



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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General Notices

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 486

2017

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

The Communications Regulatory Authority of Namibia, in terms of Regulation 11(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 (as amended) read with section 33(4), herewith gives notice that the application for the transfer of the control of the Class Comprehensive Telecommunications Service License (ECNS/ECS) and all Spectrum Use Licenses issued to **Mobile Telecommunications Limited** from Samba Luxco S.à.r.l. or its wholly owned subsidiary, Samba DutchCo B.V. to Namibia Post and Telecom Holdings, is declined.

In addition and pursuant to the provisions of Section 33(4) of the Communications Act (No 8 of 2009) the following pre-condition is imposed:

An amount of the stock in Mobile Telecommunications Limited must be sold to a private/local investor or investors, who shall have control of Mobile Telecommunications Limited in that they shall be responsible for the technological/technical, financial and overall strategic direction and management of Mobile Telecommunications Limited, subject to the provisions of section 46 of the Communications Act.

Once the above condition has been met, the proposed transaction (as declined above) may be re-submitted to the Authority in terms of section 35 of the Communications Act for consideration. The full reasons for this decision may be obtained on request from the Authority.

Kindly take note that section 31 of the Communications Act, 2009 (Act. No.8 of 2009) 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.

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

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 487

2017

NOTICE OF INTENTION TO MAKE GUIDELINES ON THE GENERAL INTERPRETATION AND THE APPLICABILITY OF SECTION 53 AND THE REGULATIONS REGARDING THE SUBMISSION OF INTERCONNECTION AGREEMENTS AND TARIFFS

The Communications Regulatory Authority of Namibia herewith publishes this notice of intention to make guidelines on the interpretation and application of section 53 of the Communication Act, 2009 (Act No. 8 of 2009) and the Regulations Regarding the Submission of Interconnection Agreements and Tarrifs, which contains the following:

1. A draft of the proposed Guidelines as set out in Schedule 1.

The public may make oral submissions to the Authority on the proposed Guidelines at a time, date and place notified by the Authority by subsequent notice in the *Gazette*.

The public may also make written submissions to the Authority no later than 30 days from the date of publication of this notice of intention to make Guidelines, in the manner set out below for making written submissions.

Reply comments to written submissions may be submitted to the Authority -

- (a) no later than 15 days after the time for the making of written submissions has lapsed; or
- (b) if the opportunity for the submission of reply comments is published in a subsequent *Gazette*, after the lapse of 14 days from the date of such publication.

All written submissions must -

- (a) contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different; and

(b) be clear and concise.

All written submissions must be sent or given in any of the following ways:

1. By hand to the head offices of the Authority, namely Communication House, No 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 fax to email to: 0886550852

F. KISHI

CHAIRPERSON OF THE BOARD OF DIRECTORS

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

SCHEDULE 1

GUIDELINES ON THE GENERAL INTERPRETATION AND THE APPLICABILITY OF SECTION 53 AND THE REGULATIONS REGARDING THE SUBMISSION OF INTERCONNECTION AGREEMENTS AND TARIFFS

1. Introduction

Section 53 of the Communication Act, 2009 (Act No. 8 of 2009) deals with rates and tariffs as submitted by industry. It provides the ambit within which the Authority regulates these rates and tariffs.

As part of its endeavour to ensure compliance with the Communications Act and the Regulations regarding the Submission of Interconnection Agreements and Tariffs as published in Government Gazette No. 4714 General Notice No. 126 dated 18 May 2016, the Authority herewith introduces tariff guidelines to serve as a guide to telecommunications service licensees when submitting tariffs for approval with the Authority.

The guidelines are not substitute for any regulation or law and are not legal advice. The guidelines will be kept under review and amended as appropriate in light of further experience and developing law and practice and any change of Authority's powers and responsibilities.

The guidelines will set out Authority's general approach to tariff submission and evaluation. The guidelines do not have binding legal effect and where the Authority departs from the approach set out in the guidelines, the Authority will be prepared to explain or provide reasons thereto.

