other publicly available domain for internal network routing translation.
- (3) No licenced or unlicensed ECNS / ECS providers or other body may use the 264.arpa Domain or establish a 264.arpa registry without the agreement of the Authority.
- (4) Numbering resources used in a 264.arpa registry must be applied for in accordance with these regulations.

**CHAPTER IV
PROCEDURAL MATTERS****Oral hearings**

- 28.** (1) If the Authority considers it necessary or appropriate, it will also hear oral submissions in respect of any applications made in terms of these regulations.
- (2) The Authority must invite the public to make oral submissions at least fourteen (4) days prior to the hearing.
- (3) Unless otherwise specified by the Authority, hearing will be open to the public.
- (4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the proceeding, provided however, that the hearing should be informal in nature.

- (5) All oral submissions must be-
 - (a) Include a statement indicating the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;
 - (b) Be clear and concise; and
 - (c) Conform to any further requirements determined by the Authority from time to time.
- (6) If the Authority considers it necessary, it will provide the opportunity to the Licensee to respond to oral submissions.
- (7) The Authority may request further oral or written submissions, for example, further information or clarification, which must be provided to the Authority in the time and the manner set out by the Authority.
- (8) At the conclusion of the hearing, a concise report summarising the oral submission must be prepared and placed in the relevant application file by the Authority.

Condonation

29. (1) In the event any party is unable to comply with any time set out in these regulations, it may request from the Authority an extension of time at least seven (7) days prior to the time set out or within such other time period agreed by the Authority upon good cause shown.
- (2) The Authority will respond to the request for condonation as soon as practicable, and may either grant or deny the request, in its sole discretion, based on, amongst other things, the nature of the proceeding and the reasons for non-compliance with the time set out.

Record of proceedings

30. (1) All documents deemed relevant by the Authority to the applications proceedings contemplated in these regulations, including information and documentation provided in terms of these regulations and decisions made by the Authority, must be maintained by the Authority separately for each application in files located at the head offices of the Authority and, if practicable, on the Authority's website.
- (2) Except for confidential information, any person may examine the application proceeding files either at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority from time to time, and, if available, on the Authority's website where copies may be downloaded free of charge.

Publication of licensing decisions and licences

31. (1) All decisions made in terms of these regulations will be communicated to the applicants and other relevant parties in writing together with reasons, and may be published in the *Gazette*.
- (2) The Authority's register of numbers or blocks of numbers assigned will be held at the head offices of the Authority and if practicable, on the Authority's website.

- (3) Any person may examine the register of assigned numbers at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority, and, if available, on the Authority's website where copies may be **downloaded free of charge**.

Appeals against Assignment and Withdrawal Decisions

- 32.** (1) The Authority may, on its own, reconsider any decision made in terms of these regulations within the time set out in section 31 of Act.
- (2) Any licensee may submit to the Authority in writing a request to reconsider any decision made in terms of these regulations with thirty (30) days of notice of the decision, and the Authority will consider such decision within the time set out in section 31 of the Act.
- (3) The Authority may publish its decision on reconsideration without further submission being received, or it may provide an opportunity for further submissions in a manner set out by the Authority.

Non-compliance and Enforcement

- 33.** The Authority will prosecute regulator offences and enforce the provisions of these regulations in terms of sections 114 to 127 of the Act where applicable.

CHAPTER V AUDIT OF THE USE OF NUMBERING RESOURCES

Objective of Audit

- 34.** The Authority will conduct audits of Licensees' use of numbering resources to:
- (a) confirm that the assignment of Numbering Resources are being used by Licensees efficiently;
 - (b) confirm that Numbering resources are being used by Licensees for the purposes specified in these regulations;
 - (c) confirm that only assigned numbering resources are in use;
 - (d) confirm the accuracy of the Licensee's and the Authority's records;
 - (e) facilitate forward planning of the use of numbering resources;
 - (f) fulfil the Authority's obligations to the ITU-T to monitor the use of international numbering resources; and
 - (g) any other matter relating to the use and management of numbering resources.

Audit Methods

- 35.** For each audit, the Authority will select and use one or more of the following methods depending on the objective of the specific audit:
- (a) a desk based audit that requires Licensees to complete and submit a return in writing to the Authority responding to specific questions asked by the Authority;

- (b) a 'Walk Through' of a licensee's procedures that requires the Licensee to explain in person to the Authority the internal procedures that they use to ensure compliance with these regulations. The Licensee must provide the Authority with supporting documentary evidence of procedures and their use as determined by the Authority.
- (c) A visit to the Licensee's premises through the Authority's authorised inspectors in terms of sections 123 and 125 of the Act to examine on a sampling basis, the Licensee's numbering records;
- (d) the authority making calls to numbers, on a sampling basis, to ascertain if they are in-service and, if they are, the purpose for which they are being used;
- (e) any other method the Authority believes is appropriate to achieve the objective of a specific audit.

