



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## General Notices

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 14 2011

#### NOTICE OF INTENTION TO MAKE REGULATIONS IN RESPECT OF REGULATIONS REGARDING BROADCASTING AND TELECOMMUNICATIONS SERVICE LICENCE CATEGORIES

The Board of the Communications Regulatory Authority of Namibia (CRAN), in terms of the "Regulations Regarding Rule-Making Procedures: Communications Act, 2009" prescribed in General Notice 334, Government Gazette No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations (the Notice).

The Notice contains the following:

1. A concise statement of the purpose of the proposed regulations.
2. A draft of the proposed “Regulations Regarding Broadcasting and Telecommunications Service Licence Categories”.

Written comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice. Copies of written comments may be obtained from the Authority.

Written reply comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within fourteen (14) days from the due date of the written comments.

### **Statement of purpose of the proposed regulations**

The proposed Regulations Regarding Broadcasting and Telecommunications Service Licence Categories set out broadcasting licence categories in terms of section 84 of the Communications Act No. 8 of 2009 (the Act), and set out the telecommunications licence categories in terms of sections 37 and 38 of the Act.

Section 84(1) requires that the Authority conduct a rule-making procedure to prescribe the categories of broadcasting licences. This must be done before Chapter VI, dealing with broadcasting services, is put into operation.

Sections 37 and 38 concern telecommunications services and authorise the Authority to prescribe categories of individual and class licences and licence exempt services.

The proposed regulations do not set out licensing procedures, which are dealt within separate sets of regulations, one with regard to transitional procedures and the other with regard to new applications.

Section 114 of the Act establishes regulatory offences in respect of providing telecommunications and broadcasting services without a licence, for providing telecommunications and broadcasting services outside the scope of a licence, and for failure to comply with an enforcement order issued in terms of section 116 of the Act. Section 114 requires the Authority to prescribe the form for summons to be issued if the Authority is of the opinion that a regulatory offence has been committed and the form for response to be delivered to the Authority by the accused. The proposed regulations also set out these forms.

### **Proposed “Regulations Regarding Broadcasting and Telecommunications Service Licence Categories”**

#### **Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and –

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

“Aeronautical service” means a radio service used principally for the purpose of the transmission of messages from and to aircraft;

“Alarm system service” means a radio service used in connection with the operations of an alarm system;

“Amateur service” means a radio service used for the purpose of self-training in radio communications, intercommunication using radio communications and technical investigation into

radio communications by persons who do so solely for personal use and have no pecuniary interest in the operations of the service;

“Broadcasting back-haul system service” means a telecommunications service used in connection with the operations of a broadcasting back-haul system, whereby broadcasting content is transported to the point where it is made available in its final content format, from where it will be conveyed to any broadcast target area;

“Class telecommunications licence” means a licence awarded to a person who applies to the Authority and meets the criteria of the class and is not otherwise disqualified from holding a class licence;

“Commercial broadcasting service” means a broadcasting service operating for profit;

“Community broadcasting service” means a broadcasting service that is wholly-owned by a non-profit association in terms of section 21 of the Companies Act No. 28 of 2004, and serves a particular community (either geographic or a group of persons having an ascertainable common interest);

“Electronic communications network service” or “ECNS” means a service whereby a person makes available an electronic communications network, whether by sale, lease or otherwise –

- (a) for that person’s own use for the provision of an electronic communications service;
- (b) to another person for that other person’s use in the provision of an electronic communications service; or
- (c) for resale;

“Electronic communications service” or “ECS” means any service provided to the public, sections of the public, or the subscribers to such service, which consists wholly or mainly of the conveyance of electronic communications over an electronic communications network, but excludes broadcasting services;

“Emergency response system service” means a radio service used in connection with the operations of an emergency response system;

“Individual licence” means a licence awarded to Telecom in terms of section 45 of the Act to provide ECNS and ECS;

“Maritime service” means a radio service between maritime ship stations, maritime coast stations and on-board communications stations associated with maritime ship stations, survival craft stations or emergency position indicating radio beacon stations;

“Navigation and radar system service” means a radio service used in connection with the operations of a navigation and radar system;

“Non-profit ECNS/ECS” means an electronic communications network service or electronic communications service that is wholly-owned by a non-profit association in terms of section 21 of the Companies Act No. 28 of 2004;

“Private ECNS/ECS network” means an electronic communications network used for providing an electronic communications network service or electronic communications service solely for the provider’s own use;

“Public broadcasting service” means any broadcasting service provided by the Namibian Broadcasting Corporation;

“Resale of ECNS/ECS” means acquiring, through lease or other commercial arrangement, an electronic communications network service or electronic communications service and making such electronic communications network service or electronic communications service available to subscribers for a fee;

“Signal distribution” means the electronic communications network service where the output signal of a broadcasting service is taken from the point of origin, being the point where such signal is made available in its final content format, from where it is conveyed to any broadcast target area, by means of electronic communications.

### **Submission of documents to the Authority**

- 2.** (1) In these regulations “submit in writing to the Authority” means either physically or via registered post –
- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
  - (b) by registered post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000; or
  - (c) in any other manner or at alternative addresses set out by the Authority from time to time.

### **Purpose**

**3.** (1) These regulations set out the broadcasting licence categories in terms of section 84 of the Communications Act.

(2) These regulations set out the telecommunications licence categories in terms of sections 37 and 38 of the Communications Act.

### **Broadcasting service licence categories**

- 4.** (1) The following are categories of broadcasting service licences -
- (a) Commercial;
  - (b) Community;
  - (c) Public; and
  - (d) Signal Distribution.

(2) In respect of the commercial, community, and public broadcasting service categories, each broadcasting service licensee may provide its own signal distribution service or may contract with a signal distribution service licensee for such service.

(3) In respect of the commercial, community, and public broadcasting service categories, each broadcasting service licensee must, in addition to its broadcasting service licence, obtain from the Authority any required radio frequency spectrum licence.

