



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 400

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, 2009 (Act 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), herewith gives notice that the Applicant referred to in the table below has submitted the following applications to the Authority:

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;
Paratus Telecommunications (PTY) LTD	Namibian	100%	1746-1765 MHz / 1841-1860 MHz 1935-1965 MHz / 2125-2155 MHz	1746-1765 MHz / 1841-1860 MHz 1935-1965 MHz / 2125-2155 MHz	Within the Republic of Namibia or any part thereof	No	Class Comprehensive Telecommunications Service (ECS & ECNS)

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

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

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

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

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

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

L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 401

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, 2009 (Act 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, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the Applicant referred to in the table below has submitted the following application to the Authority:

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);			Maximum Output Power & Co-ordinates;	Service to be provided using frequency applied for;	Party providing Signal Distribution;
					Region;	District;	City/Town;			
Namibian Broadcasting Corporation (NBC)	Established in terms of section 2 of the Namibian Broadcasting Act, 1991 (Act No. 9 of 1991)	State Owned Enterprise	88 – 108 MHz	89.1 MHz	Erongo	Omaruru	Omaruru	100 W	N/A ¹	Own
				Rukavango						
				92.2 MHz						
				Silozi						
				95.4 MHz						
				98.7 MHz						
				San						

¹ The radio frequencies assigned require a broadcasting service licence. Note, however that as per section 93 of the Act, until a date determined by the Minister, Chapter IV on broadcasting service is not applicable to the NBC or to any broadcasting activities carried on by NBC.

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;
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- (5) By fax to e-mail to: 0886550852.

L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 402

2014

**NOTICE OF DETERMINATION OF LAPSING OF TELECOMMUNICATIONS SERVICE
LICENCE IN TERMS OF REGULATION 17 (4) OF THE REGULATIONS REGARDING
LICENCE CONDITIONS FOR TELECOMMUNICATIONS SERVICE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of regulation 17(4) of the “Regulations regarding Licence Conditions for Telecommunications Service Licences” as published in Government Gazette No. 5037, Notice No. 308 dated 13 September 2012, herewith gives notice that the Class Comprehensive Telecommunications Service Licence (ECS & ECNS) issued in terms of section 38 of the Communications Act, 2009 (Act No. 8 of 2009) to Virtual Technology Services (Pty) Ltd on 19 November 2012 has lapsed.

On 19 November 2012, Virtual Technology Services (Pty) Ltd (hereinafter referred to as “VTS”) was awarded with a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) in terms of section 38 of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”) read with regulation 11 (9) 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) (hereinafter referred to as “the Licensing Procedures Regulations”). The award of the licence was published in Government Gazette No. 5078, General Notice No. 406 dated 19 November 2012 and came into force and effect on the same date.

On 1 July 2014, VTS submitted an application to the Authority for the withdrawal of its Class Comprehensive Telecommunications Service Licence (ECS & ECNS) issued on 19 November 2012.

VTS was awarded the Class Comprehensive Telecommunications Service Licence (ECS & ECNS) to provide electronic communications services utilising spectrum in the 2.4 GHz, 5.8 GHz and 24 GHz spectrum bands. No spectrum use licences were awarded because the spectrum to be utilised is deemed to be licence exempt in terms of Regulations regarding Licence Exempt Spectrum as published in Government Gazette No. 4839, Notice No. 395 dated 25 November 2011.

The Class Comprehensive Telecommunications Service Licence (ECS & ECNS) was awarded subject to the Regulations regarding Licence Conditions for Telecommunications Service Licences as published in Government Gazette No. 5037, Notice No. 308 dated 13 September 2012.

Regulation 17(4) of the aforementioned regulations states as follows-

“A licence will lapse six (6) months after the date of the issue of that licence in the event that no commercial telecommunications services are provided under that licence.” (Our emphasis)

In terms of regulation 17(4), VTS was required to commence commercial telecommunications services by 27 May 2013 been the last day of the six (6) months period. However, VTS did not inform the Authority that it has not commenced with the provision of any telecommunications services.

In the interest of due process and administrative justice, the Authority subsequently addressed a letter to VTS on 29 August 2013 indicating that VTS has not complied with its licence conditions as contained in Regulation 17(4) of the Regulations regarding Licence Conditions for Telecommunications Services Licences. The letter further requested VTS to confirm the date on which it intends to commence telecommunications services or alternatively to provide the Authority with reasons by 5 September 2013 as to why it has not yet commenced with the provision of telecommunications services.

VTS responded to the Authority on 11 October 2013 and indicated that it could not secure unbundled pricing from other licenced operators to connect to existing national telecommunications infrastructure to allow for the provision of last mile access to VTS's intended customers. VTS further indicted that as a result, it has found its business model to be unsustainable.