2. Key Terms

For purposes of these guidelines, unless the context otherwise requires, the terms below shall be defined as follows:

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

“Authority” the Communications Regulatory Authority of Namibia (CRAN);

“Bundle” an offer of two or more telecommunications services provided as a single offer (with a single price);

“Notifying Licensee” the licensee that is making the application to introduce a new tariff, or amend or withdraw an existing tariff; and

“Supporting Analysis” qualitative or quantitative analysis to demonstrate that the new or changed tariff reflects the key principles in setting tariffs.

3. Purpose

These guidelines provide general information about the setting and filing of rates and tariffs and the approval process to be followed before implementing a new tariff to any service or product by a licensee. Tariffs have to be closely monitored and, where necessary, regulated to ensure fair competition.

The purpose of these tariff guidelines is to assist notifying licensees to meet their obligations concerning tariffs, specifically to satisfy the requirements concerning tariff filing and the approval process in accordance with the Communications Act. More generally, the tariff guidelines are aimed at preventing anti-competitive pricing and protecting consumers.

4. Enabling Legal Provisions

Section 53 of the Communications Act provides the legal framework for the application and approval of tariffs. This should be read in conjunction with the Regulations Regarding the Submission of Interconnection Agreements and Tariffs.

5. Key Principles In Setting Tariffs

The Authority shall in line with international trends and technology advancements use the following principles in evaluating a tariff application:

a) Cost-based

The tariffs offered to the public should reflect the underlying costs of providing the telecommunication services. Notifying Licensees should not offer tariff rates or charges that are below the true cost of providing the service.

b) Unbundling

The tariffs offered by the licensees have to be sufficiently unbundled, so that the customers do not pay for services or facilities which are not related to the service.

c) Transparency

To discourage anti-competitive practices, licensees should publish details of tariffs and fees and any other terms and conditions on which its services are provided by making them available to the public. Licensees should also ensure that all this information accompanies their tariff submissions for approval.

d) Non-discrimination

A licensee should not offer different conditions to different customers for the same service and products provided. A licensee, therefore, has to offer the customers the same tariff for identical services. A licensee may, however, give discounts to customers based on volumes.

e) Discount Schemes

The Authority should be informed of all discount schemes available to customers so as to ensure that they are transparent and non-discriminatory.

6. Requirement To File Tariffs

The notifying licensee is required to file tariffs for all products and services in terms of section 53 of the Communications Act.

a) Required Information

The following information must accompany the tariff submission:

- (i) An indication on whether the tariff is a promotion in terms of section 53(2) of the Act or an approval in terms of section 53(1) and (7) of the Act or both;
- (ii) All information concerning rates and charges for services, non-recurring charges and monthly charges;
- (iii) If the charges are including or excluding VAT;
- (iv) All terms and conditions applicable to the provision of the services including all rights and remedies available to customers in the event of unauthorised charges or disputed or claims over billing or the provision of services;
- (v) Cost accounting information if required;
- (vi) Any other information that the Authority may require;
- (vii) The date on which the tariff or amendment comes into operation, which may not be less than sixty (60) days from the date of filing of the tariff or amendment.

b) Approval process

The approval process is depicted in Figure 1 below.