### **Telecommunications service licence categories**

- 5.** (1) The following are categories of telecommunications service licences -

- (a) Individual (Comprehensive telecommunications service licence (ECNS and ECS)); and
- (b) Class;
  - (i) ECS;
  - (ii) ECNS; and
  - (iii) Comprehensive telecommunications service licence (ECNS and ECS).
- (2) Persons may provide the following telecommunications services without a licence -
  - (a) Private ECNS/ECS network;
  - (b) Resale of ECNS/ECS;
  - (c) Non-profit ECNS/ECS;
  - (d) Amateur service;
  - (e) Aeronautical service;
  - (f) Maritime service;
  - (g) Navigation and radar system service;
  - (h) Alarm system service;
  - (i) Emergency response system service; and
  - (j) Broadcasting back-haul system service.

(3) Each telecommunications service licensee must, in addition to its telecommunications service licence, and each person providing a telecommunications service that may be provided without a licence, must obtain from the Authority any required radio frequency spectrum licences.

#### **Manner of Prosecuting Regulatory Offences**

**6.** (1) The form of summons to be issued by the Authority in terms of section 115(1) of the Act, is attached hereto and marked "SUMMONS IN TERMS OF SECTION 115(1) OF THE COMMUNICATIONS ACT NO. 8 OF 2009".

(2) The form of notice the accused must submit in writing to the Authority in terms of section 115(2) and (6) of the Act is attached herein, marked "NOTICE IN TERMS OF SECTION 115(2) AND (6) OF THE COMMUNICATIONS ACT NO. 8 OF 2009 - RESPONSE TO SUMMONS".

## SUMMONS IN TERMS OF SECTION 115(1) OF THE COMMUNICATIONS ACT NO. 8 OF 2009

REFERENCE NUMBER:
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To [Insert name of the accused.]:	
Date of Issue:	
[Insert this information, if known.]	
Physical Address:	
Postal Address:	
Tel:	
Fax:	
E-mail:	

You are herewith notified in terms of section 115(1) of the Communications Act No. 8 of 2009, that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at or near \_\_\_\_\_, you are alleged to have committed regulatory offence in terms of section 114 of the Act, in that you:

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[State allegation of facts, and state the regulatory offences the accused is alleged to have committed.]

The Authority may, after a hearing to determine the appropriate sanction or penalty, impose any or all of the following penalties, in terms of section 115(4) of the Act, if you admit the offence alleged in this summons or admit a different offence and the Authority accepts that admission:

- Impose a fine;
- Declare any telecommunications equipment or radio apparatus forfeited; and
- Amend any or withdraw any licence issued to you.

If you deny offence alleged or the Authority does not accept your admission of a different offence, the Authority may forward a request to prosecute the matter to the Prosecutor-General.

**BE FURTHER INFORMED THAT:**

1. The date for acknowledgement of receipt for a notice delivered by hand shall be the date the notice is signed for by you personally or by a representative of you as the accused.
2. The date of acknowledgement of receipt for a notice delivered by registered mail shall be deemed to be three (3) days after having been mailed.
3. In terms of section 115(2) and (6) of the Act, the you must deliver a notice to the Authority, within thirty (30) days from the date of acknowledging receipt of this summons, indicating whether you admit or deny the commission of the offence alleged or whether you admit any other offence referred to in section 114 of the Act, in the form prescribed by the Authority, entitled "NOTICE IN TERMS OF SECTION 115(2) AND (6) OF THE COMMUNICATIONS ACT NO. 8 OF 2009 - RESPONSE TO SUMMONS".

## ACKNOWLEDGEMENT OF RECEIPT BY ACCUSED:

HAND DELIVERY		REGISTERED MAIL	
Full Name:		Date mailed:	
Date of receipt:		Place:	
Place:			
Signature:			

## FOR OFFICE USE ONLY:

DELIVERED/MAILED BY:	
Full Name:	
Date:	
Place:	
Signature:	

## NOTICE IN TERMS OF SECTION 115(2) AND (6) OF THE COMMUNICATIONS ACT NO. 8 OF 2009 - RESPONSE TO SUMMONS

From [Insert full, legal name.]:	
Date:	
[Insert the following information.]	
Physical Address:	
Postal Address:	
Tel:	
Fax:	
E-mail:	

**Admission of Offence:**

I herewith admit that I committed the regulatory offence stated in the summons issued by the Communications Regulatory Authority of Namibia on \_\_\_\_\_, reference number \_\_\_\_\_.

or

In response to the summons issued by the Communications Regulatory Authority of Namibia on \_\_\_\_\_, reference number \_\_\_\_\_, I herewith admit the alternative regulatory offence referred to in section 114 of the Communications Act, 2009.

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[State facts and state the regulatory offence admitted.]

or

**Denial of Offence:**

I herewith deny that I committed the regulatory offence stated in the summons issued by the Communications Regulatory Authority of Namibia on \_\_\_\_\_, reference number \_\_\_\_\_.

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[State facts supporting the denial.]

\_\_\_\_\_  
SIGNATURE OF ACCUSED

Signed at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

**ACKNOWLEDGEMENT OF RECEIPT BY CRAN:**

HAND DELIVERY		REGISTERED MAIL	
Full Name:		Date mailed:	
Date of receipt:		Place:	
Place:			
Signature:			

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

\_\_\_\_\_  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 15

2011

**NOTICE OF INTENTION TO MAKE REGULATIONS IN RESPECT OF REGULATIONS  
REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND  
BROADCASTING SERVICE LICENCES AND SPECTRUM LICENCES**

The Board of the Communications Regulatory Authority of Namibia (CRAN), in terms of the "Regulations Regarding Rule-Making Procedures: Communications Act, 2009" prescribed in General Notice 334, Government Gazette No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations (the Notice).

The Notice contains the following:

1. A concise statement of the purpose of the proposed regulations.
2. A draft of the proposed "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences".

Written comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice.



