



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$4.80

WINDHOEK - 6 May 2026

No. 8913

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## General Notices

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 315

2026

NOTICE OF DETERMINATION IN THE MATTER BETWEEN BRUCE VAN WYK AND  
MOBILE TELECOMMUNICATIONS LIMITED PERTAINING TO A SUBSCRIPTION AGREEMENT:  
COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia in terms of regulation 21 of the Regulations regarding procedures for the Adjudication of Disputes: Communications Act, 2009 (Act No. 8 of 2009) hereby gives notice of the determination in respect of the matter between Bruce Van Wyk and Mobile Telecommunications Limited as contained in the Schedule and all licensees are required to give effect to the determination within 6 months from 2 April 2026.

The full reasons for the determination can be requested from the Authority. In terms of section 31 of the Communications Act, 2009 (Act No. 8 of 2009), the Authority may, on its own motion or 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 determination.

**DR. TULIMEVAVA K. MUFETI**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

**SCHEDULE**

**1. BACKGROUND**

1.1 On 14 February 2025, Bruce Van Wyk (the Complainant) submitted a written complaint that he subscribed to a 50 Megabytes per second (hereinafter referred to as “Mbps) Spectra package with Mobile Telecommunications Limited (Respondent) at his address in Windhoek. Less than a year later, he relocated to Swakopmund and requested that his service be relocated and same was done on 30 January 2025. The Complainant informed the Respondent that he is experiencing slow internet and constant disconnections on his Spectra package in Swakopmund. The Complainant alleged that he was only averaging 10Mbps despite paying for 50Mbps.

**2. DECISION**

The Authority has resolved that:

- 2.1 The Respondent is directed to cancel the Complainant’s subscription without charging the Complainant early termination fees.
  - 2.2 The Respondent is directed to review and amend its standard subscriber agreements to include:
    - (a) Provisions for the termination, suspension, or renegotiation of service agreements in instances of verified relocation to areas where the service cannot be provided at substantially the same quality, together with the application of a reasonable administrative fee, which shall not constitute a penalty for early termination, but may be imposed to recover direct administrative costs actually incurred in effecting the termination, provided that such fee shall be proportionate, transparently calculated, and disclosed to the subscriber prior to the termination being effected;
    - (b) Clear obligations on the Respondent to disclose, at the time of contracting, the geographic limitations of its service offerings, including any coverage maps or quality assessments where applicable; and
    - (c) Procedures for fair dispute resolution in the event of contested service availability following relocation.
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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 316

2026

**NOTICE OF DETERMINATION IN THE MATTER BETWEEN CLICK CLOUD HOSTING SERVICES CC AND TELECOM NAMIBIA LIMITED PERTAINING TO INFRASTRUCTURE SHARING AGREEMENTS: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia in terms of regulation 21 of the Regulations regarding procedures for the Adjudication of Disputes: Communications Act, 2009 (Act No. 8 of 2009) hereby gives notice of the determination in the matter between Click Cloud Hosting Services CC and Telecom Namibia Limited applicable to all licensees with effect from 2 April 2026.

This determination is applicable to all telecommunications licensees. The full reasons for the determination can be requested from the Authority. In terms of section 31 of the Communications Act, 2009 (Act No. 8 of 2009), the Authority may, on its own motion or 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 determination.

**DR. TULIMEVAVA K. MUFETI**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

**SCHEDULE****1. BACKGROUND**

- 1.1 On 10 June 2025, Click Cloud Hosting Services CC (the Complainant) submitted a written Request for Adjudication to the Authority against Telecom Namibia Limited (the Respondent). The Request for Adjudication was considered in terms of the *Communications Act, No. 8 of 2009* (“the Act”) and the *Regulations regarding procedures for the Adjudication of Disputes: Communications Act, 2009* published under General Notice No. 468 of 09 November 2017, Government Gazette No. 6466, (“the Adjudication Regulations”).
- 1.2 The Request for Adjudication is premised on the following grounds:
- (a) The Complainant had applied to the Respondent for infrastructure sharing at two sites namely, Olympia Tower and Rocky Crest Tower. The Respondent informed the Complainant that it charges all service providers a site Access Fee. As per the Respondent’s Site Sharing tariffs, the Access Fee is calculated as:
    - i. Access Fee: (Once off = 12 x monthly rental)
    - ii. Olympia Tower: N\$ 42,000.00 = 12 x N\$ 3,500.00
    - iii. Rocky Crest Tower: N\$ 11,280.00 = 12 x N\$ 940.00
  - (b) The Complainant questioned why the site Access Fee is significantly high and recorded that the once-off site Access Fee does not justify the services being received as the Complainant already has access to the same site through PowerCom (Pty) Ltd (hereinafter referred to as “PowerCom”). In addition, the Complainant stated that they carry out the installation of all the cables including the connection of the circuit breaker to their side. Whereas

the Respondent only carries out the installation of the final connection to their main circuit breaker.