Frequency of Audit

- 36.** (1) In September of each year, the Authority shall undertake a general desk based audit with the objectives of assessing the Licensees' use of numbering resources and making an estimate of the likely future demand for numbering resources.
- (2) The Authority may carry out an ad-hoc audit at any other time upon prior written notice given to a Licensee when:
- (a) the Authority has concerns about a Licensee's use of numbering resources;
 - (b) the Authority must supply information to the ITU-T; or
 - (c) the Authority identifies a need to inform itself on some aspect of the use of numbering resources.

Content of the Annual Audit Return

- 37.** Unless the Authority notifies Licensees before the end of December of alternative information requirements, Licensees must provide the Authority with the following information:
- (a) the number blocks assigned by the Authority to the Licensee and configured in the Licensee's network(s);
 - (b) the number blocks assigned by the Authority to the Licensee but not yet configured in the Licensee's network(s);
 - (c) 'in-service' with customers, where in-service includes numbers used for roaming services by business and tourist visitors to Namibia and number in the quarantine state;
 - (d) the proportion of each assigned block of numbers programmed into SIMs still in the retail supply chain;
 - (e) the proportion of each assigned block of numbers for internal licensee use (e.g. as service numbers or test numbers);
 - (f) (if relevant) for each block of numbers assigned to the licensee total quantity of numbers ported-out;

- (g) (if relevant) for each number designation (e.g. mobile, fixed-line) the total quantity of numbers ported-in;
- (h) the expected growth (or reduction) in the use of numbers for each number designation (e.g. mobile, fixed-line);
- (i) for each number designation (e.g. mobile, fixed-line) the (5) five year forward forecast of the additional numbering resource required by the licensee from the Authority; and
- (j) information on any new services the licensee may introduce during the next (2) two years and the possible quantity of additional numbering resources required by the Licensee for the service.

CHAPTER VI FEES

Timetable for the Payment of Fees

- 38.** (1) By 31 December each year the Authority shall notify each Licensee of the fees that they must pay to the Authority for the use of the numbering resources assigned to them at the end of September.
- (2) Within (30) thirty days of the Authority notifying the Licensee of the amount due the Licensee shall pay to the Authority the fees for the use of numbering resources.

Calculation of Fees

- 39.** (1) The Authority shall calculate the fees payable for the use of numbering resources that compensate for the management costs of the numbering plan and the control of its use.
- (a) based on its own records and the analysis of the annual audit returns, the Authority shall calculate the total quantity of numbers with a given number of digits allocated to each Licensee, including assigned numbers that are to be withdrawn but remain allocated on the date the Authority undertakes the calculation. These totals shall be aggregated to give the total quantity of assigned numbers for each number length.
 - (b) the Authority shall calculate per Licensee and total 'chargeable quantity of numbers' by applying a weighting to the totals, to reflect the value of shorter numbers, using the following table:

3 Digit Numbers	= 1,000,000
4 Digit Numbers	= 100,000
5 Digit Numbers	= 10,000
6 Digit Numbers	= 1,000
7 Digit Numbers	= 100
8 Digit Numbers	= 10
9 Digit Numbers	= 1
 - (c) the 'fee per number', the reference value, shall be calculated by dividing the 'chargeable fee' by the total chargeable quantity of numbers.

- (d) for each Licensee the due amount is the Licensee's chargeable quantity of numbers multiplied by the 'fee per number'.