**Statement of purpose of the proposed regulations**

Whereas, the “Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences” deal with the review and transition of existing licences under the previous dispensation, deemed licences in terms of the Communications Act No. 8 of 2009 (the Act) and pending and deemed licence applications; and

Whereas the “Regulations Regarding Broadcasting and Telecommunications Service Licence Categories” set the licensing categories for the new regulatory framework in terms of the Act;

These proposed “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences” outline the process that applicants must follow in applying for new licences, in terms of the new licence categories as prescribed in the “Regulations Regarding Broadcasting and Telecommunications Service Licence Categories”.

It also outlines the process of renewing, amending, withdrawing and transferring control of all licences.

**Proposed “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences”.****Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and –

“Act” means the Communications Act No. 8 of 2009.

**Submission of documents to the Authority**

2. (1) In these regulations “submit in writing to the Authority” means either physically or electronically -

- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (c) by electronic mail to the following address: [cran@cran.na](mailto:cran@cran.na);
- (d) by facsimile to the following facsimile number: +264 61 23 8646; or
- (e) in any other manner or at alternative addresses set out by the Authority from time to time.

**Applicability**

3. (1) These regulations are applicable to -
- (a) Telecommunications service licence applications;
  - (b) Broadcasting service licence applications;
  - (c) Spectrum use licence applications;

- (d) Licence transfer applications (for telecommunications service, broadcasting service and spectrum use);
- (e) Licence amendment applications (for telecommunications service, broadcasting service and spectrum use);
- (f) Licence renewal applications (for telecommunications service, broadcasting service and spectrum use); and
- (g) Withdrawal of licences by licensees (for telecommunications service, broadcasting service and spectrum use).

#### **Telecommunications service licence applications**

**4.** (1) A person intending to provide a telecommunications service, excepting those persons intending to provide a telecommunications service that may be provided without a licence, as contemplated in the Regulations Regarding Broadcasting and Telecommunications Service Licence Categories, must submit, in writing to the Authority, an application for a telecommunications service licence in the form made available by the Authority.

- (2) The application must –
  - (a) set out the full and official name of the person intending to provide a telecommunications service (applicant), and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
  - (b) set out the name of the contact person (if different from the applicant) and the following contact details –
    - (i) physical address;
    - (ii) postal address;
    - (iii) telephone number(s);
    - (iv) facsimile numbers(s); and
    - (v) electronic mail address(es);
  - (c) set out full details of all ownership interests in the applicant, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
  - (d) set out full details regarding foreign ownership interests in the applicant;
  - (e) identify the category of telecommunications service licence as contemplated in the Regulations Regarding Broadcasting and Telecommunications Service Licence Categories;
  - (f) set out a complete, accurate and concise statement of the telecommunications services intended to be provided, including a description and diagram of any network to be operated, constructed or used; and
  - (g) include any other information the applicant believes might be relevant to the Authority in considering the application.

(3) The telecommunications service licence application must be accompanied by the relevant application fee as determined by the Authority from time to time.

(4) The telecommunications service licence application must be accompanied by a spectrum use licence application if the applicant intends to use spectrum in the provision of the telecommunications service.

(5) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

### **Registration required to provide licence exempt telecommunications services**

**5.** (1) Any person intending to provide a telecommunications service that may be provided without a licence as contemplated in section 37 of the Act and the Regulations Regarding Broadcasting and Telecommunications Service Licence Categories, must register, in writing to with Authority, at least fourteen (14) days prior to the commencement of providing the telecommunications service in the form made available by the Authority.

(2) The registration must -

(a) set out the full and official name of the person intending to provide a telecommunications service (registrant), and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;

(b) set out the name of the contact person (if different from the registrant) and the following contact details -

(i) physical address;

(ii) postal address;

(iii) telephone number(s);

(iv) facsimile numbers(s); and

(v) electronic mail address(es);

(c) identify the type of telecommunications services that will be provided without a licence as contemplated in the Regulations Regarding Broadcasting and Telecommunications Service Licence Categories.

### **Broadcasting service licence applications**

**6.** (1) Any person intending to provide a broadcasting service as contemplated in the Act and Regulations Regarding Broadcasting and Telecommunications Service Licence Categories, must submit, in writing to the Authority, an application for a broadcasting service licence in the form made available by the Authority.

(2) The application must -

(a) set out the full and official name of the person intending to provide a telecommunications service (applicant), and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;

(b) set out the name of the contact person (if different from the applicant) and the following contact details -

- 
- (i) physical address;
  - (ii) postal address;
  - (iii) telephone number(s);
  - (iv) facsimile numbers(s); and
  - (v) electronic mail address(es);
- (c) set out full details of all ownership interests in the applicant, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
  - (d) set out full details regarding foreign ownership interests in the applicant;
  - (e) if the applicant is a juristic person, set out full names, nationalities and identity numbers of the members of the Board of Directors or other governing body;
  - (f) identify the category of broadcasting service licence as contemplated in the Regulations Regarding Broadcasting and Telecommunications Service Licence Categories;
  - (g) in respect of the commercial, community, and public broadcasting service categories, indicate whether the applicant intends to provide its own signal distribution service or whether it intends to contract with a signal distribution service licensee for such service;
  - (h) in respect of the commercial, community, and public broadcasting service categories, indicate whether the applicant intends to use spectrum in the provision of the broadcasting service;
  - (i) set out a complete, accurate and concise statement of the broadcasting services intended to be provided;
  - (j) in respect of commercial, community, and public broadcasting service categories, set out a proposed programme schedule detailing the daily transmission time allocated to different programme types;
  - (k) include a statement of accounts setting out the financial resources available to the applicant in relation to the broadcasting service licence applied for;
  - (l) include a concise statement of expertise and experience of the applicant;
  - (m) indicate full details of any ownership interests held in existing broadcasting services licences and other broadcasting services licence applications, by the applicant and if the applicant is a juristic persons, by persons who hold ownership interests in the applicant; and
  - (n) include any other information the applicant believes might be relevant to the Authority in considering the application.
- (3) The broadcasting service licence application must be accompanied by the relevant application fee as determined by the Authority from time to time.