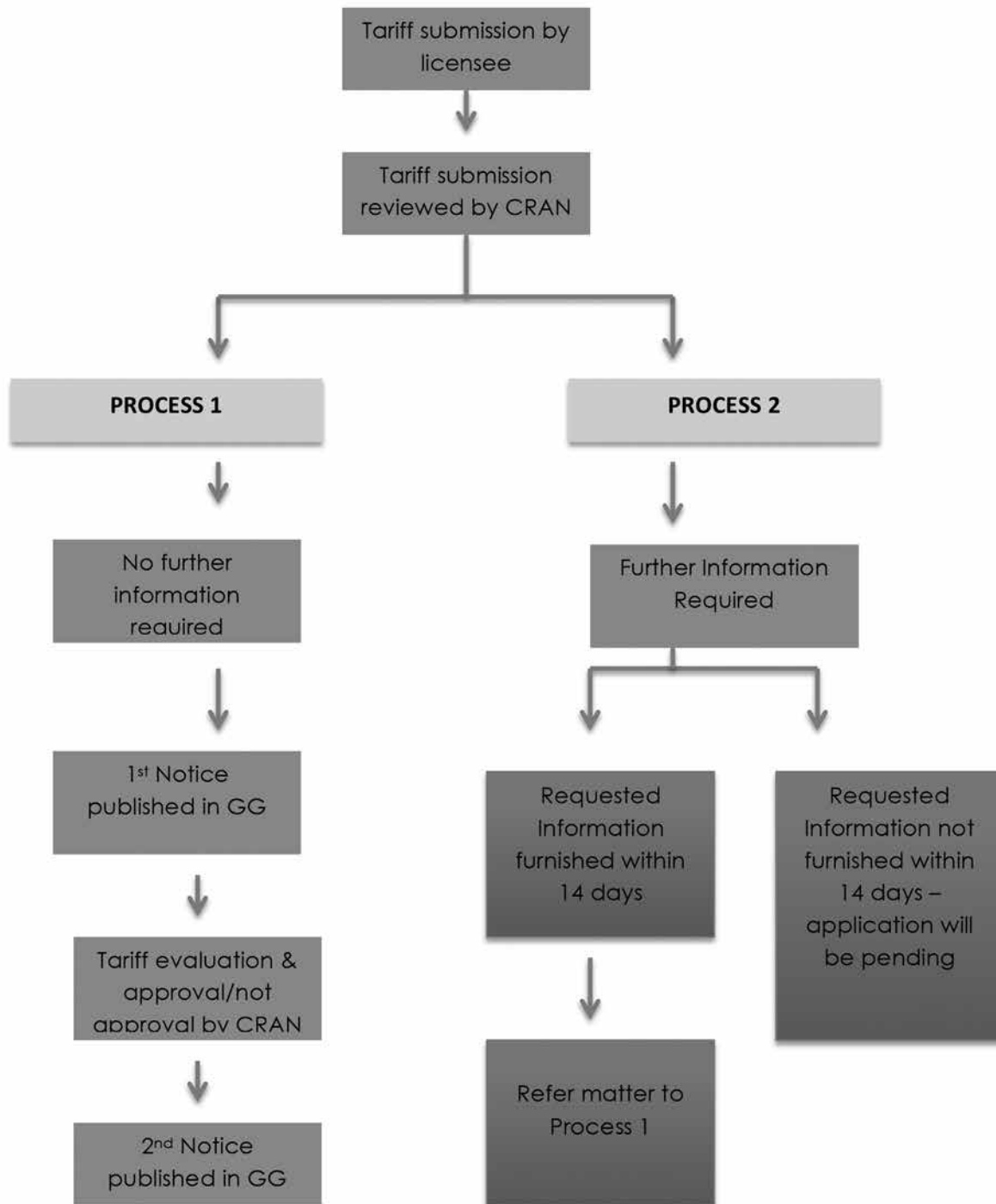


Figure 1: Tariff Approval Process

The tariff submission shall be in hard copy and soft copy¹. The hard copy submission should be made in the form of a letter informing the Authority that the notifying licensee wishes to submit a tariff or an amendment for approval. The letter should further depict the tariff information as well as the date of implementation of the tariff. Lastly, the letter should give indication on whether the tariff submission is a promotion or a permanent filing.

A full submission should be posted on the Portal at www.cran-portal.org and should contain all the information as required by the Authority. The tariffs submitted online should be in word or excel format as should be the cost accounting information, if required.

If further information is required, the Authority will contact the notifying licensee within five working days of submission to indicate what further information is required. The notifying licensee must provide such further information within fourteen (14) days as specified by the Authority.

If further information is not provided, or is not provided within the required timeframe, no further action will be taken until such time that the information is provided.

If no further information is required (i.e. the initial application contains all required information, or all requests for further information have been successfully completed), the Authority will make its final decision on the validity of the tariff. The Authority has sixty (60) days after receiving all required information to evaluate the tariff and make a decision. If the Authority is not in a position to take a decision within this time period, the notifying licensee will be informed that the Authority is postponing the commencement of the tariff for a period not exceeding ninety (90) days, which period being the maximum number of days within which the Authority may postpone its decision.

