



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 27 July 2017

No. 6368

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## General Notices

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 278

2017

**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES  
FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES  
AND SPECTRUM USE LICENCES: Q-KON TELECOM NAMIBIA (PTY) LTD**

The Communications Regulatory Authority of Namibia, in terms of regulations 11 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), herewith gives notice that the Applicant referred to in the table below has submitted the following applications to the Authority:

## (a) Application for Class Comprehensive Telecommunications Service Licence (ECNS and ECS)

Applicant;	Applicant's Citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens;	Category of Class Telecommunications service intended to be provided;	Does applicant intend to use spectrum in the provision of the telecommunication service?	Concise statement on Services intended to be provided;	Description of geographic coverage area(s);	Proof of Licence Application Fees Paid Up to Date Submitted?
Q-Kon Telecom Namibia (Pty) Ltd	Namibia	51%	Class Comprehensive Telecommunications Service Licence (ECNS and ECS).	Yes, the applicant intends to use Spectrum in the Ku-band as per the Namibian Spectrum Band Plan.	Electronic Communications	The Republic of Namibia or any part thereof.	Yes

## (b) Application for Spectrum Use License

Applicant's Name	Applicant's citizenship or place of incorporation	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens	Type of service licence;	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	Services to be provided using frequency applied for
Q-Kon Telecom Namibia (Pty) Ltd	Namibian	51%	Spectrum Use License	Uplink 14347-14352 MHz Downlink 11539.2558-11547.0058 MHz Bandwidth 5 MHz uplink and 7.75 MHz Downlink	Uplink 14397.5-14402.5 MHz Downlink 11539.2558-11547.0058 MHz Bandwidth 5 MHz uplink and 7.75 MHz Downlink	National	No	FIXED SATELLITE

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 Government 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](mailto:legal@cran.na);
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 088642748.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 279

2017

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS  
OF INTERCONNECTION AGREEMENTS AND TARIFFS: PARATUS  
TELECOMMUNICATIONS (PTY) LTD**

The Communications Regulatory Authority of Namibia, in terms of Section 53(10) of the Communications Act (Act 8 of 2009) read with regulation 8(1) of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that **Paratus Telecommunications (Pty) Ltd** has filed tariffs with the Authority as set out in Schedule 1.

Any person may examine copies of the tariffs submitted 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. Copies are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

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

**Paratus Telecommunications (Pty) Ltd** may submit, in writing to the Authority, a response to any written comments within fourteen (14) days from the lapsing of the time to submit written submissions.

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 submissions 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](mailto:legal@cran.na); and
- (4) by facsimile to the following facsimile number: +264 61 222790.
- (5) by fax to e-mail to: 0886550852

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

### SCHEDULE 1

#### SUBMISSION OF PROPOSED TARIFFS BY PARATUS TELECOMMUNICATIONS LIMITED COMMUNICATIONS ACT, 2009

The following are the proposed tariffs as submitted by Paratus Telecommunications (Pty) Ltd:

Name	Upload/Download speeds	CAP limit	Retail
Uncapped Bronze	256Kbps up / 1024Kbps down	Uncapped	N\$1,175.00
Capped 20	512Kbps up / 2048Kbps down	20 Gig	N\$2,300.00
Uncapped Silver	512Kbps up / 2048Kbps down	Uncapped	N\$1,555.00
Uncapped Namibia	512Kbps up / 3072Kbps down	Uncapped	N\$2 780.00
Capped 40	512Kbps up / 4096Kbps down	40 Gig	N\$4,740.00
Uncapped Africa	512Kbps up / 4096Kbps down	Uncapped	N\$4 590.00
Capped 50	1024Kbps up / 10240Kbps down	50 Gig	N\$7,050.00
Uncapped Gold	1024Kbps up / 10240Kbps down	Uncapped	N\$10,720.00
Uncapped Platinum	1024Kbps up / 10240Kbps down	Uncapped	N\$15,510.00
	1 Gig Top Up		N\$385.00

#### Hardware Special

12 Month Term	12 Month Term	24 Month Term
free 1 meter, MDM 2200 Kit	N/A	
free 1 meter, MDM 2200 Kit		
free 1 meter, MDM 2200 Kit	N/A	
free 1 meter, MDM 2200 Kit	free 1.2 meter kit, MDM 2500	free 1.2 meter kit, MDM 3100
free 1 meter, MDM 2200 Kit	free 1.2 meter kit, MDM 2500	free 1.2 meter kit, MDM 3100

Once off costing options	Retail
Yealink cordless phone	N\$1,386.00
Wireless Access Point	N\$1,320.00
Hardware Option 1 (1 - 10 Users)	N\$10,057.00
Hardware Option 2 (10+ users)	N\$18,912.00
Travel (per Km cost)	N\$4.50

Installation fee	N\$1,500.00
<b>Monthly Rental</b>	<b>Retail</b>
Per 083 Number	N\$95.00

Notes:

- Free hardware excludes cabling, wallmount bracket, sundries, travel and installation
- Customer must sign up to long-term contract
- If cancelled prior to initial term - Paratus/customer will be liable for the equipment cost (whoever terminate the contract will be liable for the equipment cost).

Please note that the full tariff submission including the terms and conditions and the remedies available to the consumers can be obtained from the Authority

## COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 280

2017

### NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: 99 FM (PTY) LTD

The Communications Regulatory Authority of Namibia, in terms of Regulations 7 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 of the following licensee who has submitted applications for transfer of control of licences:

Licensee;	Type of service licence;	Transferor;	Transferee;	Percentage of Stock being transferred;	Reasons for the proposed transfer;
99 FM (Pty) Ltd	Commercial Broadcasting Service Licence	Christina Magdalena Greeff	1. Christina Magdalena Hugo 2. Magrieta Cornelia Boltman; 3. Fortune Muninganda Kangueehi; 4. Deborah Ann Rowles	55%	The Transferor has indicated that due to other responsibilities, she is transferring 55% of her shares to the Transferees who will each own 25% equal shares in the Licensee.