(4) In respect of commercial, community, and public broadcasting service categories, the broadcasting service licence application must be accompanied by a spectrum use licence application if the applicant intends to use spectrum in the provision of the broadcasting service.

(5) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

### **Spectrum use licence applications**

7. (1) Any person intending to use spectrum must submit, in writing to the Authority, an application for a spectrum use licence in the form made available by the Authority.

(2) The application must -

(a) set out the full and official name of the person intending to use spectrum (applicant), and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;

(b) set out the name of the contact person (if different from the applicant) and the following contact details -

(i) physical address;

(ii) postal address;

(iii) telephone number(s);

(iv) facsimile numbers(s); and

(v) electronic mail address(es);

(c) set out full details of all ownership interests in the applicant, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;

(d) set out a complete list of radio frequencies or groups of radio frequencies being applied for;

(e) set out a complete, accurate and concise statement of the services intended to be provided using the spectrum being applied for;

(f) include the completed technical portion of the application form made available by the Authority; and

(g) include any other information the applicant believes might be relevant to the Authority in considering the application.

(3) The spectrum use licence application must be accompanied by the relevant application fee as determined by the Authority from time to time.

(4) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

**Transfer of licences and transfer of control of licences**

8. (1) A licensee may request the Authority to authorise the transfer of its licence or the transfer of control of its licence by submitting in writing to the Authority, an application to transfer a licence or transfer control of a licence, in the form made available by the Authority.

(2) Name changes and transfers of ownership interests not resulting in a transfer of control do not require prior approval from the Authority, but the Authority must be notified of the impending change at least fourteen (14) days prior to the effective date.

(3) The application must -

(a) set out details of the licence, including the licence number and include a copy of the licence;

(b) set out full details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;

(c) set out the name of the contact person (if different from the licensee) and the following contact details -

(i) physical address;

(ii) postal address;

(iii) telephone number(s);

(iv) facsimile numbers(s); and

(v) electronic mail address(es);

(d) in respect of telecommunications service licences, set out the details of the proposed new licensee, called for in sections 4 (2) (a) - (d) and (g) of these regulations;

(e) in respect of broadcasting service licences, set out the details of the proposed new licensee, called for in sections 6 (2) (a) - (e) and 6 (2) (k) - (n) of these regulations;

(f) in respect of spectrum use licences, set out the details of the proposed new licensee called for in sections 7 (2) (a) - (c) and (g) of these regulations;

(g) set out a complete, accurate and concise statement of the reasons for the proposed transfer or transfer of control; and

(h) include any other information the applicant believes might be relevant to the Authority in considering the application.

(4) The transfer application must be accompanied by the relevant application fee as determined by the Authority from time to time.

(5) If any amendment to the licence is sought, the licence transfer application must be accompanied by a licence amendment application.

(6) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

**Amendment and modification of licences**

**9.** (1) The Authority may initiate a licence modification proceeding contemplated in section 42(2) of the Act by providing notice to a licensee as set out in section 42(2) of the Act and these regulations.

(2) A licensee may request the Authority to amend its licence by submitting in writing to the Authority, an application to amend a licence in the form made available by the Authority.

(3) Changes to the name and details of contact persons do not require prior approval from the Authority, but the Authority must be notified of the impending change at least fourteen (14) days prior to the effective date.

(4) The application must -

(a) set out details of the licence, including the licence number and include a copy of the licence;

(b) set out full details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;

(c) set out the name of the contact person (if different from the licensee) and the following contact details -

(i) physical address;

(ii) postal address;

(iii) telephone number(s);

(iv) facsimile numbers(s); and

(v) electronic mail address(es);

(d) set out a complete, accurate and concise statement of the proposed amendment;

(e) set out a complete, accurate and concise statement of the reasons for the proposed amendment; and

(f) include any other information the applicant believes might be relevant to the Authority in considering the application.

(5) The amendment application must be accompanied by the relevant application fee as determined by the Authority from time to time.

(6) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

**Renewal of licences**

**10.** (1) A licensee may request the Authority to renew its licence by submitting in writing to the Authority, an application to renew a licence in the form made available by the Authority.

- (2) The application must -
  - (a) set out details of the licence, including the licence number and include a copy of the licence;
  - (b) set out full details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
  - (c) set out the name of the contact person (if different from the licensee) and the following contact details -
    - (i) physical address;
    - (ii) postal address;
    - (iii) telephone number(s);
    - (iv) facsimile numbers(s); and
    - (v) electronic mail address(es);
  - (d) set out a complete and accurate statement detailing any action taken by the Authority or other entity with competent jurisdiction in relation to any breach or alleged breach by the licensee of the Act, regulations or the licensee's licence; and
  - (e) include any other information the applicant believes might be relevant to the Authority in considering the application.
- (3) The amendment application must be accompanied by the relevant application fee as determined by the Authority from time to time.
- (4) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

### **Withdrawal of licences**

**11.** (1) If a licensee cannot provide service in accordance with its licence for a period greater than twenty-four (24) hours, it must notify the Authority of that occurrence within twenty-four (24) hours of that occurrence.

(2) If a licensee intends to permanently discontinue providing service in accordance with its licence, it must request the Authority to withdraw its licence by submitting in writing to the Authority, an application to withdraw a licence in the form made available by the Authority.

- (3) The application must -
  - (a) set out full details of the licence, including the licence number and include a copy of the licence;
  - (b) set out details of the licensee, including the full and official name of the licensee, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
  - (c) set out the name of the contact person (if different from the licensee) and the following contact details -



- (i) physical address;
  - (ii) postal address;
  - (iii) telephone number(s);
  - (iv) facsimile numbers(s); and
  - (v) electronic mail address(es);
- (d) set out a complete, accurate and concise statement of the reasons for the proposed withdrawal;
- (e) indicate whether the licensee has paid all fees payable to the Authority in relation to the licence; and
- (f) include any other information the applicant believes might be relevant to the Authority in considering the application.