On 9 December 2013, VTS informed the Authority that it was unable to obtain cooperation from the dominant players in its request for unbundled pricing for infrastructure. VTS further requested the Authority to assist with the matter between themselves and licenced operators respectively. The Authority advised VTS to submit a formal complaint in terms of the Regulations regarding Licensing Disputes as published in Government Gazette No. 5194, General Notice No. 148 dated 17 May 2013. In addition, VTS was requested to submit all correspondence and minutes of meetings held between themselves, and this licenced operators, respectively in support of their complaint.

Despite numerous demands from the Authority, VTS did not submit the complaint form or any correspondence or minutes of meetings held. The Authority was therefore, not in a position to assist VTS in this regard.

On 24 February 2014, VTS submitted a letter to the Authority indicating that VTS will “reconsider their application for a service licence”. The Authority requested a meeting with VTS on 15 May 2014 to finalise the issues raised and to discuss the content of the letter dated 24 February 2014. At the said meeting, VTS indicated that it no longer had the intention to pursue a dispute with Telecom Namibia Limited and / or MTC with regard to infrastructure sharing, because their priorities have changed in the meantime.

Subsequently, VTS submitted an application for withdrawal of the Class Comprehensive Telecommunications Service Licence (ECS and ECNS) as awarded on 19 November 2012. In its application, VTS stated that the reasons for the proposed withdrawal is the fact that they were unable to obtain unbundled pricing from the incumbent operators leading to VTS making the decision not to continue with telecommunications services. This aspect will be discussed further herein below.

The telecommunications service licence awarded to VTS as published in Government Gazette No. 5078, General Notice No. 406 dated 19 November 2012 has automatically lapsed on 27 May 2013 which is six (6) months after the date of issue of the Class Comprehensive Telecommunications Service Licence (ECS & ECNS) due to the fact that VTS has not commenced with commercial telecommunications services under the said licence as required by Regulation 17(4) of the Regulations regarding Licence Conditions for Telecommunications Services Licences published in Government Gazette No. 5037, General Notice No. 308 dated 13 September 2012. The Application submitted for the Withdrawal of its Class Comprehensive Telecommunications Service Licence (ECS & ECNS) was published Government Gazette 5514, General Notice No. 243, dated 25 July 2014 allowing fourteen (14) days for public comments. The commenting period lapsed on 8 August 2014. No public comments were received. The Authority did not consider the application for withdrawal of licence any further due to the fact that the said licence automatically lapsed on 27 May 2013 in terms of regulation 17 (4) of the Regulations regarding Licence Conditions for Telecommunications Service Licences.

In light of the above, the Class Comprehensive Telecommunications Service Licence (ECS & ECNS) awarded to VTS on 19 November 2012 has lapsed pursuant to regulation 17(4) of the Regulations regarding Licence Conditions for Telecommunications Service Licences.

L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 403

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, 2009 (Act 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, General Notice No. 272, dated 29 August 2011 (as amended), herewith gives notice that the licensee referred to in the table below, has been awarded a Spectrum Use Licence, effective from date of publication of this notice in the *Gazette*:

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 by the Authority;	Description of geographical coverage are(s);	License Fees Outstanding;	Services to be provided using frequency assigned:	Type of Service Licence (s);
Mobile Telecommunications Networks Business Solutions (Namibia) (PTY) Ltd.	South Africa	10%	MHz Uplink 14123 MHz/ MHz Downlink 11073 MHz	Within the borders of the Republic of Namibia or any part thereof.	No	FIXED SATELLITE	Class Comprehensive Telecommunications Service License (ECS & ECNS)

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

The above licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009, and the Regulations Regarding Licence Conditions for Spectrum Use Licences as published in Government Gazette No. 5354, General Notice No. 469, dated 2 December 2013.

REASONS FOR THE AUTHORITY'S DECISION

On 24 March 2014, MTN Business Solutions Namibia (Pty) Ltd (hereinafter referred to as "MTN Business") submitted an application for a spectrum use licence for the provision of fixed satellite telecommunications services in rural areas in terms of section 101 of the Communications Act of 8 of 2009 (hereinafter referred to as "the Act") read with regulation 6 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).

MTN Business was awarded a Class Comprehensive Telecommunications Service Licence (ECS and ECNS) by the Authority on 17 February 2014 as published in Government Gazette No. 5411, General Notice No. 41. MTN Business is 100% South African owned and has been awarded the aforementioned telecommunications service licence after authorisation was granted by the Minister of Information and Communication Technology, allowing a majority foreign shareholding in terms of section 46(2) of the Act.