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

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

All written submissions must be made either physically or electronically -

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;

- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: [legal@cran.na](mailto:legal@cran.na);
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 088655085

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 281

2017

NOTICE IN TERMS OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009):  
SHALO'M MESSENGER MINISTRIES

The Communications Regulatory Authority of Namibia, in terms of the Communications Act, herewith gives notice that an application for extension to commence broadcasting services by 15 July 2017 for **Shalo'm Messenger Ministries** has been approved, as follows:

1. That Shalo'm Messenger Ministries is granted an extension to commence broadcasting services on or before 15 July 2017; and
2. That Shalo'm Messenger Ministries is granted an extension to commence utilisation of the spectrum assigned in the geographical area of Oshakati on or before 15 July 2017.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 282

2017

NOTICE IN TERMS OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009):  
RADIO 100 (PTY) LTD

The Communications Regulatory Authority of Namibia, in terms of the Communications Act, herewith gives notice that an application for extension to submit all outstanding audited financial statements by 31 July 2017 for **Radio 100 (Pty) Ltd** has been approved, as follows:

1. To approve the granting of an extension to Radio 100 (Pty) Ltd to submit all outstanding audited financial statements by 31 July 2017; and

2. That in the event that Radio 100 (Pty) Ltd fails to comply with this order, the Authority may prosecute the licensee in terms of section 114(2) of the Communications Act, 2009 (Act No. 8 of 2009).

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 283

2017

NOTICE IN TERMS OF SECTION 38 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: VIRTUA PORTING XS (PTY) LTD

The Communications Regulatory Authority of Namibia, in terms of section 38 of the Communications Act read with regulation 11(9) 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, herewith gives notice that an application for a Class Network Facilities Telecommunications Service Licence for **Virtua Porting XS (Pty) Ltd** has been approved, as follows:

1. To approve the application for a telecommunications service licence submitted by Virtua Porting XS (Pty) Ltd based on the criteria as set out in section 39 of the Act and award the Applicant with a Class Network Facilities telecommunications service licence;
2. That the licence be awarded subject to the licence conditions as set out in Annexure "A".

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**



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**ANNEXURE A**

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**GENERAL NOTICE**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No.

2017

**NOTICE OF AWARD OF CLASS NETWORK FACILITIES SERVICE LICENSEE  
TO VIRTUA PORTING XS (PTY) LTD**

The Communications Regulatory Authority of Namibia, in accordance with section 38(10) of the Communications Act, 2009 (Act No. 8 of 2009) (“the Act”) hereby authorizes Virtua Porting XS (Pty) Ltd (“the Licensee”) to construct, maintain, own and make available one or more network element, infrastructure or other facilities that facilitate the provision of telecommunications services, broadcasting services, electronic communications services or application services including content services, in accordance with the Terms and Conditions set out in this Licence.

This licence and the Licensee are subject to the provisions of the Act including, but not limited to, licence modifications and enforcements.

**1. Definitions**

In this licence, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and-

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

“**Authority**” means the Communications Regulatory Authority of Namibia established in terms of section 4 of the Act

“**Facility**” in relation to a network element means any facility, any apparatus or other thin that is used or is capable of being use for telecommunications or for any operation connected with telecommunications and without limitation included-

- (a) tangible facilities such as poles, ducts, conduits, apparatus, antennas, antenna feeders, access nodes, towers, masts, tunnels, buildings, landing stations or other similar equipment; and
- (b) intangible facilities such as sharing agreements, software applications, central database, network content, wireless transmission services and similar intangible assets designed to facilitate the termination and transport of telecommunications services.

“**Licensee**” means a holder of a telecommunications or broadcasting service licence as awarded by the Authority.

“**Network element**” means a facility or equipment used in the provision of a telecommunications service, including features, functions and capabilities that are provided by means of such facility or equipment, such as subscriber numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provision of telecommunications services.

**“Network Facilities Licence”** means a telecommunications service licence entitling the holder to construct, maintain, own and make available one or more network elements, infrastructure or other facilities that facilitate the provision of telecommunication services, broadcasting services, electronic communications services or application services including content services.

**“Network Facilities Licensee”** means a holder of a network facilities licence

## THE LICENCE CONDITIONS

### 1. CONDITION 1: NOTIFICATION OF CHANGE IN SHAREHODLING

- 1.1 The Licensee shall notify the Authority of any change in the proportion of the shares held directly in the licensee by any person.
- 1.2 The Licensee shall notify the Authority prior to any entity acquiring ownership or control or all or a majority of the stock of the Licensees such that the Licensee shall stand as a subsidiary in relation to that entity.
- 1.3 The Licensee shall be obliged to apply for approval to the Authority of any acquisition of shares or change in the shareholding of the Licensee by any person only if by reason of that acquisition or change will result in :
- 1.3.1 The Licence been controlled by any person that is not a Namibian citizen or a Namibian company; and
- 1.3.2 More than 49% of the stock in the licensee been owned by persons that are not Namibian citizens or Namibian companies that are controlled by Namibian citizens.

### 2. CONDITION 2: LICENCE TRANSFER

The Licensee shall not assign, delegate or transfer the control of this licence to any person, without the prior, express and written consent of the Authority, which consent may be given if the Authority finds that the transfer or assignment would not be prejudicial to the objects of the Act.

### 3. CONDITION 3: LICENCE FEES

The Licensee shall pay to the Authority:

- 3.1 All fees in respect of the service licence awarded as set out in Government Gazette No. 6035, General Notice No. 181 dated 13 June 2016.
- 3.2 The Licensee shall submit their annual financial statements to the Authority six (6) months from the date of their financial year end.

### 4. CONDITION 4: DURATION OF LICENCE

- 4.1 The licence is issued on 27 July 2017 (**“the issuance date”**).
- 4.2 The licence is granted for a period of fifteen (15) years (**“the licence period”**) from the date of issue unless it is revoked earlier in accordance with the Licence Conditions herein.
- 4.3 Subject to the provisions of clause 4.4 below, the licence will automatically lapse twelve (12) months after the date of issue in the event that no network facilities are provided under this licence.