Once the Authority's Board of Directors approves the tariff, the Authority will inform the notifying licensee and the final notice will be published in the *Government Gazette*.

If the tariff is not approved or approved with conditions, the Authority will similarly inform the notifying licensee of the decision with the reasons for such decision, upon which the licensee can request a reconsideration of decision within a period of 30 days.

7. File Inspection

- a) Any person may at any time after the tariff was published in the *Government Gazette* inspect the "tariff register" as contemplated by Regulation 8(5) of the Regulations Regarding the Submission of Interconnection Agreements and Tariffs.
- b) The requesting person shall complete a form stating the name of the requesting person and the reason for viewing the file.
- c) The Authority may remove any information that is regarded confidential in terms of section 28 of the Act.
- d) The requesting person may make copies of the file at a fee as prescribed from time to time by the Authority, in terms of section 27(10) and (11) of the Act.
- e) The file shall only be viewed at the premises of the Authority during office hours as contemplated in section 27(8) of the Act.
- f) A request to view the file must be made in writing to the Authority on the form attached to this document as Annexure I.

¹ Soft copy means that data provided should be in an accessible digital format. Scanned images should not be submitted unless the underlying data is unavailable in digital format.

ANNEXURE I: APPLICATION FORM TO VIEW A TARIFF REGISTER

NAME OF THE APPLICANT: _____

NAME OF PERSON TO VIEW THE FILE: _____

NAME OF FILE TO VIEW: _____

DATE OF REQUEST: _____

REASON FOR VIEWING: _____

SIGNATURE**APPROVED:** _____**TIME TO VIEW:** _____ **DATE TO VIEW:** _____**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 448

2017

NOTICE OF FILLING OF TARIFFS

The Communications Regulatory Authority of Namibia, in terms of Section 53(10) of the Communications Act, 2009 (Act No. 8 of 2009) read with regulation 8(1) 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 tariff fillings:

1. IT GURU SOLUTIONS CC

The following are the proposed tariffs as submitted by IT Guru Solutions CC:

Premium Uncapped					
PRODUCT NUMBER	NAME (Download/ Upload)	Monthly <i>Ex Vat</i> <u>Excludes</u> <u>Equipment</u>	12 Month <i>Ex Vat</i> <i>*VAT=N\$31.50</i>	24 Month <i>Ex Vat</i> <i>*VAT=N\$17.50</i>	36 Month <i>Ex Vat</i> <i>*VAT=N\$12.88</i>
PREMUCAP1	1Mbps/1Mbps Line Uncapped	N\$ 700,00	N\$ 908	N\$ 815	N\$ 784
PREMUCAP2	2Mbps/2Mbps Line Uncapped	N\$ 1 100,00	N\$ 1 308	N\$ 1 215	N\$ 1 184
PREMUCAP4	4Mbps/4Mbps Line Uncapped	N\$ 1 580,00	N\$ 1 788	N\$ 1 695	N\$ 1 664
PREMUCAP6	6Mbps/6Mbps Line Uncapped	N\$ 2 800,00	N\$ 3 008	N\$ 2 915	N\$ 2 884

NAME	DESCRIP-TION	Monthly Cost <i>Excludes</i> <i>Equipment</i>	12 Month	24 Month	36 Month
Essential		<i>Ex Vat</i>	<i>Ex Vat</i> <i>*VAT=N\$31.50</i>	<i>Ex Vat</i> <i>*VAT=N\$17.50</i>	<i>Ex Vat</i> <i>*VAT=N\$12.88</i>
ESSNCAP1	1Mbps/512k line speed	N\$ 120,00	N\$ 328	N\$ 235	N\$ 204
ESSNCAP2	2Mbps/1Mbps line speed	N\$ 230,00	N\$ 438	N\$ 345	N\$ 314
ESSNCAP4	4Mbps/2Mbps line speed	N\$ 460,00	N\$ 668	N\$ 575	N\$ 544
ESSNCAP6	6Mbps/3Mbps line speed	N\$ 680,00	N\$ 888	N\$ 795	N\$ 764