(4) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

#### **Application procedures**

**12.** (1) In respect of any licence application made in terms of these regulations, the Authority will publish a notice of the application in the *Government Gazette*.

(2) After the Authority publishes notice of an application in the *Government Gazette*, the public may submit in writing to the Authority, comments within the time set out in the notice, which time may not be less than fourteen (14) days from the date of publication.

(3) If the Authority considers it appropriate, it may also provide the opportunity for the submission of applicant responses to the comments.

(4) Responses must be submitted in writing to the Authority within the time set out by the Authority, which time may be not less than fourteen (14) days from the submission of written comments or if the opportunity for the submission of responses is published in a subsequent *Government Gazette*, not less than fourteen (14) days from the date of publication.

(5) The times for the submission of comments and responses are to be determined by the Authority in light of the the nature of the application.

(6) The Authority may consider written submissions not timeously filed if, in its opinion, it is practicable to do so.

(7) The Authority may request further written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

(8) 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;

- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority.

(9) After considering an application made in terms of these regulations and written and oral submissions, if any, the Authority will either deny the application or grant the application, in whole or in part, and –

- (a) issue the appropriate licence in respect of telecommunications service licence applications, broadcasting services licence applications and spectrum use licence applications;
- (b) issue the licence to the transferee in respect of licence transfer applications;
- (c) re-issue the amended licence in respect of licence amendment applications; or
- (d) renew the licence in respect of licence renewal applications.

### **Licence modification procedures**

**13.** (1) In respect of a licence modification procedure, the Authority will notify the licensee of the proposed modification and the grounds for such modification.

(2) The licensee may submit in writing to the Authority, comments within the time set out in the notice, which time may not be less than thirty (30) days from the date of notice.

(3) Thereafter, the Authority will publish notice, either as originally proposed or as modified taking into account the licensee's comments, of a proposed modification in the *Government Gazette*.

(4) After the Authority publishes the notice of a modification proceeding in the *Government Gazette*, the public may submit in writing to the Authority, comments within the time set out in the notice, which time may not be less than thirty (30) days from the date of publication.

(5) If the Authority considers it appropriate, it may also provide the opportunity for the submission of licensee responses to the comments.

(6) Responses to the comments must be submitted in writing to the Authority within the time set out by the Authority, which time may be not less than fourteen (14) days from the submission of written comments or if the opportunity for the submission of responses is published in a subsequent *Government Gazette*, not less than fourteen (14) days from the date of publication.

(7) The times for the submission of comments and responses are to be determined by the Authority in light of the nature of the application.

(8) The Authority may consider written submissions not timeously filed if, in its opinion, it is practicable to do so.

(9) The Authority may request further written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

- (10) 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;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority.

(11) After considering written and oral submissions, if any, in respect of a proposed licence modification, the Authority must either issue the modified licence or decide not to issue the modified licence.

### **Oral hearings**

14. (1) If the Authority considers it appropriate, it may also hear oral submissions in respect of any application made in terms of these regulations.

(2) The Authority must invite the public to make oral submissions at least fourteen (14) days prior to the hearing.

(3) Unless otherwise specified by the Authority, hearings are open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the application, provided however, that the hearing should be informal in nature.

(5) All oral submissions must -

(a) include a statement indicating the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority.

(6) The Authority may request further oral or written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

(7) At the conclusion of the hearing, a concise report summarising the oral submissions must be prepared and placed in the relevant application file by the Authority.

### **Confidential information**

15. (1) Any person providing information or documentation may designate information as confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that it may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential. Closed hearings will be treated as confidential meetings in terms of section 29 of the Act, and the notice of the closed meeting required by section 29(4) must be maintained in the relevant application file.

***Ex parte communications***

**16.** A person may not communicate with the members of the Board, the CEO or staff members of, or consultants to the Authority, to discuss the subject matter of an application proceeding, except as provided for herein.

**Record of proceedings**

**17.** (1) All documents deemed relevant by the Authority to the application proceedings contemplated by these regulations must be maintained by the Authority separately for each application in files located at the head offices of the Authority and, if practicable, on the Authority's website.

(2) Except for confidential information, any person may examine the application proceeding files either 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 from time to time, and, if available, on the Authority's website where copies may be downloaded free of charge.

**Publication of licensing decisions and licences**

**18.** (1) All decisions made in terms of these regulations will be communicated to the applicants and other relevant parties in writing and may be published in the *Government Gazette*.

(2) The Authority's register of licences maintained in terms of section 27(3) of the Act and copies of all licences, will be held at the head offices of the Authority and if practicable, on the Authority's website.

(3) The Authority will also maintain a register of persons registered to provide a service without a licence, at the head offices of the Authority and if practicable, on the Authority's website.

(4) Any person may examine the register of licences and persons registered to provide a service without a licence, and copies of licences either 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, and, if available, on the Authority's website where copies may be downloaded free of charge.

**Reconsideration**

**19.** (1) The Authority may, on its own, reconsider any decision made in terms of these regulations within the time set out in section 31 of the Act.

(2) Any person may submit to the Authority in writing a request to reconsider any decision made in terms of these regulations within 30 days of notice of the decision, and the Authority must reconsider such regulation within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions being received, or it may provide an opportunity for further submissions in a manner set out by the Authority.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No.

2011

**NOTICE OF INTENTION TO MAKE REGULATIONS IN RESPECT OF REGULATIONS REGARDING THE SUBMISSION OF INTERCONNECTION AGREEMENTS AND TARIFFS**

The Board of the Communications Regulatory Authority of Namibia (CRAN), in terms of the "Regulations Regarding Rule-Making Procedures: Communications Act, 2009" prescribed in General Notice 334, Government Gazette No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations (the Notice).

This Notice of Intention to Make Regulations contains the following:

1. A concise statement of the purpose of the proposed regulations.
2. A draft of the proposed "Regulations Regarding the Submission of Interconnection Agreements and Tariffs".

Written comments may be submitted as prescribed in the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice.