- 4.4 The Authority may, after receiving a written request from the licensee, extend in writing, for such further period as may be determined by the Authority and if applicable, condone the Licensee's failure to commence providing network facilities timeously. In which event, the licence will lapse at the expiry date of such extended period.

**5. CONDITION 5: LICENCE RENEWAL**

- 5.1 The Authority may renew this licence for an additional fifteen (15) years at the request of the Licensee, provided that the Authority has carried out a formal review to determine whether or not the Licence should be renewed, which review must be concluded at least twelve (12) months prior to the date of expiry of the licence<sup>1</sup>.
- 5.2 In the event that the Licensee fails to settle fees payable as set out clause 3 above, the Authority may declare the licence to be forfeited in terms of section 42(3) of the Act.

**6. CONDITION 6: COVERAGE AREAS**

The Licensee is licenced to provide network facilities in the Republic of Namibia or any part thereof.

**7. CONDITION 7: HOURS OF OPERATION**

- 7.1 The Licensee must provide network facilities under this licence for twenty four (24) hours, three hundred and sixty five (365) days per year.
- 7.2 In the event that the licensee cannot provide the network facilities due to circumstances beyond its control for a continuous period of twelve (12) hours or longer, the licensee must notify all licensees utilizing such network facilities and Authority in writing of such circumstances within twelve (12) hours.
- 7.3 The licensee must also provide the Authority with a disaster recovery plan within ninety (90) days from issuance of this licence.

**8. CONDITION 8: TECHNICAL CONDITIONS**

- 8.1 The Licensee must comply with the provisions of section 60 to 68 of the Act in providing network facilities.

**9. CONDITION 9: UNIVERSAL ACCESS AND SERVICE OBLIGATIONS**

The Licensee shall be required to participate in the provision of Universal Services by providing network facilities in areas as may be specified by the Authority from time to time.

**10. CONDITION 10: REQUIREMENT TO PROVIDE INFORMATION**

- 10.1 The Authority may request any information, determined by it as relevant from the Licensees for the purposes of monitoring and ensuring compliance with the Act and the regulations prescribed by the Authority, to which request the licensee shall comply in the manner set out by the Authority.
- 1.2 Subject to the clause 10.1 above, the licensee is required to maintain such information as will enable the Authority to carry out its functions under the Act and Regulations in such manner and at such times as the Authority may request.

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<sup>1</sup> The renewal process is as set out in the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licenses", published in Government Gazette No. 4785, Notice Number 272, dated 29 August 2011, as may be amended from time to time.

**11. CONDITION 11: PENALTIES**

- 11.1 Any licensee who fails to comply with the requirements and obligations contained in these licence conditions or fails to submit documents and/or information as required to be submitted by these licence conditions shall be guilty of contravening these licence conditions.
- 11.2 Where a licensee contravenes one or more of the licence conditions contained herein, the Authority may:
- (a) issue to the 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 licence conditions;
  - (b) impose a penalty of not more than N\$500 000.00 for:
    - (i) every failure by a licensee to comply with any requirement and/or obligation contained in these licence conditions; or
    - (ii) each submission of false or misleading information to the Authority; or
    - (iii) every failure to submit the documents and/or information as required pursuant to a written warning issued in terms of licence condition 10 above;
  - (c) take any other measure which the Authority regards as reasonable in the circumstances.
- 11.3 Any amount of penalty payable in terms of 11.2(b) above constitutes a debt due to the Authority by the licensee concerned and may be recovered by the Authority by means of legal proceedings instituted in any competent court.
- 11.4 Notwithstanding the provisions of 11.2 above, the Authority may waive the payment of or refund the whole or any part of a fine payable.
- 11.5 Before imposing any penalty as contemplated in 11.2 above, the Authority shall give the affected licensee an opportunity to be heard, whereafter the Authority may:
- (a) decide not to impose any penalty; or
  - (b) impose such penalty as the Authority deems fit.
- 11.6 The Authority shall prosecute regulatory offences and enforce the provisions of these licence conditions in terms of sections 114 to 127 of the Act where applicable.

**12. CONDITION 12: REVOCATION OF LICENCE**

Notwithstanding any other condition in this licence, the Authority may at any time revoke this licence in writing in any of the following circumstances:

- 12.1 If the licensee communicates to the Authority in writing on their intention to terminate the licence;
- 12.2 If the licensee does not provide evidence of commencement of the provision of network facilities twelve (12) months from the date of issue. The Licensee shall submit such evidence by completing compliance reports as required by the relevant regulations applicable to this service licence category in order to satisfy the Authority that the Licensee has complied with these requirements;

- 12.3 If a licensee fails to pay its annual licence fee or submit its annual audited (or signed and sworn) financial statements and fails to pay interest and the late payment penalty, within six (6) months after the due date, and fails to surrender its licence or licences to the Authority, the Authority shall, after following a due process specified in the Regulations Regarding Administrative Fees, declare the licence (and related spectrum use or other licences) forfeited and/or impose a fine not exceeding N\$5 000 000.00.
- 12.4 If the licence fees after consideration of the representations or if no such representations have been made, the Authority may determine whether to impose the interest rate penalty, late payment penalty or declare the forfeiture of the license of the licensee.

### **13. CONDITION 13: AMENDMENT OF LICENCE CONDITIONS**

The Authority may amend these conditions from time to time.

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## **COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 284

2017

### **NOTICE IN TERMS OF SECTION 31 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: NCBC RADIO ECCLESIA**

The Communications Regulatory Authority of Namibia, in terms of section 31 of the Communications Act read with regulations 11(9) and 20 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, herewith gives notice that an application for reconsideration for the renewal of a Community Broadcasting Service Licence for **NCBC Radio Ecclesia** has been declined.