CHAPTER VII INTEREST AND PENALTIES

Interest and penalties in respect of payment of fees for use of numbering resources

- 40.** (1) If a Licensee fails to pay the prescribed fee as required in terms of regulations 38 and 39 above on or before the due date, the Licensee may then also pay interest on the overdue amount from the due date to the date of payment at the rate of (3) three percent above the then current overdraft interest rate being charged by the Authority's bankers.
- (2) If a Licensee fails to pay the prescribed fees as required in terms of regulation 38 and 39 above within (45) forty-five days after the due date, the Licensee may, in addition to paying interest as per sub-regulation 40 (1) above, also pay a late payment penalty of (25) twenty-five percent of the overdue amount.
- (3) If a Licensee fails to pay the prescribed fee as required in terms of regulations 38 and 39 above within (120) Hundred and Twenty days after the due date, the Licensee may, in addition to paying the interest as set out above, also pay a late payment penalty of up to (50) fifty percent of the overdue amount.
- (4) The Authority must give the Licensee concerned an opportunity to be heard before imposing any of the above interests or penalties and shall grant a period of (14) fourteen days to the Licensee concerned within which to make representations to the Authority about the matter.
- (5) After consideration of the representations referred to in sub-regulation (4) above or if no such representations have been made the Authority may determine whether to impose the interest rate penalty or late payment penalty.

Penalties for non-compliance

- 41.** (1) Any licensee who fails to comply with the requirements and obligations contained in these regulations or fails to submit document and/or information as required to be submitted by these regulations, shall be guilty of contravening these regulations.
- (2) Where a licensee contravenes one or more of the regulations contained herein, the Authority may-
- (a) issue to a licensee a written warning and final date for submitting outstanding documents and/or information where the licensee is guilty of not submitting same as required by these Regulations;
- (b) impose a penalty of not more than N\$500,000.00 for-
- (i) failure by a licensee to comply with any requirement and/or obligation contained in these regulations;
- (ii) submitting or causing the submission of false or misleading information to the Authority;
- (iii) failure to submit the documents and/or information as required pursuant to a written warning issued in terms of sub-regulation 2 (a) above;

- (c) take any other measure the Authority regards as reasonable in the circumstances.
- (3) Any amount of penalty payable in terms of paragraph (b) of sub regulation (2) constitutes a debt due to the Authority by the relevant licensee concerned and may be recovered by the Authority by means of proceedings instituted in any competent court.
- (4) Notwithstanding the provisions of sub regulations (2) and (3), the Authority may waive the payment of or refund the whole or any part of a fine payable.
- (5) Before imposing any penalty as contemplated by paragraph (b) of sub regulation (2), the Authority must give an affected licensee the opportunity to be heard, where after the Authority may-
 - (a) decide not to impose any penalty; or
 - (b) impose such penalty the Authority deems fit.

CHAPTER VIII REVIEW AND REVISION OF THE REGULATIONS

Review and Revision of the Regulations

- 42.**
- (1) The Authority shall review these Regulations every (5) five years as a minimum.
 - (2) Where the Authority determines that these Regulations are constraining the development of the telecommunications market or are overly burdensome to administer, they may undertake an interim review.
 - (3) Licensees may submit a request in writing to the Authority to undertake an interim review clearly stating their reasons for requesting the review. The Authority's decision to accede or deny the request shall be final.
 - (4) The reviews shall be undertaken in terms of the Authority's Regulations Regarding Rule making Procedures.

SCHEDULE 2

CONCISE STATEMENT AND PURPOSE OF THE PROPOSED REGULATIONS REGARDING THE NATIONAL NUMBERING PLAN FOR THE USE IN THE PROVISION OF TELECOMMUNICATIONS SERVICES IN THE REPUBLIC OF NAMIBIA, NUMBERING LICENCE FEES AND PROCEDURES FOR NUMBER LICENCES: COMMUNICATIONS ACT, 2009

The purpose of the proposed Regulations is to:

- (a) prescribe a National Numbering Plan for use in the provision of telecommunications services;
- (b) establish and publish Regulations, Procedures and Conditions of Use of Numbering resources that are open, transparent and non-discriminatory ensuring fair and equitable treatment of all Licensees, subject to the need to ensure efficient use and effective management of numbering resources;

- (c) provide a long-term framework for the National Numbering Plan that can continue to be developed to support developments of the telecommunications market for the benefit of all Namibian consumers of telecommunications services.
 - (d) take account of existing numbering plans or schemes and to introduce amendments to these existing numbering plans or schemes that would avoid unnecessary inconvenience to the customer;
 - (e) put in place the procedures for the allocation of adequate prefixes, numbers and numbering ranges to licensees without unreasonable delay, in a non-discriminatory, proportionate and transparent manner, in return for a fee that is no greater than necessary to compensate for the management costs of the numbering plan and the control of its use and its implementation;
 - (f) assign numbers in a manner that does not confer any competitive advantage to any particular licensee;
 - (g) specify the conditions under which prefixes, individual numbers and number ranges may be used, subject to the conditions specified in licences, and
 - (h) provide for number portability.
-