**Statement of purpose of the proposed regulations.**

Sections 49(4)(a) and 49(16)(a) of the Communications Act No. 8 of 2009 (the Act) require the submission of concluded interconnection agreements to the Communications Regulatory Authority of Namibia within ninety (90) days after the Act commences. Similarly, section 53(6) requires the submission of tariffs within six (6) months after the commencement of the Act. Therefore, it is necessary for persons to know how to submit interconnection agreements and tariffs.

The proposed regulations set out the procedures for complying with these provisions as well as the provisions that require the submission of interconnection agreements concluded and tariffs proposed after the commencement of the Act.

The proposed regulations do not, however, detail the terms and requirements for interconnection, such as with respect to pricing, the location of points of interconnection and quality standards. Proposed regulations detailing the terms and requirements for interconnection called for in section 49(1) of the Act will, as soon as is practicable, be published in a separate Notice of Intention to Make Regulations, after which the industry and other interested parties will have the opportunity to comment.

Similarly, section 53(20) authorises the Authority to make regulations regarding limits on tariffs, methods of sharing costs and methods of calculating costs where services are subsidised. Proposed regulations detailing these aspects of tariffs will also be published in a separate Notice of Intention to Make Regulations after, which the industry and other interested parties will have the opportunity to comment.

**Proposed "Regulations Regarding the Submission of Interconnection Agreements and Tariffs"****Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and –

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

“Domestic interconnection agreement” means an interconnection agreement concluded between persons who are licensed to provide services in Namibia or who are providing services in Namibia that may be provided without a licence; and

“International interconnection agreement” means an interconnection agreement concluded between a person who is licensed to provide services in Namibia or who is providing services in Namibia that may be provided without a licence, and a person authorised to provide services in a jurisdiction outside of Namibia.

### **Submission of documents to the Authority**

**2.** (1) In these regulations “submit in writing to the Authority” means either physically or electronically –

- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (c) by electronic mail to the following address: [cran@cran.na](mailto:cran@cran.na);
- (d) by facsimile to the following facsimile number: +264 61 23 8646; or
- (e) in any other manner or at alternative addresses set out by the Authority from time to time.

### **Applicability**

**3.** (1) These regulations are applicable to the submission of interconnection agreements to the Authority in terms of sections 49(4) and (16) of the Act.

(2) These regulations are applicable to the submission and amendment of tariffs in terms of sections 53(6) and (7) of the Act.

### **Interconnection agreements**

**4.** (1) All parties to Domestic interconnection agreements must submit in writing to the Authority copies of interconnection agreements within the time set out in section 49(4) of the Act.

(2) All domestic parties to International interconnection agreements must submit in writing to the Authority copies of interconnection agreements within the time set out in section 49(16) of the Act.

(3) The Authority may request further information or documentation regarding the submission of interconnection agreements, which must be provided to the Authority in the manner set out by the Authority.

(4) All interconnection agreements submitted in terms of these regulations must include a cover letter containing the name and contact details of the person submitting the agreement and the name and contact details of the person for whom the agreement is submitted, if different.

### **Decisions and publication of interconnection agreements**

5. (1) After considering a Domestic interconnection agreement and any further written information or documentation regarding the interconnection agreement, the Authority must approve or disapprove the interconnection agreement in the manner set out in section 49(6) of the Act.

(2) After considering an International interconnection agreement and any further written information or documentation regarding the interconnection agreement, the Authority must determine whether it has the effect of impairing competition or the interoperability of networks, and if it does, hold a hearing to impose obligations on the licensee as contemplated in section 49(17) of the Act.

(3) The Authority must maintain a register of interconnection agreements submitted to it and copies of all interconnection agreements, physically at the head offices of the Authority and electronically, on the Authority's website.

(4) Any person may examine the register of interconnection agreements and copies of interconnection agreements either 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, or if practicable on the Authority's website where copies may be downloaded free of charge.

### **Oral hearings regarding International interconnection agreements**

6. (1) If the Authority determines that an International interconnection agreement has the effect of impairing competition or the interoperability of networks, the Authority must invite the licensee and the public to make oral submissions by notice in the *Government Gazette*, provided that at least fourteen (14) days notice prior to the hearing must be given.

(2) Unless otherwise specified by the Authority, hearings are open to the public.

(3) The format and agenda of the hearing is at the discretion of the Authority, provided however, the hearing should be informal in nature.

(4) All oral submissions must -

(a) include a statement of the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority.

(5) The Authority may request further oral or written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

(6) At the conclusion of the hearing, a concise report summarising the oral submissions must be prepared and placed in the relevant file by the Authority.

### **Tariffs**

7. (1) All persons who are entitled to a comprehensive telecommunications service licence in the licence transition process in terms of section 135 of the Act, must submit in writing to

the Authority a tariff within the time set out in section 53(6) of the Act, or an amendment to a tariff contemplated in section 53(7) of the Act within the time set out in section 53(8) of the Act.

(2) The tariffs and amendments must comply with the provisions of section 53 of the Act, including sections 53(8), (9), and (18).

(3) The Authority may request further information or documentation regarding the submission of tariffs and amendments, which must be provided to the Authority in the manner set out by the Authority.

(4) All tariffs and amendments submitted in terms of these regulations must include a cover letter containing the name and contact details of the person submitting the tariff and the name and contact details of the person for whom the tariff is submitted, if different.

### **Decisions and publication of tariffs**

**8.** (1) After the submission of a tariff or tariff amendment, the Authority will as soon as is practicable, publish a notice of the submission in the *Government Gazette*.

(2) The Authority must maintain copies of the *Government Gazette* notices and copies of all tariffs submitted to it at the head offices of the Authority and if practicable, on the Authority's website.

(3) Any person may examine copies of the *Government Gazette* notices and the tariffs and tariff amendments submitted to it 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, or, if practicable, on the Authority's website where copies may be downloaded free of charge.

(4) After considering the tariff or tariff amendment and any further written information or documentation, the Authority must take such action as is contemplated in sections 53(12-19) of the Act.