In addition, all technical equipment specifications for modems, end-user equipment, antennae and satellite receivers were submitted together with the application for consideration by the Authority.

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority has published a notice in the Government Gazette No. 5507, General Notice No. 195, dated 11 July 2014 allowing fourteen (14) days for public comments. The commenting period lapsed on 25 July 2014. No public comments were received and therefore, no reply comments were requested from MTN Business. The last day for the decision is 26 September 2014.

Pursuant to the provisions of section 101(1) and (6) of the Act, an applicant may only be issued with a spectrum use licence, where the operation of a network or the provision of broadcasting service or the use thereof entails the use of radio waves. The spectrum applied for by the MTN Business is not licence exempt and therefore, requires spectrum use licences to be issued by the Authority after due consideration of the applications submitted.

The application submitted complies with all technical requirements as required by regulation 6(2) (f) of the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use License and as set out in Section G of the Spectrum Use application form in that documentation containing site coordinates, coverage plots, antenna heights and equipment specifications were submitted. Installation of satellite receivers will allow for a power output of 800mW and a standard height of 1m taking into account that satellite receiver equipment is installed on rooftops at the customer premises. Operation of equipment will be limited to the spectrum use licences to be awarded.

The equipment specifications were accompanied by type approval certificates from Independent Communications Authority of South Africa certifying the equipment for use in International Telecommunications Union Region 1 and therefore, comply with the Authority's requirements for equipment to be utilised in Namibia in the absence of type approval regulations.

In addition to ensuring compliance with the substantive requirements set out in section 101 of the Act and regulation 6 of the Regulations Regarding Licensing procedures, the Authority also has regard to the following considerations:

- i. The ability of MTN Business to utilise spectrum efficiently as prescribed in the Regulations Setting out Licence Conditions for Spectrum Use Licence published in Government Gazette 5354 Notice No. 469 dated 2 December 2013;
- ii. The objects of the Communications Act as contained in section 2(h) of the Communications Act, 2009 which provides that the Authority should –“... *stimulate the commercial development and use of radio frequency spectrum in the best interest of Namibia...*”; and
- iii. The promotion of fair competition as contained in chapter IV of the Communications Act, 2009.

The Authority notes that the deployment of the electronic communications services and equipment as envisaged by MTN Business utilising the New Dawn satellite system and spectrum assignments will allow for the rendering of services to all parts of Namibia. This will allow the expansion of fixed satellite services, which will promote the accessibility of electronic communications services in Namibia and allow for competition in this market segment.

Therefore, the Authority is of the view that the award of spectrum for the provision of fixed satellite services will promote competition in the market and will also stimulate commercial development in Namibia.

L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 404

2014

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

The Communications Regulatory Authority of Namibia, in terms of section 53 of the Communications Act, 2009 (Act No. 8 of 2009) read with regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice of the following tariffs for **Telecom Namibia Limited t/a TN Mobile**, which, notwithstanding date of publication of this notice, came into force on 30 September 2014.

**3G AND 4G LTE PERMANENT TARIFFS BY TELECOM NAMIBIA LIMITED T/A TN
 MOBILE (COMMUNICATIONS ACT, 2009)**

1. 4G/LTE PREPAID

Offer	4G LTE Dongle bundled with 500MB Once Off
Cash Price(Promotion)	N\$297
Out of bundle rate	N\$0.95/MB

2. 4G/LTE POST PAID PACKAGE

Package	LTE 10GB	LTE Unlimited	LTE Unlimited
CPE Included	LTE Data Dongle (ZTE)	LTE Data Dongle (ZTE)	LTE Hotspot (ZTE)
Contract Period	24	24	24
Number of e-mails	1	1	1

Fax2email	1	1	1
Maximum Speed	Up 100Mbps	Up 100Mbps	Up 100Mbps
Free Data	10GB	Unlimited	Unlimited
Extra Data	5GB	N/A	N/A
Roll Over	3 months	N/A	N/A
Monthly Subscription (Promotion)	N\$398	N\$998	N\$998
Out of bundle rate	N\$0.80	N/A	N/A
Connection Fees	N\$175	N\$175	N\$175
<p>Note: Once-off connection fee of N\$ 175 applies on all the packages</p> <p>No voice available on data bundles</p> <p>Free Data Bundles not applicable when Roaming</p> <p>Fair usage policy applies (90GB) on all unlimited packages and the speed will be reduced to 1.5 Mbps</p> <p>Hotspot – Maximum of 10 Wi-Fi clients on AP model</p>			