#### **KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To decline the application for reconsideration submitted by NCBC Radio Ecclesia on 6 March 2017; and
2. Uphold its decision as taken on 5 December 2016 to -
  - a. Decline the renewal of the Community Broadcasting Service Licence awarded to NCBC Radio Ecclesia on 25 November 2011 based on the criteria as set out in section 87(5) of the Communications Act;
  - b. Revoke the Spectrum Use Licences for 93.1 MHz and 850.400 MHz in the geographical area of Windhoek as stated hereunder as from 25 November 2016 based on the expiry of NCBC Radio Ecclesia’s current Community Broadcasting Service Licence on 24 November 2016.

Kindly take note that any party aggrieved by this decision may take it on review before a court of competent jurisdiction as provided for in section 32 of the Communications Act, 2009 (Act No. 8 of 2009) within six months from the date on which that person has become aware of the decision.

Please note that the reasons for the Authority’s decision may be obtained 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. The reasons for the Authority’s decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA  
CHAIRPERSON OF THE BOARD OF DIRECTORS  
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 285

2017

**NOTICE IN TERMS OF SECTION 85 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: SATELIO TELEVISION NAMIBIA (PTY) LTD**

The Communications Regulatory Authority of Namibia, in terms of section 85 of the Communications Act read with regulation 11(9) 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 an application for the a Commercial Broadcasting Service Licence for **Satelio Television Namibia (Pty) Ltd** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the award of a commercial broadcasting service licence to Satelio Namibia Television (Pty) Ltd based on the criteria as set out in section 85(8) of the Communications Act which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority’s decision may be obtained 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. The reasons for the Authority’s decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA  
CHAIRPERSON OF THE BOARD OF DIRECTORS  
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 286

2017

**NOTICE IN TERMS OF SECTION 38 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: POWERCOM (PTY) LTD**

The Communications Regulatory Authority of Namibia, in terms of section 38 of the Communications Act read with regulation 11(9) 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, herewith gives notice that an application for a Class Network Facilities Telecommunications Service Licence for **Powercom (Pty) Ltd** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the award of a Class Network Facilities Telecommunications Service Licence to Powercom (Pty) Ltd;
2. The licence is awarded subject to the licence conditions as set out in Annexure "A", the Communications Act and relevant regulations made in terms of the Communications Act.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

**ANNEXURE A**

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**GENERAL NOTICE**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No.

2017

**NOTICE OF AWARD OF CLASS NETWORK FACILITIES SERVICE  
LICENSEE TO POWERCOM (PTY) LTD**

The Communications Regulatory Authority of Namibia, in accordance with section 38(10) of the Communications Act, 2009 (Act No. 8 of 2009) ("the Act) hereby authorizes Powercom (Pty) Ltd ("the Licensee") to construct, maintain, own and make available one or more network element, infrastructure or other facilities that facilitate the provision of telecommunications services, broadcasting services, electronic communications services or application services including content services, in accordance with the Terms and Conditions set out in this Licence.

This licence and the Licensee are subject to the provisions of the Act including, but not limited to, licence modifications and enforcements.

**1. Definitions**

In this licence, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and-

"**Act**" means the Communications Act, 2009 (Act No. 8 of 2009)

"**Authority**" means the Communications Regulatory Authority of Namibia established in terms of section 4 of the Act

**“Facility”** in relation to a network element means any facility, any apparatus or other thing that is used or is capable of being used for telecommunications or for any operation connected with telecommunications and without limitation included-

- (a) tangible facilities such as poles, ducts, conduits, apparatus, antennas, antenna feeders, access nodes, towers, masts, tunnels, buildings, landing stations or other similar equipment; and
- (b) intangible facilities such as sharing agreements, software applications, central database, network content, wireless transmission services and similar intangible assets designed to facilitate the termination and transport of telecommunications services.

**“Licensee”** means a holder of a telecommunications or broadcasting service licence as awarded by the Authority.

**“Network element”** means a facility or equipment used in the provision of a telecommunications service, including features, functions and capabilities that are provided by means of such facility or equipment, such as subscriber numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provision of telecommunications services.

**“Network Facilities Licence”** means a telecommunications service licence entitling the holder to construct, maintain, own and make available one or more network elements, infrastructure or other facilities that facilitate the provision of telecommunication services, broadcasting services, electronic communications services or application services including content services.

**“Network Facilities Licensee”** means a holder of a network facilities licence

## THE LICENCE CONDITIONS

### 1. CONDITION 1: NOTIFICATION OF CHANGE IN SHAREHOLDING

- 1.1 The Licensee shall notify the Authority of any change in the proportion of the shares held directly in the licensee by any person.
- 1.2 The Licensee shall notify the Authority prior to any entity acquiring ownership or control or all or a majority of the stock of the Licensees such that the Licensee shall stand as a subsidiary in relation to that entity.
- 1.3 The Licensee shall be obliged to apply for approval to the Authority of any acquisition of shares or change in the shareholding of the Licensee by any person only if by reason of that acquisition or change will result in :
  - 1.3.1 The Licence been controlled by any person that is not a Namibian citizen or a Namibian company; and
  - 1.3.2 More than 49% of the stock in the licensee been owned by persons that are not Namibian citizens or Namibian companies that are controlled by Namibian citizens.

### 2. CONDITION 2: LICENCE TRANSFER

The Licensee shall not assign, delegate or transfer the control of this licence to any person, without the prior, express and written consent of the Authority, which consent may be given if the Authority finds that the transfer or assignment would not be prejudicial to the objects of the Act.



### **3. CONDITION 3: LICENCE FEES**

The Licensee shall pay to the Authority:

- 3.1 All fees in respect of the service licence awarded as set out in Government Gazette No. 6035, General Notice No. 181 dated 13 June 2016.
- 3.2 The Licensee shall submit their annual financial statements to the Authority six (6) months from the date of their financial year end.

### **4. CONDITION 4: DURATION OF LICENCE**

- 4.1 The licence is issued on 27 July 2017 (“**the issuance date**”).
- 4.2 The licence is granted for a period of fifteen (15) years (“**the licence period**”) from the date of issue unless it is revoked earlier in accordance with the Licence Conditions herein.
- 4.3 Subject to the provisions of clause 4.4 below, the licence will automatically lapse twelve (12) months after the date of issue in the event that no network facilities are provided under this licence.
- 4.4 The Authority may, after receiving a written request from the licensee, extend in writing, for such further period as may be determined by the Authority and if applicable, condone the Licensee’s failure to commence providing network facilities timeously. In which event, the licence will lapse at the expiry date of such extended period.