Data Packages				
	DESCRIPTION	Cap in GB	Monthly Cost (<i>Ex VAT</i>)	Top up cost (<i>Ex VAT</i>)
1GB	1GB Monthly Bundle	1	N\$ 15,00	N\$ 25,00
5GB	5GB Monthly Bundle	5	N\$ 75,00	N\$ 125,00
10GB	10GB Monthly Bundle	10	N\$ 150,00	N\$ 250,00
20GB	20GB Monthly Bundle	20	N\$ 300,00	N\$ 500,00
40GB	40GB Monthly Bundle	40	N\$ 600,00	N\$ 1 000,00
50GB	50GB Monthly Bundle	50	N\$ 750,00	N\$ 1 250,00
100GB	100GB Monthly Bundle	100	N\$ 1 350,00	N\$ 2 500,00
150GB	150GB Monthly Bundle	150	N\$ 2 025,00	N\$ 3 750,00
200GB	200GB Monthly Bundle	200	N\$ 2 700,00	N\$ 5 000,00
Essential Uncapped				

PRODUCT NUMBER	NAME	Monthly Ex Vat <u>Excludes Equipment</u>	12 Month Ex Vat *VAT=N\$31.50	24 Month Ex Vat *VAT=N\$17.50	36 Month Ex Vat *VAT=N\$12.88
ESSNUCAP1	1Mbps/512Kbps Line Uncapped	N\$ 400,00	N\$ 608	N\$ 515	N\$ 484
ESSNUCAP2	2Mbps/1Mbps Line Uncapped	N\$ 650,00	N\$ 858	N\$ 765	N\$ 734
ESSNUCAP4	4Mbps/2Mbps Line Uncapped	N\$ 1 100,00	N\$ 1 308	N\$ 1 215	N\$ 1 184
ESSNUCAP6	6Mbps/3Mbps Line Uncapped	N\$ 1 500,00	N\$ 1 708	N\$ 1 615	N\$ 1 584
<i>*Only applicable to Residential clients</i>					

Capped Packages

NAME	DESCRIP- TION	Monthly Cost Excludes Equipment	12 Month	24 Month	36 Month
Premium		<i>Ex Vat</i>	<i>Ex Vat *VAT=N\$31.50</i>	<i>Ex Vat *VAT=N\$17.50</i>	<i>Ex Vat *VAT=N\$12.88</i>
PREMCAP1	1 Mbps/1 Mbps line speed	N\$ 250,00	N\$ 458	N\$ 365	N\$ 334
PREMCAP2	2 Mbps/2 Mbps line speed	N\$ 400,00	N\$ 608	N\$ 515	N\$ 484
PREMCAP4	4 Mbps/4 Mbps line speed	N\$ 780,00	N\$ 988	N\$ 895	N\$ 864
PREMCAP6	6 Mbps/6 Mbps line speed	N\$ 1 450,00	N\$ 1 658	N\$ 1 565	N\$ 1 534

Data Packages

	DESCRIPTION	Cap in GB	Monthly Cost (Ex VAT)	Top up cost (Ex VAT)
1GB	1GB Monthly Bundle	1	N\$ 15,00	N\$ 25,00
5GB	5GB Monthly Bundle	5	N\$ 75,00	N\$ 125,00
10GB	10GB Monthly Bundle	10	N\$ 150,00	N\$ 250,00
20GB	20GB Monthly Bundle	20	N\$ 300,00	N\$ 500,00
40GB	40GB Monthly Bundle	40	N\$ 600,00	N\$ 1 000,00
50GB	50GB Monthly Bundle	50	N\$ 750,00	N\$ 1 250,00
100GB	100GB Monthly Bundle	100	N\$ 1 350,00	N\$ 2 500,00
150GB	150GB Monthly Bundle	150	N\$ 2 025,00	N\$ 3 750,00
200GB	200GB Monthly Bundle	200	N\$ 2 700,00	N\$ 5 000,00