3. 4G/LTE WI-FI HOTSPOTS POST PAID PACKAGE

Package	LTE 3GB	LTE 5GB	LTE 10GB	LTE 15GB
CPE Included	Wi-Fi Hotspot	Wi-Fi Hotspot	Wi-Fi Hotspot	Wi-Fi Hotspot
Contract Period	24	24	24	24
Number of e-mails	1	1	1	1
Fax2email	1	1	1	1
Maximum Speed	Up 100Mbps	Up 100Mbps	Up 100Mbps	Up 100Mbps
Free Data	3GB	5GB	10GB	15GB
Extra Data	N/A	N/A	N/A	N/A
Roll Over	3 months	3 months	3 months	3 months
Monthly Subscription (Promotion)	N\$365	N\$399	N\$609	N\$775
Out of bundle rate	N\$0.80	N\$0.80	N\$0.80	N\$0.80
Connection Fees	N\$175	N\$175	N\$175	N\$175
<p>Note: Once-off connection fee of N\$ 175 applies on all the packages</p> <p>No voice available on data bundles</p> <p>Data Bundles not applicable when Roaming</p>				

4. 3G POSTPAID PACKAGES

Package	1GB	3GB	10GB	3G Unlimited
CPE Included	3G Dongle	3G Dongle	3G Dongle	3G Dongle
Number of e-mails	1	1	1	1
Fax2email	1	1	1	1
Contract Period	24	24	24	24
Maximum Speed	Up to 21Mbps	Up to 21Mbps	Up to 21Mbps	Up to 21Mbps
Free Data	1GB	3GB	10GB	Unlimited
Extra Data	N/A	N/A	10GB	N/A
Roll Over	3 months	3 months	3 months	3 months
Monthly Subscriptions(Promotion)	N\$149	N\$289	N\$349	N\$849
Out of bundle rate	N\$0.90	N\$0.90	N\$0.90	-

Connection Fees	N\$175	N\$175	N\$175	N\$175
Note: Once-off connection fee of N\$ 175 applies on all the packages				
No voice available on data bundles				
Data Bundles not applicable when Roaming				
Fair usage policy applies (90GB) on all unlimited packages and the speed will be reduced to 768 Kbps				

5. +3G PREPAID TARIFFS

Offer	3G Dongle bundled with 300MB Once Off
Cash Price	N\$199
Out of bundle rate	N\$ 0.90/MB

PREPAID DATA VOLUME	(N\$) Tariffs
30 MB	15
50 MB	25
100 MB	35
300 MB	99
500 MB	139
1 GB	239
3 GB	399
5 GB	899

REASONS FOR DECISION

Telecom Namibia Limited (T/A TN Mobile) (hereinafter referred to as “TN Mobile”), filed for the approval of tariffs for 3G and 4G LTE on 29 July 2014 in terms of section 53 (1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”).

The proposed tariffs were published as General Notice No. 312 in the Government Gazette No. 5557 dated 9 September 2014 for public comments in terms of section 53 (10) of the Act and regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government Gazette No. 4714 of 18 May 2011. The date of submission was 29 July 2014 and the request for implementation was 30 September 2014.

Comments were invited from the public, in terms of the Notice published in the *Gazette*, within a period of fourteen (14) days from the date of, which period lapsed on 23 September 2014.

No public comments were received in respect of the tariffs, and as such no reply comments were required from TN Mobile.

TN Mobile submitted these tariffs in terms of section 53(1) and (7) of the Act, which stipulates that all rates and charges received in respect of any telecommunications services must be in accordance with a tariff filed and permitted to come into operation in accordance with the provisions of section 53 and it should be filed in the prescribed manner with the Authority for approval. These are therefore new tariffs. All previously submitted tariffs were approved for Powercom (Pty) Ltd t/a Leo, and were reduced and submitted as promotional tariffs in terms of section 53(2).

The above products that TN Mobile is launching are compared to the Mobile Telecommunications Limited’s (MTC) 3G and 4G packages. The comparisons are as follows:

COMPARISON OF POST PAID TARIFFS

Package	TN MOBILE		MTC	
	LTE 10GB	LTE Unlimited	Netman 4G Extreme	Netman 4G Unlimited
Monthly Subscription	N\$398	N\$998	N\$ 399	N\$ 849
Standard Out of bundle rate	N\$0.80	N/A	N\$ 0.90	N/A
Connection Fees	N\$175	N\$175	free	free
Free Data	10GB	Unlimited	10GB	Unlimited

COMPARISON OF PREPAID CHARGES

OFFER	TN MOBILE	MTC
4G LTE Dongle bundled with 500MB Once Off		
Cash Price(Permanent)	N\$ 298.00	N\$ 299.00
Out of bundle rate	N\$ 0.95/MB	N\$ 0.90/MB

PREPAID DATA VOLUME	TN MOBILE	MTC
	(N\$)Standard Tariffs	
30 MB	15	15
50 MB	23	23
100 MB	35	35
300 MB	99	99
500 MB	139	139
1 GB	239	239
3 GB	399	399
5 GB	899	849

The tariff packages submitted are new packages with new tariffs as mentioned above. These tariffs are in competition with the 3G and 4G packages approved for Mobile Telecommunications Limited at different times during 2012 and 2013.