(5) The Authority must maintain a register of approved tariffs and tariff amendments that have come into operation (to be known as the register of tariffs), and copies of all such tariffs and tariff amendments, at the head offices of the Authority and if practicable, on the Authority's website.

(6) Any person may examine the register of tariffs and copies of tariffs and tariff amendments either 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, or, if practicable, on the Authority's website where copies may be downloaded free of charge.

### **Written submissions on tariffs**

**9.** (1) After the Authority publishes a *Government Gazette* notice of submission of a tariff or tariff amendment, the public may submit in writing to the Authority written comments within fourteen (14) days from the date of publication of the notice.

(2) The person who submitted the tariff or tariff amendment 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.

(3) The Authority may consider written submissions not timeously filed if, in its opinion, it is practicable to do so.



(4) The Authority may request further written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

(5) 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; and

(c) conform to any further requirements determined by the Authority.

### **Confidential Information**

**10.** (1) Any person submitting documents or making written submissions to the Authority in terms of these regulations may designate information as confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that he or she may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act, provided however that tariffs and interconnection agreements themselves are not confidential.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential, provided however that tariffs and interconnection agreements themselves are not confidential. A closed hearing will be treated as a confidential meeting in terms of section 29 of the Act, and the notice of the closed meeting required by section 29(4) must be maintained in the relevant file.

### ***Ex Parte* Communications**

**11.** (1) A person may not communicate with the members of the Board to discuss the subject matter of a submission made in terms of these regulations, unless a request to do so is addressed to the Chairperson of the Board, has been granted, and provided that the person and the Board both must submit a report to the Authority summarising the substance of the discussion and indicating whom was communicated with and when.

(2) A person may communicate with the CEO or staff members of, or consultants to the Authority, at the official premises of the Authority, to discuss the subject matter of a submission made in terms of these regulations, provided however, the person and the CEO or staff members of, or consultants to the Authority both must submit a report to the Authority summarising the substance of the discussion and indicating whom was communicated with and when.

### **Record of proceedings**

**12.** (1) All documents deemed relevant by the Authority to the interconnection and tariff proceedings contemplated by the Act and these regulations, including documents submitted to the Authority, written submissions, reports of oral hearings, and *ex parte* communication reports must be maintained by the Authority in a file kept separate for each proceeding, at the head offices of the Authority and if practicable, on the Authority's website.

(2) Except for confidential information, any person may examine a interconnection agreement or tariff proceeding file either 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, or, if available, on the Authority's website where copies may be downloaded free of charge.

**Reconsideration**

13. (1) The Authority may reconsider any decision made in terms of these regulations, within the time set out in section 31 of the Act.

(2) Any person may request the Authority in writing to reconsider any decision made in terms of these regulations, within 30 days, and the Authority must reconsider such regulation within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions being received, or it may provide an opportunity for the public to provide further written or oral submissions in a manner determined by the Authority.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 17

2011

**NOTICE OF INTENTION TO MAKE REGULATIONS IN RESPECT OF REGULATIONS  
REGARDING TRANSITIONAL PROCEDURES FOR TELECOMMUNICATIONS AND  
BROADCASTING SERVICE LICENCES AND SPECTRUM LICENCES**

The Board of the Communications Regulatory Authority of Namibia (CRAN), in terms of the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” prescribed in General Notice 334, Government Gazette No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations (the Notice).

The Notice of Intention to Make Regulations contains the following:

1. A concise statement of the purpose of the proposed regulations.
2. A draft of the proposed “Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences”.

Written comments may be submitted as prescribed in the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice of Intention to Make Regulations.

**Statement of purpose of the proposed regulations**

Certain provisions of the Communications Act No. 8 of 2009 (the Act) contemplate the transition of existing licences, deemed licences and applications to new licences consistent with the Act. These include sections 135(2) and 92 concerning existing licensees, section 135(5) concerning those providing services lawfully without a licence; sections 45(1) and 101(9) concerning Telecom Namibia Limited’s deemed licence applications, section 135(10) concerning pending applications and sections 101(11) and 101(12) concerning spectrum licences.

The Authority is required to review licences and deemed licences and consider applications and deemed applications in the transitional period. The purpose is to ensure that all licences issued in terms of the Act, or deemed to be issued in terms of the Act, are in compliance with the provisions of the Act, and the new licensing framework required by it.

These regulations set out the procedures that will be followed by the Authority in the licence transition period. These regulations do not, however, apply to new applications. Regulations that will be applicable to new applications are contained in a separate set of proposed regulations published simultaneously herewith for public comment, entitled “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences”.

Also published simultaneously herewith are the “Regulations regarding Broadcasting and Telecommunications Service Licence Categories”. These regulations set out the new licensing framework required by Act, which will substantively guide the licence transition process.

### **Proposed “Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Licences”**

#### **Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning, and –

“Act” means the Communications Act No. 8 of 2009.

#### **Submission of documents to the Authority**

2. (1) In these regulations “submit in writing to the Authority” means either physically or electronically –

- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (c) by electronic mail to the following address: [cran@cran.na](mailto:cran@cran.na);
- (d) by facsimile to the following facsimile number: +264 61 23 8646; or
- (e) in any other manner or at alternative addresses set out by the Authority from time to time.

#### **Applicability**

3. (1) These regulations are transitional and are applicable to –

- (a) licensees contemplated in sections 92 and 135(2) of the Act;
- (b) persons lawfully providing services without a licence contemplated in section 135(5) of the Act, including the Namibian Broadcasting Corporation;
- (c) Telecom Namibia Limited’s deemed applications in terms of sections 45(1) and 101(9) of the Act;
- (d) applicants contemplated in section 135(10) of the Act;
- (e) person’s having authority to use spectrum contemplated in section 101(11) of the Act; and

- (f) the application to use spectrum required for defence purposes by the Namibian Defence Force or any other organ of the State in terms of section 101(12) of the Act.