### **5. CONDITION 5: LICENCE RENEWAL**

- 5.1 The Authority may renew this licence for an additional fifteen (15) years at the request of the Licensee, provided that the Authority has carried out a formal review to determine whether or not the Licence should be renewed, which review must be concluded at least twelve (12) months prior to the date of expiry of the licence<sup>1</sup>.
- 5.2 In the event that the Licensee fails to settle fees payable as set out clause 3 above, the Authority may declare the licence to be forfeited in terms of section 42(3) of the Act.

### **6. CONDITION 6: COVERAGE AREAS**

The Licensee is licenced to provide network facilities in the Republic of Namibia or any part thereof.

### **7. CONDITION 7: HOURS OF OPERATION**

- 7.1 The Licensee must provide network facilities under this licence for twenty four (24) hours, three hundred and sixty five (365) days per year.
- 7.2 In the event that the licensee cannot provide the network facilities due to circumstances beyond its control for a continuous period of twelve (12) hours or longer, the licensee must notify all licensees utilizing such network facilities and Authority in writing of such circumstances within twelve (12) hours.

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<sup>1</sup> The renewal process is as set out in the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licenses”, published in Government Gazette No. 4785, Notice Number 272, dated 29 August 2011, as may be amended from time to time.

- 7.3 The licensee must also provide the Authority with a disaster recovery plan within ninety (90) days from issuance of this licence.

**8. CONDITION 8: TECHNICAL CONDITIONS**

- 8.1 The Licensee must comply with the provisions of section 60 to 68 of the Act in providing network facilities.

**9. CONDITION 9: UNIVERSAL ACCESS AND SERVICE OBLIGATIONS**

The Licensee shall be required to participate in the provision of Universal Services by providing network facilities in areas as may be specified by the Authority from time to time.

**10. CONDITION 10: REQUIREMENT TO PROVIDE INFORMATION**

- 10.1 The Authority may request any information, determined by it as relevant from the Licensees for the purposes of monitoring and ensuring compliance with the Act and the regulations prescribed by the Authority, to which request the licensee shall comply in the manner set out by the Authority.
- 10.2 Subject to the clause 10.1 above, the licensee is required to maintain such information as will enable the Authority to carry out its functions under the Act and Regulations in such manner and at such times as the Authority may request.

**11. CONDITION 11: PENALTIES**

- 11.1 Any licensee who fails to comply with the requirements and obligations contained in these licence conditions or fails to submit documents and/or information as required to be submitted by these licence conditions shall be guilty of contravening these licence conditions.
- 11.2 Where a licensee contravenes one or more of the licence conditions contained herein, the Authority may:
- (a) issue to the 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 licence conditions;
  - (b) impose a penalty of not more than N\$500 000.00 for:
    - (i) every failure by a licensee to comply with any requirement and/or obligation contained in these licence conditions; or
    - (ii) each submission of false or misleading information to the Authority; or
    - (iii) every failure to submit the documents and/or information as required pursuant to a written warning issued in terms of licence condition 10 above;
  - (c) take any other measure which the Authority regards as reasonable in the circumstances.
- 11.3 Any amount of penalty payable in terms of 11.2(b) above constitutes a debt due to the Authority by the licensee concerned and may be recovered by the Authority by means of legal proceedings instituted in any competent court.
- 11.4 Notwithstanding the provisions of 11.2 above, the Authority may waive the payment of or refund the whole or any part of a fine payable.

- 11.5 Before imposing any penalty as contemplated in 11.2 above, the Authority shall give the affected licensee an opportunity to be heard, whereafter the Authority may:
- (a) decide not to impose any penalty; or
  - (b) impose such penalty as the Authority deems fit.
- 11.6 The Authority shall prosecute regulatory offences and enforce the provisions of these licence conditions in terms of sections 114 to 127 of the Act where applicable.

## **12. CONDITION 12: REVOCATION OF LICENCE**

Notwithstanding any other condition in this licence, the Authority may at any time revoke this licence in writing in any of the following circumstances:

- 12.1 If the licensee communicates to the Authority in writing on their intention to terminate the licence;
- 12.2 If the licensee does not provide evidence of commencement of the provision of network facilities twelve (12) months from the date of issue. The Licensee shall submit such evidence by completing compliance reports as required by the relevant regulations applicable to this service licence category in order to satisfy the Authority that the Licensee has complied with these requirements;
- 12.3 If a licensee fails to pay its annual licence fee or submit its annual audited (or signed and sworn) financial statements and fails to pay interest and the late payment penalty, within six (6) months after the due date, and fails to surrender its licence or licences to the Authority, the Authority shall, after following a due process specified in the Regulations Regarding Administrative Fees, declare the licence (and related spectrum use or other licences) forfeited and/or impose a fine not exceeding N\$5 000 000.00.
- 12.4 If the licence fees after consideration of the representations or if no such representations have been made, the Authority may determine whether to impose the interest rate penalty, late payment penalty or declare the forfeiture of the licence of the licensee.

## **13. CONDITION 13: AMENDMENT OF LICENCE CONDITIONS**

The Authority may amend these conditions from time to time.