## 2. DECISION

The Authority hereby resolves that:

- 2.1 The Respondent is directed to immediately cease charging the existing Access Fee to all licensees with effect from the date of the Authority's decision and replace it with a new, compliant structure comprising two strictly separated charges:
  - (a) A One-Time Connection Charge: Limited to the verified, actual cost of the physical work done. This must be minimal, justified, and transparently broken down.
  - (b) A Monthly Power Charge: A pure pass-through cost of the electricity consumed by the Complainant, based on the Respondent's own cost from its licensed supplier. A minimal, justified administrative fee for meter reading may be included, but no profit margin or hidden "access" component is permissible. This charge must be transparently calculated and invoiced.
- 2.2 The matter of any potential unlicensed electricity resale shall be referred to the Electricity Control Board for investigation and guidance. Pending such guidance, the Respondent is directed to charge rates for power strictly on verified usage by licensees in accordance with paragraph 7.1(ii).
- 2.3 The parties are encouraged to amicably agree on the maintenance and upkeep of the leased infrastructure sites and premises.
- 2.4 This decision is also applicable in respect of future infrastructure sharing agreements effective from date of decision.

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## COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 317

2026

### NOTICE OF DETERMINATION IN THE MATTER BETWEEN HILENI ASHIPALA AND TELECOM NAMIBIA LIMITED PERTAINING TO A SUBSCRIPTION AGREEMENT: COMMUNICATIONS ACT, 2009

The Communications Regulatory Authority of Namibia in terms of regulation 21 of the Regulations regarding procedures for the Adjudication of Disputes: Communications Act, 2009 (Act No. 8 of 2009) hereby gives notice of the determination in respect of the matter between Hileni Ashipala and Telecom Namibia Limited as contained in the Schedule and all licensees are required to give effect to the determination within six (6) months from 2 April 2026.

The full reasons for the determination can be requested from the Authority. In terms of section 31 of the Communications Act, 2009 (Act No. 8 of 2009), the Authority may, on its own motion or 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 determination.

**DR. TULIMEVAVA K. MUFETI**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

## SCHEDULE

### 1. BACKGROUND

- 1.1 On 1 November 2024, Hileni Ashipala (the Complainant) submitted a written complaint to the Authority against Telecom Namibia Limited (the Respondent). The Complainant has a Speedlink Liteplus Asymmetric 25 Megabytes per second (hereinafter referred to as “Mbps) package with the Respondent, for service provision in Otjomuise for 36 months. In June 2024, the Complainant changed locations and applied for a transfer of internet services. The complaint is premised on the grounds that the Respondent:
- (a) Direct debited an amount of N\$ 2,541.00 from the Complainant’s account on 31 October 2024 without any notice.
  - (b) Rejected her application to transfer her services to her new address because the Respondent does not have fibre infrastructure at her new address.

### 2. DECISION

The Authority resolved that:

- 2.1 The Complainant is not entitled to a refund.
- 2.2 The Respondent is directed to cancel the Complainant’s subscription without charging the Complainant early termination fees.
- 2.3 The Respondent is directed to review and amend its standard subscriber agreements to include:
- (a) Provisions for the termination, suspension, or renegotiation of service agreements in instances of verified relocation to areas where the service cannot be provided at substantially the same quality, together with the application of a reasonable administrative fee, which shall not constitute a penalty for early termination, but may be imposed to recover direct administrative costs actually incurred in effecting the termination, provided that such fee shall be proportionate, transparently calculated, and disclosed to the subscriber prior to the termination being effected;
  - (b) Clear obligations on the Respondent to disclose, at the time of contracting, the geographic limitations of its service offerings, including any coverage maps or quality assessments where applicable; and
  - (c) Procedures for fair dispute resolution in the event of contested service availability following relocation.
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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 318

2026

**NOTICE OF DETERMINATION IN THE RECONSIDERATION APPLICATION BETWEEN  
LINDA DODDS AND TELECOM NAMIBIA LIMITED: COMMUNICATIONS ACT, 2009**

The Communications Regulatory Authority of Namibia in terms of regulation 21 of the Regulations regarding procedures for the Adjudication of Disputes: Communications Act, 2009 (Act No. 8 of 2009) hereby gives notice of the determination between Linda Dodds and Telecom Namibia Limited with effect from 2 April 2026.

The full reasons for the determination can be requested from the Authority. The full reasons for the determination can be requested from the Authority. In terms of section 31 of the Communications Act, 2009 (Act No. 8 of 2009), the Authority may, on its own motion or 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 determination.

**DR. TULIMEVAVA K. MUFETI**  
**CHAIRPERSON OF THE BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

**SCHEDULE****1. BACKGROUND**

- 1.1 On 15 September 2025, Linda Dodds (the Applicant) submitted a reconsideration application against the Authority's decision dated 12 September 2025 on a complaint relating to the deduction of N\$201.00 airtime from the Applicant's mobile number following the expiry of a one-day (24 hour) unlimited data package subscription, which deduction occurred without her prior knowledge or consent.
- 1.2 The Authority dismissed the complaint on the ground that, the terms and conditions of the service offering indicate that when the period subscribed to expires, any activity will be charged from the available credit commonly known as out of bundle.

**2. DECISION**

The Authority resolved that:

- 2.1 The Respondent is directed to credit the Applicant with the balance of N\$201.00 that was wrongfully deducted.
  - 2.2 The Respondent is directed to, within 30 days upon receipt of decision amend its standard terms and conditions to explicitly state that, *"Upon expiry or depletion of a bundled service, any continued use of services will be charged on the customer's available balance or Subscriber Usage Limit in relation to contract customers."*
  - 2.3 The Respondent is directed to provide contracts to all customers that either specify the service to be provided and the terms and conditions for providing such service or makes reference to publicly available terms and conditions.
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