



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 30 August 2018

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## General Notices

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 497

2018

#### NOTICE OF INTENTION TO MAKE REGULATIONS PRESCRIBING LICENSE CATEGORIES AND LICENSING PROCEDURES FOR POSTAL SERVICE LICENSEES

Pursuant to the Notice of Intention to make Regulations Prescribing License Categories and Licensing Procedures for Postal Service Licensees published in the Government Gazette No. 6651, General Notice No. 374 dated 17 July 2018, the Authority, in terms of regulation 6 of the Regulations regarding Rule-Making Procedures published in Government Gazette No. 4630, General Notice No. 334 dated 17 December 2010 herewith gives notice that:

The Authority has extended the commenting period on the draft regulations as per the request of stakeholders during the public hearing held on 8 August 2018.

All written comments to be made after the hearing must be submitted to the Authority within 30 days from date of publication of this notice in the *Gazette*.

**All written comments must be submitted to the Authority either physically or electronically -**

1. by hand to the head offices of the Authority, namely Communications House, 56 Robert Mugabe Avenue, Windhoek;
2. by post to the head offices of the Authority namely Private Bag 13309, Windhoek;
3. by electronic mail to the following address [legal@cran.na](mailto:legal@cran.na);
4. by facsimile to the following facsimile number +264 61 222 790; or
5. by fax to email to: 088642748.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 498

2018

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

The Communications Regulatory Authority of Namibia, in terms of section 53(10) of the Communications Act, 2009 (Act No. 8 of 2009) read together with regulation 8(1) of the Regulations Regarding the Submission of Interconnection Agreements and Tariffs, published in Government Gazette No. 4714, General Notice No. 126, dated 18 May 2011, herewith gives notice that the following licensees have filed tariffs with the Authority:

1. **Paratus Telecommunications (Pty) Ltd**, Fibre Access tariffs as set out in **Schedule 1**.
2. **Paratus Telecommunications (Pty) Ltd**, Trans-Kalahari Fibre (TKF) national backhaul tariffs as set out in **Schedule 2**.

Any person may examine copies of the tariffs at the head offices of the Authority during business hours and copies may be made on payment of a fee determined by the Authority. Copies of the tariffs can also be downloaded from the Authority's website, [www.cran.na](http://www.cran.na), 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);
- (4) by facsimile to the following facsimile number: +264 61 222790; and
- (5) by fax to e-mail to: 0886550852.

**F. MBANDEKA****CHIEF EXECUTIVE OFFICER****COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA****SCHEDULE 1**

**SUBMISSION OF PROPOSED FIBRE ACCESS TARIFF PACKAGES  
BY PARATUS TELECOMMUNICATIONS:  
COMMUNICATIONS ACT, 2009**

**FIBRE ACESS PRICING (LAST MILE)**

1	3 204,54
2	3 464,58
3	3 724,63
4	3 984,67
5	4 244,71
6	4 504,75
7	4 764,80
8	5 024,84
9	5 284,88
10	5 544,92
15	6 845,13
20	8 145,35
25	9 445,56
30	10 745,77
35	12 045,98
40	13 346,19
45	14 646,40
50	15 946,62
60	17 120,34
70	19 520,73
80	21 921,13
90	24 321,52
100	26 721,91

<b>Access Fiber Circuit</b>	
Installed fiber N\$350 / Meter	
NID	6 000,00
Average drop distance 60M	21 000.00
Maintanance @8%	180.00
12 Month Contract	2 265.00

## SCHEDULE 2

### SUBMISSION OF PROPOSED TRANS-KALAHARI TARIFF PACKAGES BY PARATUS TELECOMMUNICATIONS: COMMUNICATIONS ACT, 2009

#### TRANS-KALAHARI FIBRE (TKF) NATIONAL BACKHAUL

<b>Bandwidth</b>	<b>Product</b>	<b>Price</b>
10 Mbps	NFS (National Fibe Service)	9,900.00
20 Mbps	NFS (National Fibe Service)	19,800.00
30 Mbps	NFS (National Fibe Service)	29,700.00
40 Mbps	NFS (National Fibe Service)	39,600.00
50 Mbps	NFS (National Fibe Service)	49,500.00
60 Mbps	NFS (National Fibe Service)	48,400.00
80 Mbps	NFS (National Fibe Service)	63,800.00
100 Mbps	NFS (National Fibe Service)	80,300.00
STM-1	NFS (National Fibe Service)	110,000.00
STM-4	NFS (National Fibe Service)	275,000.00
STM-16	NFS (National Fibe Service)	605,000.00

The discount Policy for Trans-Kalahari Fibre Backhaul should apply as follows

- 1 - 12 months 0%
- 13 - 24 months 5%
- 25 - 36 months 7%
- 37 - 60 months 10%

This POP to POP service is available at the following locations:

Walvis Bay, Swakopmund, Arandis, Usakos, Karibib, Brakwater (Dobra), Okahandja, Windhoek, Gobabis and Witvlei.