VPN Packages

NAME	DESCRIPTION	Monthly Cost
VPN rental Charges		<i>Ex vat</i>
1mb VPN Uncapped	1mbps VPN connection Uncapped	N\$ 500,00
2mb VPN Uncapped	2mbps VPN connection Uncapped	N\$ 900,00
4mb VPN Uncapped	4mbps VPN connection Uncapped	N\$ 1 600,00
6mb VPN Uncapped	6mbps VPN connection Uncapped	N\$ 2 400,00
8mb VPN Uncapped	8mbps VPN connection Uncapped	N\$ 3 100,00
10mb VPN Uncapped	10mbps VPN connection Uncapped	N\$ 3 800,00

20mb VPN Uncapped	20mbps VPN connection Uncapped	N\$ 7 500,00
30mb VPN Uncapped	30mbps VPN connection Uncapped	N\$ 11 000,00
40mb VPN Uncapped	40mbps VPN connection Uncapped	N\$ 14 400,00

- Connecting two locations, e.g. remote branch to head office.
- Connecting multiple site to a central location, e.g. video surveillance of different sites from a single location or staff members connecting to the office for afterhours work.
- Connecting multiple sites together in a mesh, e.g. multiple sites sharing the same system.

Installation Options

Installation terms are offered for those that wish to pay off the equipment. The equipment remains property of IT Guru Solutions till the completion of the contract term. All contracts are subject to IT Guru Solutions' Terms and Conditions.

NAME	DESCRIPTION	Once Off	Including VAT
CPE ROUTERS			
RB9412	Mikrotik HAPLAC router with built in Wi-Fi	N\$ 900,00	N\$ 1035,00
CPE WIRELESS UNIT			
RB-LHG5	Mikrotik Light Head Grid CPE unit	N\$ 1 000,00	N\$ 1 150,00
POLES,BRACKETS, CABLING			
POLE	Stainless Steel Pole 3 Meter with Feet	N\$ 600,00	N\$ 690,00
CONSUMABLES		N\$ 150,00	N\$ 172,50
		N\$ 2 650,00	N\$ 3047,50

2. PARATUS TELECOMMUNICATIONS (PTY) LTD

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

Name	Upload	Download	Up Content	Down Content	CAP limit	Reseller N\$	Retail N\$
Uncapped bronze	256 kbs	1024 kbps	25:1	25:1	Uncapped	1,090.00	1,235.00
Uncapped Silver	256 kbps	2048 kbps	5:1	25:1	Uncapped	1,550.00	1,755.00
Uncapped Namibia	512 kbps	3072 kbps	5:1	25:1	Uncapped	2,630.00	2,990.00
Uncapped Africa	512 kbps	4096 kbps	5:1	25:1	Uncapped	3,090.00	3,745.00
Uncapped Gold	1024 kbps	10240 kbps	5:1	25:1	Uncapped	7,100.00	8,600.00
Uncapped Platinum	1024 kbps	10240 kbps	3:1	25:1	Uncapped	8,770.00	10,620.00

Once Off Costing Options	Retail
Yeahlink cordless phone	N\$ 1,386.00
Wireless Access Point	N\$ 1,320.00
Hardware Option 1 (1.2m dish, X1 modem, 3W BUC)	N\$ 13,100.00
Travel (per Km cost)	N\$ 6.00
Installation fee	N\$ 1,500.00

Terms:

- Prices are quoted in Namibian Dollars.
- Pricing is based on a 12 month contract and excludes 15% VAT.
- The cost of accommodation is excluded from the pricing.
- Pricing only includes the wall mount kit and additional work and material will be charged separately.

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

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 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*.

IT Guru Solutions CC and 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, at Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) by post to the head offices of the Authority, Private Bag 13309, Windhoek, Namibia;
- (3) by electronic mail to legal@cran.na;
- (4) by facsimile to +264 61 222790; or
- (5) by fax to e-mail to 0886550852.

F. K. MBANDEKA
CHIEF EXECUTIVE OFFICER
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA