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### **COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 287

2017

NOTICE IN TERMS OF SECTION 101 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: **CONVERGED TELECOMMUNICATIONS SOLUTION (PTY) LTD**

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with regulation 11(9) 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, herewith gives notice that the application for additional spectrum for **Converged Telecommunications Solution (Pty) Ltd** has been declined.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To decline the application for additional spectrum use licences in 5905-5950 MHz as submitted by Converged Telecommunications Solutions (Pty) Ltd.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 288

2017

NOTICE IN TERMS OF SECTION 85 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: NAMIBIA TV & DVD PRODUCTIONS CC

The Communications Regulatory Authority of Namibia, in terms of section 85 of the Communications Act read with regulation 11(9) 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, herewith gives notice that an application for a Commercial Broadcasting Service Licence for **Namibia TV & DVD Productions CC** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the award of a Commercial Broadcasting Service Licence to Namibia TV & DVD Productions CC based on the criteria as set out in section 85(8) of the Communications Act which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government *Gazette* No. 5037, General Notice No. 309 dated 13 September 2012 as may be amended from time to time.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 289

2017

**NOTICE IN TERMS OF SECTIONS 38 AND 101 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: COASTAL NETWORK SOLUTIONS CC**

The Communications Regulatory Authority of Namibia, in terms of section 38 of the Communications Act read with regulation 11(9) 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, herewith gives notice that an application for a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) for **Coastal Network Solutions CC** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the award of a Class Comprehensive Telecommunications Service Licence (ECS and ECNS) to Coastal Network Solutions CC;
2. That the licence is awarded subject to the provisions of the Communications Act, 2009 (Act No. 8 of 2009) and Regulations regarding Licence Conditions for Telecommunications Service Licences as published in Government Gazette No. 5037, General Notice No. 308 dated 13 September 2012; and
3. That Coastal Network Solutions CC utilises spectrum in 2400-2483.5 MHz, 5470-5725 MHz and 5725 – 5875 MHz spectrum bands subject to the technical conditions contained in Regulations regarding Licensing Exempt Spectrum as published in Government *Gazette* No. 4839, General Notice No. 395 on the 25<sup>th</sup> November 2011 or as amended from time to time.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority’s decision may be obtained 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. The reasons for the Authority’s decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 290

2017

NOTICE IN TERMS OF SECTION 81 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) AND THE REGULATIONS PRESCRIBING THE NATIONAL NUMBERING PLAN FOR USE IN THE PROVISION OF TELECOMMUNICATIONS SERVICES IN THE REPUBLIC OF NAMIBIA, NUMBERING LICENCE FEES AND PROCEDURES FOR NUMBER PROCEDURES FOR NUMBER LICENCES: MOBILE TELEPHONE NETWORKS BUSINESS SOLUTIONS (NAMIBIA) (PTY) LTD

The Communications Regulatory Authority of Namibia, in terms of Section 81 of the Communications Act, 2009 (Act No. 8 of 2009) read with Regulation 22 of the “Regulations Prescribing the National Numbering Plan for use in the Provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Procedures For Number Licences”, in Government Gazette No. 5983, General Notice No. 97, dated 01 April 2016, herewith gives notice that the application for a number range for **Mobile Telephone Networks Business Solutions (Namibia) (Pty) Ltd** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

- To approve the award a number licence to Mobile Telephone Networks Business Solutions (Namibia) (Pty) Ltd for –

Leading Digit	Use	Range
8	84 –Electronic Communications	0840000000 - 0840099999
8	89 –Machine-to-Machine	089000000000 - 089000099999

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority’s decision may be obtained 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. The reasons for the Authority’s decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 291

2017

NOTICE IN TERMS OF SECTION 87(5) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: HITRADIO NAMIBIA CC

The Communications Regulatory Authority of Namibia, in terms of section 87(5) of the Communications Act read with regulation 11(9) 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, herewith gives notice

that an application for the renewal of a Commercial Broadcasting Service Licence for **Hitradio Namibia CC** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the renewal of the Commercial Broadcasting Service Licence awarded to Hitradio Namibia CC on 15 May 2012 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 16 June 2017; and
2. That the service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government *Gazette* No. 5037, General Notice No. 309 on the 13<sup>th</sup> of September 2012.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 292

2017

**NOTICE IN TERMS OF SECTION 87(5) OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: CAROL-ANN V/D WALT (EFM)**

The Communications Regulatory Authority of Namibia, in terms of section 87(5) of the Communications Act read with regulation 11(9) 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, herewith gives notice that an application for the renewal of a Commercial Broadcasting Service Licence for **Carol-Ann V/D Walt** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the renewal of the Commercial Broadcasting Service Licence awarded to Carol Ann van der Walt on 15 May 2012 based on the criteria as set out in Section 87(5) of the Communications Act for a further period of five (5) years commencing from 16 June 2017 which service licence is awarded subject to the relevant provisions of the Communications Act, 2009 (Act No. 8 of 2009) and the Regulations regarding Licence Conditions for Broadcasting Service Licences as published in Government Gazette No. 5037, General Notice No. 309 dated 13 September 2012;

2. That the Licensee is authorised to provide analogue FM radio broadcasting services subject to strict adherence to the Spectrum Use Licences as awarded by the Authority in Swakopmund and Walvis Bay;
3. That Applicant submits an application for transfer of the Broadcasting Service Licence and Spectrum Use Licences to Radio Station EFM CC to the Authority for consideration on or before 16 August 2017. Failure to meet this condition would nullify the decision to renew the application granted herein; and
4. That the Applicant submits all outstanding audited financial statements by 16 August 2017. Failure to meet this condition will result in an enforcement process as contemplated in sections 114-116 of the Communications Act.
5. That the Authority should institute enforcement measures against Ms. Van der Walt pursuant to sections 114-115 of the Communications Act in that Ms. Van der Walt misrepresented that she is the holder of the Commercial Broadcasting Service Licence in her personal capacity whereas the service in terms of the licence is provided by EFM CC, and further that Ms. Van der Walt failed to notify the Authority as such and failed to apply to the Authority for the transfer of control of the licence from Carol Ann van der Walt to EFM CC.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 293

2017

NOTICE IN TERMS OF SECTION 38 OF THE COMMUNICATIONS ACT, 2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES: NAMIBIA POWER CORPORATION (PTY) LTD

The Communications Regulatory Authority of Namibia, in terms of section 38 of the Communications Act read with regulation 11(9) 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, herewith gives notice that an application for a Class Network Facilities Telecommunications Service Licence for **Namibia Power Corporation (Pty) Ltd** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the award of a Class Network Facilities Telecommunications Service Licence to Namibia Power Corporation (Pty) Ltd;
2. That the licence be awarded subject to the licence conditions as set out in Annexure "A"; and



3. That the award is subject to the condition that Namibia Power Corporation (Pty) Ltd submits to the Authority, for approval, an application to the transfer the licence to the special purpose vehicle entity once incorporated (as outlined in their business plan) prior to commencement of providing facilities in terms of this licence.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

**Annexure A**

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**GENERAL NOTICE**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No.