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. 499

2018

**NOTICE IN TERMS OF THE REGULATIONS PRESCRIBING THE NATIONAL NUMBERING PLAN FOR USE IN THE PROVISION OF TELECOMMUNICATIONS SERVICES IN THE REPUBLIC OF NAMIBIA, NUMBERING LICENCE FEE AND PROCEDURES FOR NUMBER LICENCES: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia, in terms of Regulation 22(1) of the Regulations regarding the National Numbering Plan for Namibia for use in the provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences as published in Government Gazette No: 5983, General Notice No. 97 dated 1 April 2016, herewith gives notice that the persons referred to in table below, submitted the following applications to the Authority:

**1. Application for a Number Licence**

<b>Applicant</b>	<b>Applicant's place of incorporation</b>	<b>Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens</b>	<b>Number Category</b>	<b>Short codes numbers applied for to be considered for assignment</b>	<b>Description of geographic area(s)</b>	<b>Service to be provided using number applied for</b>
Paratus Telecommunications (Pty) Ltd	Namibia	100%	Short Codes	924	National	Short Codes

**2. Application for renewal of a Community Broadcasting Service Licence**

<b>Applicant</b>	<b>Applicant's place of incorporation</b>	<b>Percentage of Stock owned by Namibian Citizens</b>	<b>Category of Broadcasting Service Licence</b>	<b>Provision of signal distribution;</b>	<b>Breach of License;</b>	<b>Application fees paid</b>
Gospel Mission Church t/a Kairos Radio	Namibian	100%	Community Broadcasting Service	Own	None	Yes

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

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

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

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

- (1) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) by electronic mail to the following address: legal@cran.na;
- (4) by facsimile to the following facsimile number: +264 61 222790; or
- (5) by fax to e-mail to: 088642748.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 500

2018

**AMENDMENT 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 LICENCES: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia, in terms of sections 81(1), (3) and (4) and 129 of the Communications Act, 2009 (Act No. 8 of 2009), amends 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 Licences published in Government Gazette No. 5983, General Notice No. 97, dated 1 April 2016 effective from date of publication in the *Gazette*.

**Definition**

**1.** In these regulations “the Regulations” means 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 Licences promulgated under Government Gazette No. 5983, General Notice No. 97, dated 1 April 2016.

**Insertion of regulation 6A in the Regulations**

**2.** The Regulations are amended by the insertion of the following regulation 6A after regulation 6:

**“Number portability requirement**

**6A.** (1) A holder of a service technology neutral telecommunications services licence, as defined in Annexure 1A, must implement number portability within the timeframe and in accordance with the requirements contained in Annexure 1A.

(2) Unless specifically stated otherwise in Annexure 1A, the obligations as contained that Annexure and imposed on a holder of a service technology neutral telecommunications services licence in relation to number portability apply on and after the implementation date specified in that Annexure.”.

## **Insertion of Annexure 1A in the Regulations**

3. The Regulations are amended by the insertion of the following Annexure 1A before Annexure A:

### **ANNEXURE 1A NUMBER PORTABILITY PART 1 PRELIMINARY**

#### **Interpretation**

1. In this Annexure any word or expression to which a meaning is assigned in the Act or in regulation 1 has the same meaning and unless the context indicates otherwise –

‘clearing house’ means a central service co-ordinating the steps of porting a number between two or more licensees and managing the porting messages flowing between them;

‘donor licensee’ means the licensee who is losing or ‘exporting’ the number to another licensee in terms of number portability;

‘licensee’ means the holder of a service technology neutral telecommunications services licence as anticipated in item 3 of this Annexure;

‘mobile service’ means a radio communication service between mobile and land stations or between mobile stations;

‘MSISDN’ means Mobile Station International Subscriber Directory Number;

‘Number Portability Steering Group’ means the committee established in terms of item 7(1) of this Annexure;

‘recipient licensee’ means the licensee gaining or ‘importing’ the number from another licensee in terms of number portability;

‘reference database’ means a database with information which contains a record of, at least, all ported numbers and the current licensees who have the rights to use such numbers;

#### **Objectives of this Annexure**

2. The objectives of this Annexure are:
- (a) To set out the scope of number portability required to be implemented;
  - (b) to determine the date on which the number portability requirement becomes obligatory and enforceable; and
  - (c) irrespective of the date anticipated in paragraph (b), to set out the process for the implementation of number portability.

#### **Scope**

3. The provisions of this Annexure apply to all holders of service technology neutral telecommunications services licences having a number range and having allocated numbers and which licensees have been awarded one or more number licences for the provision of telecommunication services.

## PART II NUMBER PORTABILITY ARRANGEMENTS

### Number portability rights and obligations

4. (1) Within the timeframe specified in item 5 of this Annexure -
- (a) customers having ECS (including any or all of the following services: mobile services), may retain their number or numbers when they change the licensee providing their service and when they change their service type;
  - (b) third party service providers using M2M numbers, Specially Tariffed Numbers, virtual telephone numbers and Short Codes may retain their number or numbers when they change the licensee providing their service only when the recipient licensee provides the customer with a service similar to that of the donor licensee without impairment to quality, reliability or convenience;
  - (c) where a customer has a service with the donor licensee which utilises more than one number, the customer has the right to move some or all of the customer's numbers in a single porting transaction.
- (2) A licensee providing services referred to in subitem (1) must ensure that a customer or third party service provider is able to exercise such customer's or third party service provider's rights in relation to number portability in accordance with this Annexure.