From the analysis, TN Mobile applied for tariffs that are similar to the tariffs that are currently being charged by Mobile Telecommunications Limited. The packages are also very similar which gives the customer the opportunity to make a comparison.

The tariffs as submitted are competitive since these tariffs and the packages are similar to the Mobile Telecommunications Limited tariffs and packages.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to as follows:

1. The tariffs were published as stipulated in section 53(10) for comment and Telecom Namibia stated that the tariff would come into force on 30 September 2014 as required by section 53(8) of the Act that the Licensee has to indicate the date that the tariffs will come into force.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as the terms and conditions, which includes rights and remedies available to customers in the event of disputes.

Since these tariffs and packages offered are competitive offers, it might create more competitive pressure in the market, which might lead to lower prices in the long run. As such the tariffs are reasonable, are not deemed discriminatory or impairing competition.

In light of the above, the Authority approved the 3G and 4G Permanent Tariffs for implementation on 30 September 2014.

**L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY**

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 405

2014

NOTICE IN TERMS OF SECTION 53 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING THE SUBMISSIONS OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia, in terms section 53 of the Communications Act read with 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 it has approved the following tariffs for TN1 Packages as submitted by **Telecom Namibia Limited**, which notwithstanding date of publication of this notice, came into force on 1 September 2014.

**TARIFFS FOR TN1 PACKAGES BY TELECOM NAMIBIA LIMITED
(COMMUNICATIONS ACT, 2009)**

Package 1	
Convergence Level	Description
Invoice	One Invoice (Voice and Data)
Accounts	One Account for Fixed and Mobile Services
	4 Wallets (SMS, Fixed/Wireless Voice, GSM Voice, Data)
Billing	Unlimited Free Calls in Closed User Group (FMC'd 1 Fixed +1 tn Mobile Numbers)
	Included: 500Min, 2 GB data, 100 SMS
	24 Months Contracts
Rate	Mobile Voice – N\$65c/MB
	Mobile Data – N\$65c/MB
Devices	Included: 1 x 3G Dongle, 1 x Mobile phone
Payment /Recharge	POS (TN teleshops, Retail Shops, NamPost) /EFT
Balance Enquiry	Balance Enquiry via: SMS/USSD/Call-in/Email
VAS	1 x 500MB Email Address, 1 x FAX-to-Email Address, 1 x Email-to-Fax (on customer request)
	Follow Me (After 5 Rings on Fixed Forward to TN Mobile) (free)

Subscription Charges

NRC: N\$ 199
MRC: N\$849

Usage Charges

Voice: 65c/Min – All national calls
Data: 65c/MB
CUG calls: FREE

Package 2

Convergence Level	Description
Invoice	One Invoice (Voice and Data)
Accounts	One Account for Fixed and Mobile Services
	4 Wallets (SMS, Fixed/Wireless Voice, Mobile Voice, Data)
Billing	Unlimited Free Calls in Closed User Group (CUG)-(1 Fixed +1 tn Mobile voice Numbers
	Included: 500Min, 2GB mobile data, 100 SMS and 1024k unlimited Fixed Broad-band
	24 Months Contracts
Rate	One Rate for Mobile Voice and Fixed voice – N\$65c/min
	Mobile Data – N\$65c/MB, Unlimited Fixed Data
Devices	Included: 1 x Fixed cordless, 1 x 3G Dongle, 1 x Fixed Broadband CPE (with WiFi)
Payment /Recharge	POS (TN teleshops & NamPost) /EFT
Balance Enquiry	Balance Enquiry via SMS/USSD/Call-in/Email
VAS	1 x 500MB Email Address, 1 x FAX-to-Email Address, 1 x Email-to-Fax (on customer request)
	Follow Me (After 5 Rings on Fixed Forward to TN Mobile) (free)