2017

**NOTICE OF AWARD OF CLASS NETWORK FACILITIES SERVICE LICENSEE TO  
NAMIBIA POWER CORPORATION (PTY) LTD**

The Communications Regulatory Authority of Namibia, in accordance with section 38(10) of the Communications Act, 2009 (Act No. 8 of 2009) ("the Act) hereby authorizes Namibia Power Corporation (Pty) Ltd ("the Licensee") to construct, maintain, own and make available one or more network element, infrastructure or other facilities that facilitate the provision of telecommunications services, broadcasting services, electronic communications services or application services including content services, in accordance with the Terms and Conditions set out in this Licence.

This licence and the Licensee are subject to the provisions of the Act including, but not limited to, licence modifications and enforcements.

**1. Definitions**

In this licence, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and-

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

“**Authority**” means the Communications Regulatory Authority of Namibia established in terms of section 4 of the Act

“**Facility**” in relation to a network element means any facility, any apparatus or other thin that is used or is capable of being use for telecommunications or for any operation connected with telecommunications and without limitation included-

- (a) tangible facilities such as poles, ducts, conduits, apparatus, antennas, antenna feeders, access nodes, towers, masts, tunnels, buildings, landing stations or other similar equipment; and
- (b) intangible facilities such as sharing agreements, software applications, central database, network content, wireless transmission services and similar intangible assets designed to facilitate the termination and transport of telecommunications services.

“**Licensee**” means a holder of a telecommunications or broadcasting service licence as awarded by the Authority.

“**Network element**” means a facility or equipment used in the provision of a telecommunications service, including features, functions and capabilities that are provided by means of such facility or equipment, such as subscriber numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provision of telecommunications services.

“**Network Facilities Licence**” means a telecommunications service licence entitling the holder to construct, maintain, own and make available one or more network elements, infrastructure or other facilities that facilitate the provision of telecommunication services, broadcasting services, electronic communications services or application services including content services.

“**Network Facilities Licensee**” means a holder of a network facilities licence

## THE LICENCE CONDITIONS

### 1. CONDITION 1: NOTIFICATION OF CHANGE IN SHAREHODLING

- 1.1 The Licensee shall notify the Authority of any change in the proportion of the shares held directly in the licensee by any person.
- 1.2 The Licensee shall notify the Authority prior to any entity acquiring ownership or control or all or a majority of the stock of the Licensees such that the Licensee shall stand as a subsidiary in relation to that entity.
- 1.3 The Licensee shall be obliged to apply for approval to the Authority of any acquisition of shares or change in the shareholding of the Licensee by any person only if by reason of that acquisition or change will result in :
  - 1.3.1 The Licence been controlled by any person that is not a Namibian citizen or a Namibian company; and
  - 1.3.2 More than 49% of the stock in the licensee been owned by persons that are not Namibian citizens or Namibian companies that are controlled by Namibian citizens.

### 2. CONDITION 2: LICENCE TRANSFER

The Licensee shall not assign, delegate or transfer the control of this licence to any person, without the prior, express and written consent of the Authority, which consent may be given if the Authority finds that the transfer or assignment would not be prejudicial to the objects of the Act.

### 3. CONDITION 3: LICENCE FEES

The Licensee shall pay to the Authority:

- 3.1 All fees in respect of the service licence awarded as set out in Government Gazette No. 6035, General Notice No. 181 dated 13 June 2016.
- 3.2 The Licensee shall submit their annual financial statements to the Authority six (6) months from the date of their financial year end.

#### **4. CONDITION 4: DURATION OF LICENCE**

- 4.1 The licence is issued on 27 July 2017 (“**the issuance date**”).
- 4.2 The licence is granted for a period of fifteen (15) years (“**the licence period**”) from the date of issue unless it is revoked earlier in accordance with the Licence Conditions herein.
- 4.3 Subject to the provisions of clause 4.4 below, the licence will automatically lapse twelve (12) months after the date of issue in the event that no network facilities are provided under this licence.
- 4.4 The Authority may, after receiving a written request from the licensee, extend in writing, for such further period as may be determined by the Authority and if applicable, condone the Licensee’s failure to commence providing network facilities timeously. In which event, the licence will lapse at the expiry date of such extended period.

#### **5. CONDITION 5: LICENCE RENEWAL**

- 5.1 The Authority may renew this licence for an additional fifteen (15) years at the request of the Licensee, provided that the Authority has carried out a formal review to determine whether or not the Licence should be renewed, which review must be concluded at least twelve (12) months prior to the date of expiry of the licence<sup>1</sup>.
- 5.2 In the event that the Licensee fails to settle fees payable as set out clause 3 above, the Authority may declare the licence to be forfeited in terms of section 42(3) of the Act.

#### **6. CONDITION 6: COVERAGE AREAS**

The Licensee is licenced to provide network facilities in the Republic of Namibia or any part thereof.

#### **7. CONDITION 7: HOURS OF OPERATION**

- 7.1 The Licensee must provide network facilities under this licence for twenty four (24) hours, three hundred and sixty five (365) days per year.
- 7.2 In the event that the licensee cannot provide the network facilities due to circumstances beyond its control for a continuous period of twelve (12) hours or longer, the licensee must notify all licensees utilizing such network facilities and Authority in writing of such circumstances within twelve (12) hours.
- 7.3 The licensee must also provide the Authority with a disaster recovery plan within ninety (90) days from issuance of this licence.

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<sup>1</sup> The renewal process is as set out in the Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licenses”, published in Government Gazette No. 4785, Notice Number 272, dated 29 August 2011, as may be amended from time to time.