### Timeframe for the implementation of number portability

5. All licensees must ensure that number portability is available to their customers and third party service providers when customers or third party service providers change the licensee providing their service within 12 months from date of publication of this Annexure.

### Rights and obligations of licensees with regard to number portability

6. (1) Within the timeframe specified in item 5, a licensee must complete its own internal number portability preparation and implementation tasks not only out of own accord but also in accordance with the decisions of, and within the time periods specified by, the Authority.
- (2) The customer porting process shall be a recipient licensee led one-stop process whereby the customer does not communicate with the donor licensee during the porting process and the recipient licensee acts as the customer's agent to the donor licensee in all matters relating to the porting of the number.
- (3) Verification of the customer requesting the port is the sole responsibility of the recipient licensee and the verification data used is limited to:
- (a) MSISDN to be ported;
  - (b) SIM card number belonging to the subscription (where applicable) or telephone account number; and
  - (c) ID-number or passport number (for a residential or non-residential customer who is a Namibian citizen and a natural person), passport number (for a residential or non-residential customer who is a natural person but not a Namibian citizen) or close corporation or company registration number (for a corporate business customer).



(4) Where a mobile service is required by the customer, the number portability process must be completed within 24 hours from the time on which the recipient licensee accepts the customer's request to port their number.

(5) A recipient licensee may charge the customer for porting the number, subject to the internal business processes of the licensee and provided that such charging does not result in non-compliance with subitem (4).

(6) A donor licensee may only charge the porting customer the value of any unexpired term of the contract with the customer and for calls and services used by the customer up to the time that the number is ported.

(7) A donor licensee may refuse a port request because a customer has an outstanding negative balance or debt or an existing contract.

(8) Subject to the Authority's interconnection tariff -

(a) the donor licensee may only charge the recipient licensee the direct per port costs associated with the individual port; and

(b) such recoverable per port costs are limited to the incremental costs incurred by the donor licensee for the port activation activities only and exclude costs which the donor licensee would normally incur when a customer terminates the customer's service.

(9) A licensee shall bear its own cost of preparing for and implementing the capability to port numbers.

(10) The provisions of subitems (2) to (7) of this item apply in the same manner, but with the necessary changes, to third party service providers.

### **Number portability implementation processes**

7. (1) The Authority must establish and chair a committee to be called the Number Portability Steering Group whose responsibility it is to manage and coordinate the implementation of number portability and to perform such other functions as the Authority may allocate to it.

(2) Specific functions of the Number Portability Steering Group include:

(a) Making recommendations to the Authority on the implementation of number portability;

(b) managing industry issues and concerns regarding the number portability implementation;

(c) co-ordinating licensee specific issues regarding the implementation the number portability.

(3) Every licensee and the Authority -

(a) must participate in the Number Portability Steering Group;

(b) may nominate up to three representatives to serve on the Number Portability Steering Group subject thereto that it is within the discretion of the Authority as to how many representatives it wants to nominate;

- (c) must instruct and authorise its representatives to act in good faith with the aim to reach agreement with other representatives and the Authority in order to achieve the implementation and availability of number portability for customers and third party service providers in accordance with this Annexure.
- (4) The Number Portability Steering Group must develop, as and when necessary, the procedures for meetings of the Group, the procedures for performance of functions by representatives serving on the Group and any other relevant procedures.
- (5) The responsibility of the Number Portability Steering Group covers all aspects of the implementation of number portability, including but not limited to:
- (a) Establishing customer processes for requesting number portability, inter-licensee number portability processes and a Licensee Code of Practice or Business Rules common to and applicable to all licensees;
  - (b) establishing and managing of the industry wide number portability implementation plan;
  - (c) establishing the corporate governance and institutional arrangements for the clearing house and reference database;
  - (d) supporting and assisting the Authority in the tender, selection and other procurement processes for the clearing house and reference database;
  - (e) developing and co-ordinating industry wide customer awareness programmes and publicity for number portability and the service to which it relates, subject thereto that these may be supplemented by individual licensees' additional awareness creation and publicity activities.
- (6) The Number Portability Steering Group may, as and when necessary, establish working groups to consider particular aspects of the implementation and must determine the terms of reference, membership and procedures of the working groups and their degree of delegated authority (if any).
- (7) The Number Portability Steering Group must make every effort to achieve decision making by unanimous consent, subject thereto that if this cannot be achieved, the Authority's decision on the relevant matter shall prevail.

### **Remedial steps**

8. In the event where a licensee fails to comply with its obligations under this Annexure or fails to implement number portability in accordance with agreements or decisions of the Number Portability Steering Group or the Authority, the Authority may take such measures as deemed necessary and as may be available to the Authority, including by means of enforcement orders under section 116 of the Act, to remedy such failure.”.

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

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