Subscription Charges

NRC: N\$ 299
MRC: N\$1,099

Usage Charges

Voice: 65c/Min – All national calls
Data: 65c/MB
SMS: 35c/SMS
CUG calls: FREE

Package 3

Convergence Level	Description
Invoice	One Invoice (Fixed and Mobile Voice)
Accounts	One Account for Fixed and Mobile Services
	3 Wallets (SMS, Fixed Voice, Mobile Voice)
Billing	Unlimited Free Calls in Closed User Group (CUG)-(2 Fixed +1 tn Mobile voice Numbers
	Included: 500Min (Mobile Voice), 2GB mobile data, 100 SMS
	24 Months Contracts
Rate	One Rate for Mobile Voice and Fixed voice – N\$65c/min
	Mobile Data – N\$65c/MB
Devices	Included: 2 x Fixed cordless, 1 x Mobile phone
Payment /Recharge	POS (TN teleshops & NamPost) /EFT
Balance Enquiry	Balance Enquiry via: SMS/USDD/IVR/Call-in/Email
VAS	1 x 500MB Email Address, 1 x FAX-to-Email Address, 1 x Email-to-Fax (on customer request)
	Follow Me (After 5 Rings on Fixed Forward to TN Mobile) (free)

Subscription Charges

NRC: N\$ 299
MRC: N\$ 999

Usage Charges

Voice: 65c/Min – All national calls
Data: 65c/MB
SMS: 35c/SMS
CUG calls: FREE

REASONS FOR DECISION

Telecom Namibia Limited (hereinafter referred to as “Telecom Namibia”), submitted to the Authority the tariffs for TN1 Packages on 1 July 2014, for approval in terms of section 53(1) and (7) of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as “the Act”).

The proposed tariffs were published as General Notice No. 311 in the Government Gazette No. 5557 dated 9 September 2014 for public comments, in terms of section 53 (10) of the Act and regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs” published in Government Gazette No. 4714 of 18 May 2011.

The public comments lapsed on 23 September 2014 and no comments were received in respect of the tariffs, and as such no reply comments were required from Telecom Namibia.

The tariffs were submitted on 1 July 2014 and the date of implementation was 1 September 2014, being 60 days from date of submission as required by section 53(8) of the Communications Act.

FINANCIAL AND ECONOMIC ANALYSIS OF THE TELECOM NAMIBIA LIMITED TARIFFS FOR TN1 PACKAGES

Telecom Namibia submitted the new tariffs in terms of section 53(1) and (7) of the Act, which stipulates that all rates and charges received in respect of any telecommunications services must be in accordance with a tariff filed and permitted to come into operation in accordance with the provisions of section 53 and it should be filed in the prescribed manner with the Authority for approval.

The tariff information submitted to the Authority by Telecom Namibia is as provided for in the tables herein above.

This product that Telecom Namibia is launching is additional to the TN1 MaxiPlus Package and TN Maxi Package, which the Authority approved on 18 July 2014 and that was published as General Notice 289 in Government Gazette No. 5534 dated the 15th of August 2014. The packages are different combinations of fixed and mobile voice and fixed and mobile data.

The charges are as follows when compared with current charges:

Table 4: Comparison of Charges

CHARGES	TN 1 PACKAGES	CURRENT TN MOBILE CHARGES	CURRENT TN CALLMAKER CHARGES	MTC SMARTSHARE CHARGES
Voice	N\$ 0.65/min	N\$ 0.90/min	N\$ 0.65/min	N\$ 0.99/min
SMS	N\$ 0.35/SMS	N\$ 0.35/SMS	-	N\$ 0.19/SMS
Data	N\$ 0.65/MB	N\$ 0.80/MB	-	N\$ 0.99/MB

The tariff packages submitted are new packages with new tariffs as mentioned hereinabove. These tariffs are in competition with the SmartShare packages approved for Mobile Telecommunications Limited (MTC) as published in Government Gazette No. 5231 dated the 24th of June 2013 which is a combination of mobile data and voice on different devices. A comparison of the current charges in the market was done since it is very difficult to compare the packages. There are too many differences between the package proposed by Telecom Namibia and the SmartShare package of MTC e.g. the MTC package deals only with mobile devices whereas the Telecom Namibia package combines mobile and fixed line devices.

From the out-of-bundle charges that Telecom Namibia is proposing the voice tariff is comparing to the fixed voice tariff approved on the CallMaker Packages. The SMS rate is as approved for the TN Mobile Packages and the data rate is lower than the currently approved TN Mobile data rate.

All requirements in terms of section 53 of the Act that deals with the approval of tariffs have been adhered to as follows:

1. The tariffs were published as stipulated in section 53(10) for comment and Telecom Namibia stated that the tariff would come into force once the Authority approved the tariff as required by section 53(8) of the Act that the Licensee has to indicate the date that the tariffs will come into force.
2. All pertinent information as required by section 53(9) was submitted to the Authority such as the terms and conditions, which includes rights and remedies available to customers in the event of disputes.
3. The tariffs contained the costing information as required by section 53(18) of the Act.

The tariffs will benefit customers since it is a reduction from previously approved tariffs. At the same time, it provides a wider choice to customers since it expands on the already approved TN1 Packages. As such the tariffs are reasonable, are not deemed discriminatory or impairing competition.

In light of the above, Authority approved the TN1 Packages as submitted by Telecom Namibia Limited.

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 406

2014

NOTICE IN TERMS OF SECTIONS 101 AND 85 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND 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 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulations 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, herewith gives notice that Otji-Investments CC t/a Otji-FM has been awarded with a Commercial Broadcasting Service Licence and Spectrum Use Licence as contained in the table below:

(a) Broadcasting Service Licence

Licensee's Name;	Licensee'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 Licensee intends to use spectrum in the provision of broadcasting services intended to be provided;	Proof of Application fees paid up to date submitted?
Otji Investments CC t/a Otji-FM	Namibian	100 %	Commercial Broadcasting Service Licence	Own	Yes	Yes

(b) Spectrum Use Licence Application

Licensee's Name;	Licensee's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Radio frequency assigned;	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;			
Otji-Investments CC t/a Otji-FM	Namibian	100 %	102.3 MHz	Otjozondjupa	Otjiwarongo	Otjiwarongo	Commercial Service Broadcasting	Own	Yes

REASONS FOR THE DECISION ARE AS FOLLOWS:**Application for Commercial Broadcasting Service Licence**

Otji-Investments CC t/a Otji-FM submitted applications for a commercial broadcasting service licence and a spectrum use licence on 25th November 2013 in accordance with Sections 85 and 101 of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the "Act") and Regulations 5 and 6 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 of 29 August 2011 (as amended). All licence application fees in respect of the application were paid. As per documentation submitted with the application for a commercial broadcasting service licence, Otji-Investments CC t/a Otji FM is a 100% Namibian owned closed corporation with registration no CC/2012/6519. There are no foreign ownership interests in the Otji-Investments CC t/a Otji-FM.

As required by regulation 5(2)(j) of the Regulations Regarding Licensing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use License, Otji-Investments CC t/a Otji-FM submitted a proposed program schedule indicating its intention to provide broadcasting services from 07h00 to 00h00 (Monday to Sunday), followed by music until the station opens the next day.

Oral Submissions

The Board of Directors at its ordinary meeting held on 8 August 2014, resolved that Otji-Investments must be accorded an opportunity to make oral submissions, to enable the Authority to fully understand the business case of Otji Investments. The oral submissions took place on 3 September 2014. During the oral hearing, Otji-Investments CC t/a Otji FM gave a brief overview of the expertise of the management team that will ensure the operation of the radio station in Otjiwarongo, financial resources and intended program schedule.

Procedural Compliance

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. 5411, General Notice No. 44, dated 17 February 2014, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. The commenting period lapsed on 3 March 2014, and no comments were received and as such, no reply comments were required from Otji-Investments. The last day for decision by the Authority is 3 November 2014 following the oral submissions made by Otji-Investments t/a Otji-FM on 3 September 2014.

SUBSTANTIVE COMPLIANCE**Commercial Broadcasting Application**

The Otjiwarongo area is well serviced by seven (7) commercial broadcasters (Omulunga Radio, Hitradio, Radio Kudu, Equity Broadcasting, Radio 99, Radiowave, Cosmos Digital Namibia), one (1) community broadcaster (Media for Christ) and the Namibia Broadcasting Corporation (NBC). It should be noted that the NBC is broadcasting services in nine (9) languages and a national radio channel. All existing broadcasters have a national footprint that presents an attractive marketing platform for businesses. When considering the award of a broadcasting service licence, the Authority is obliged to consider the provisions of section 85(8) of the Communications Act, which provides as follows:

“When considering an application for the issue of a broadcasting licence the Authority must have regard to-

- (a) *the character of the applicant or, if the applicant is a body corporate, the character of its directors;*
 - (b) *the adequacy of the expertise, experience and financial resources available to the applicant;*
 - (c) *the desirability or otherwise allowing any person or association of persons, to have control or a substantial interest in-*
 - (i) *more than one broadcasting service;*
 - (ii) *more than one radio station and one television station and one registered newspaper with a common coverage and distribution area or significantly overlapping coverage and distribution areas;*
 - (d) *whether the applicant is likely to comply with such technical broadcasting standards as the Authority may prescribe;*
 - (e) *whether the conditions of a broadcasting licence will unjustly benefit one licensee above another;*
 - (f) *the allocation of spectrum in such a manner as to ensure the widest possible diversity of programming and the optimal utilization of such resources. Provided that priority may be given to broadcasters transmitting the maximum number of hours per day;*
 - (g) *the reservation of radio wave spectrum resources for future use; and*
- the desirability of giving priority to community based broadcasts”.*

The Authority is of the opinion:-

- i) That a power output of 250 W from Otjiwarongo will not provide broadcasting services to the entire Otjozondjupa region as envisaged in the business case submitted. The applicant will be required to apply for additional spectrum use licences and construct more broadcasting transmitters to fulfill its business objectives resulting in higher capital investment. However, the Authority is satisfied with the response given by the Otji-Investments t/a Otji-FM that they recognize the need for expansion, but will only apply for further spectrum use licences once the business has accumulated the necessary financial resource to support further expansion;
- ii) That the applicant has conducted market research and canvassed both the business sector and individuals input and opinions prior to compiling the business case. Otji-Investments t/a Otji-FM is thus confident in its prediction of a substantial market growth of 35% - 45%, but has also illustrated its expertise by weighing various cost elements and selecting a “fit-for-purpose” solution to implement broadcasting equipment and ensure operation thereof; and
- iii) Otji-Investments t/a Otji-FM has recognized that the financial resources submitted as contained in its bank statements is insufficient to support Otji-Investments CC t/a Otji-FM going forward.

After consideration of the information submitted with the application and during the oral submissions and evaluation thereof in terms of the criteria as set out in Section 85(8) of the Communications Act, the Authority therefore approved the application for a commercial broadcasting service licence as submitted by Otji-Investments CC t/a Otji-FM .

Spectrum Use Licence Application

Pursuant to the provisions of section 101(6) of the Act, an applicant may only be issued with a spectrum use licence, where the operation of a network or the provision of broadcasting service or the use thereof entails the use of radio waves. As indicated above, section 101(7) of the Communications Act stipulates as follows:

“When a person applies for a licence to operate a network or provide telecommunications services or broadcasting services, that person must also apply for such spectrum licences as are necessary to render the service concerned.”

Section 101(8) places a duty on the Authority to consider the application for spectrum in conjunction with the application for a service licence and to ensure that such spectrum use licence as may be required is issued to enable the applicant to render the services for which the service licence is issued. Read jointly, these sections suggest that if an applicant has applied for a broadcasting service licence, it must also have such spectrum use licence as is necessary to render the service concerned and further that a spectrum use licence is required in addition to a broadcasting service licence. It also indicates that a spectrum use licence cannot be issued for the provision of broadcasting services in the absence of a broadcasting service licence.

Subsequently, a decision to award a broadcasting service licence would naturally be accompanied by an approval of a spectrum use licence, because frequencies for FM broadcasting may only be utilised with a broadcasting service licence. The Authority thus considered the spectrum use licence application submitted by Otji-Investments CC t/a Otji FM for spectrum to be utilized for FM broadcasting services within the geographical area of Otjiwarongo taking into consideration spectrum assigned to existing broadcasting service licensees.

In the opinion of the Authority, Otji-Investments t/a Otji-FM complies with all technical requirements and has submitted all equipment specifications and coverage plots as required by section G of the spectrum use application form. It was further noted that the transmitter equipment will be deployed on the existing Telecom Namibia Limited infrastructure and therefore, no environmental impact assessments or authorization from the Otjiwarongo Town Council to construct a broadcasting transmitter tower is required.

The Authority therefore, approved the application for a spectrum use licence within the geographical area of Otjiwarongo for 102.3 MHz with a power output of 250W to Otji Investments CC t/a Otji-FM

L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 407

2014

NOTICE OF RECONSIDERATION IN TERMS OF SECTION 31 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND REGULATIONS 20 AND 11 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 31 of the Communications Act, 2009 (Act No. 8 of 2009) read with regulations 11 and 20 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licence, in Government Gazette No. 4785, General Notice No. 272 dated 29 August 2011 (as

amended), herewith gives notice that Promax Communications (Pty) Ltd has submitted an application for reconsideration, dated the 02nd October 2014, in respect of a decision by the Authority to decline the application for a telecommunications service licence and spectrum use licence, which decision was published in Government Gazette No. 5572, General Notice No. 353, dated 26 September 2014. The reasons and grounds for the application for reconsideration are contained in the application that can be inspected at the offices of the Authority. The public may submit comments in writing to the Authority within a period of fourteen (14) days from the date of publication of this notice in the *Gazette*.

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

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

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

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

L.N. JACOBS
CHAIRPERSON OF THE BOARD
COMMUNICATIONS REGULATORY AUTHORITY