**8. CONDITION 8: TECHNICAL CONDITIONS**

8.1 The Licensee must comply with the provisions of section 60 to 68 of the Act in providing network facilities.

**9. CONDITION 9: UNIVERSAL ACCESS AND SERVICE OBLIGATIONS**

The Licensee shall be required to participate in the provision of Universal Services by providing network facilities in areas as may be specified by the Authority from time to time.

**10. CONDITION 10: REQUIREMENT TO PROVIDE INFORMATION**

10.1 The Authority may request any information, determined by it as relevant from the Licensees for the purposes of monitoring and ensuring compliance with the Act and the regulations prescribed by the Authority, to which request the licensee shall comply in the manner set out by the Authority.

10.2 Subject to the clause 10.1 above, the licensee is required to maintain such information as will enable the Authority to carry out its functions under the Act and Regulations in such manner and at such times as the Authority may request.

**11. CONDITION 11: PENALTIES**

11.1 Any licensee who fails to comply with the requirements and obligations contained in these licence conditions or fails to submit documents and/or information as required to be submitted by these licence conditions shall be guilty of contravening these licence conditions.

11.2 Where a licensee contravenes one or more of the licence conditions contained herein, the Authority may:

- (a) issue to the 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 licence conditions;
- (b) impose a penalty of not more than N\$500 000.00 for:
  - (i) every failure by a licensee to comply with any requirement and/or obligation contained in these licence conditions; or
  - (ii) each submission of false or misleading information to the Authority; or
  - (iii) every failure to submit the documents and/or information as required pursuant to a written warning issued in terms of licence condition 10 above;
- (c) take any other measure which the Authority regards as reasonable in the circumstances.

11.3 Any amount of penalty payable in terms of 11.2(b) above constitutes a debt due to the Authority by the licensee concerned and may be recovered by the Authority by means of legal proceedings instituted in any competent court.

11.4 Notwithstanding the provisions of 11.2 above, the Authority may waive the payment of or refund the whole or any part of a fine payable.

11.5 Before imposing any penalty as contemplated in 11.2 above, the Authority shall give the affected licensee an opportunity to be heard, whereafter the Authority may:

- (a) decide not to impose any penalty; or
- (b) impose such penalty as the Authority deems fit.

11.6 The Authority shall prosecute regulatory offences and enforce the provisions of these licence conditions in terms of sections 114 to 127 of the Act where applicable.

## 12. CONDITION 12: REVOCATION OF LICENCE

Notwithstanding any other condition in this licence, the Authority may at any time revoke this licence in writing in any of the following circumstances:

- 12.1 If the licensee communicates to the Authority in writing on their intention to terminate the licence;
- 12.2 If the licensee does not provide evidence of commencement of the provision of network facilities twelve (12) months from the date of issue. The Licensee shall submit such evidence by completing compliance reports as required by the relevant regulations applicable to this service licence category in order to satisfy the Authority that the Licensee has complied with these requirements;
- 12.3 If a licensee fails to pay its annual licence fee or submit its annual audited (or signed and sworn) financial statements and fails to pay interest and the late payment penalty, within six (6) months after the due date, and fails to surrender its licence or licences to the Authority, the Authority shall, after following a due process specified in the Regulations Regarding Administrative Fees, declare the licence (and related spectrum use or other licences) forfeited and/or impose a fine not exceeding N\$5 000 000.00.
- 12.4 If the licence fees after consideration of the representations or if no such representations have been made, the Authority may determine whether to impose the interest rate penalty, late payment penalty or declare the forfeiture of the license of the licensee.

## 13. CONDITION 13: AMENDMENT OF LICENCE CONDITIONS

The Authority may amend these conditions from time to time.

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 294

2017

NOTICE IN TERMS OF SECTION 101 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: MOBILE TELEPHONE NETWORKS  
BUSINESS SOLUTIONS (NAMIBIA) (PTY) LTD

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act, 2009 (Act No. 8 of 2009) read with regulation 11(9) 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,, herewith gives notice that the application for additional spectrum for **Mobile Telephone Networks Business Solutions (Namibia) (Pty) Ltd** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the award of a spectrum use licence for 2387-2397 MHz to MTN Business Solutions Namibia (Pty) Ltd 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.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order. Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

**F.K. MBANDEKA**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 295

2017

NOTICE IN TERMS OF SECTIONS 38 AND 101 OF THE COMMUNICATIONS ACT,  
2009 (ACT NO. 8 OF 2009) READ WITH THE REGULATIONS REGARDING LICENSING  
PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE  
LICENCES AND SPECTRUM USE LICENCES: LOC8 MOBILE CC

The Communications Regulatory Authority of Namibia, in terms of sections 38 and 101 of the Communications Act read with regulation 11(9) 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, herewith gives notice that an application for a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) for **Loc8 Mobile CC** has been approved.

**KINDLY NOTE THAT THE AUTHORITY HAS RESOLVED AS FOLLOWS:**

1. To approve the telecommunications service licence submitted by Loc8 Mobile CC based on the criteria as set out in Section 39 of the Act and award the Applicant with a Class Comprehensive Telecommunications Service Licence (ECS and ECNS);
2. That the licence be awarded subject to the provisions of the Communications Act, 2009 (Act No. 8 of 2009) and Regulations regarding Licence Conditions for Telecommunications Service Licences as published in Government *Gazette* No. 5037, Notice No. 308 dated 13 September 2012; and
3. That the utilisation of spectrum in in 2400-2483.5 MHz, 5150-5350 MHz, 5470-5725 MHz and 5725 – 5875 MHz spectrum bands are subject to the technical conditions contained in Regulations regarding Licensing Exempt Spectrum as published in Government *Gazette* No. 4839, Notice No. 395 dated 25 November 2011 or as amended from time to time.

Kindly take note that section 31 of the Communications Act provides that the Authority may, on its own motion or on a petition filed by an aggrieved party to any proceedings, reconsider any order or decision that it has made, within 90 days from the date of making that decision or issuing that order.

Please note that the reasons for the Authority's decision may be obtained 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. The reasons for the Authority's decision are also available at [www.cran.na](http://www.cran.na) where copies may be downloaded free of charge.

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