**Telecommunications and broadcasting service licensees contemplated in sections 92 and 135(2) of the Act**

4. (1) A person who holds a licence to provide telecommunications services or broadcasting services or operate, construct or use an electronic communications network contemplated by section 135(2) of the Act, must submit in writing to the Authority within thirty (30) days from the publication of these regulations (provided, however if these regulations are published before the coming into operation of the Act, within thirty (30) days after the relevant provisions of the Act come into operation) the following information and documentation in the form made available by the Authority –

- (a) the full and official name of the person licensed and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (b) the name of the contact person (if different) and the following contact details –
  - (i) physical address;
  - (ii) postal address;
  - (iii) telephone number(s);
  - (iv) facsimile numbers(s); and
  - (v) electronic mail address(es);
- (c) full details of all ownership interests in the licensee, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
- (d) full details regarding foreign ownership interests in the licensee;
- (e) a complete, accurate and concise statement of the services licensed, including a description and diagram of any network operated, constructed or used;
- (f) an indication whether and to what extent the services are currently being provided;
- (g) an indication whether and to what extent applicable licence fees (including spectrum use fees) have been paid and proof thereof;
- (h) a copy of the licence or licences; and
- (i) any other information the licensee believes might be relevant to the Authority in carrying out its functions set out in section 135(2) of the Act.

(2) The Authority may request further information or documentation from the licensee, which must be provided to the Authority in the manner set out by the Authority.

**Persons lawfully providing services without a licence contemplated in section 135(5) of the Act, including the Namibian Broadcasting Corporation; and Telecom Namibia Limited's deemed applications in terms of sections 45(1) and 101(9) of the Act**

5. (1) A person who is lawfully providing a service or operating, constructing or using a network without a licence as contemplated in section 135(5) of the Act (including Namibian Broadcasting Corporation and Telecom Namibia Limited), must submit in writing to the Authority within sixty (60) days from the publication of these regulations (provided, however if these regulations are published before the coming into operation of the Act, within thirty (30) days after the relevant provisions of the Act come into operation) the following information and documentation in the form made available by the Authority –

- (a) the full and official name of the person providing a service or operating, constructing or using a network, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (b) the name of the contact person (if different) and the following contact details –
  - (i) physical address;
  - (ii) postal address;
  - (iii) telephone number(s);
  - (iv) facsimile numbers(s); and
  - (v) electronic mail address(es);
- (c) full details of all ownership interests in the person, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
- (d) full details regarding foreign ownership interests in the person; and
- (e) a complete, accurate and concise statement of the services being provided, including a description and diagram of any network operated, constructed or used.

(2) Any person who is lawfully providing a service or operating, constructing or using a network without a licence as contemplated in section 135(5) of the Act (excluding Telecom and those persons providing services that may be provided without a licence in terms of regulations made in terms of section 37 the Act), must submit in writing to the Authority within the time set out in section 135(5) the Act, an application for a licence or licences in the form made available by the Authority.

- (3) The application must –
  - (a) identify the legal basis on which the service is provided or network operated, constructed or used;
  - (b) indicate the licence or licences that the person believes it is entitled to in terms of the regulations made in terms of sections 37, 38 and 84 of the Act, setting out a clear and concise statement of motivation, including reference to the relevant provisions of the Act and regulations; and
  - (c) include any other information the person believes might be relevant to the Authority in carrying out its functions set out in sections 135(5-8) of the Act.

(4) Telecom Namibia Limited must submit in writing to the Authority within six (6) months of the coming into operation of the Act, an amendment to its deemed licence application provided for in sections 45(1) and 101(9) of the Act, proposing detailed licence conditions related to the issues set out in sections 45(2), 45(3), 45(4), 45(5), 45(6) of the Act in the form made available by the Authority.

(5) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

#### **Applicants contemplated in section 135(10) of the Act**

**6.** (1) Any person who has an application pending before the Namibian Communications Commission as contemplated in section 135(10) of the Act, must submit in writing to the Authority within thirty (30) days from the publication of these regulations (provided, however if these regulations are published before the coming into operation of the Act, within thirty (30) days after the relevant provisions of the Act come into operation) the following information and documentation in the form made available by the Authority –

- (a) the full and official name of the applicant and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (b) the name of the contact person (if different) and the following contact details –
  - (i) physical address;
  - (ii) postal address;
  - (iii) telephone number(s);
  - (iv) facsimile numbers(s); and
  - (v) electronic mail address(es);
- (c) a copy of the pending application if available or if not available, a concise statement of the application, and a concise statement of the history and status of the application; and
- (d) an amendment to the application as contemplated in section 135(11) to include –
  - (i) full details of all ownership interests in the applicant, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
  - (ii) full details regarding foreign ownership interests in the applicant; and
  - (iii) any other amendment, setting out clear and concise reasons for the amendment, including references to the relevant provisions of the Act.

(2) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

#### **Persons having authority to use spectrum contemplated in sections 101(11) of the Act**

**7.** (1) Any person who holds a licence, certificate or authority (collectively, in this regulation 7, a licence) contemplated in section 101(11) of the Act must submit in writing to

the Authority within thirty (30) days from the publication of these regulations (provided, however if these regulations are published before the coming into operation of the Act, within thirty (30) days after the relevant provisions of the Act come into operation) the following information and documentation in the form made available by the Authority –

- (a) the full and official name of the person licensed, and if a natural person, the identity number of that person, and if a juristic person, the registration number of that person;
- (b) the name of the contact person (if different) and the following contact details -
  - (i) physical address;
  - (ii) postal address;
  - (iii) telephone number(s);
  - (iv) facsimile numbers(s); and
  - (v) electronic mail address(es);
- (c) full details of all ownership interests in the licensee, including the identity and nationality of holders of ownership interests and if the holders of ownership interests are juristic persons, full details of all their ownership interests;
- (d) full details regarding foreign ownership interests in the licensee;
- (e) a complete and accurate list of licences, certificates and authorities held and in respect of spectrum use licences, a list of radio frequencies or groups of radio frequencies licensed, and a concise explanation of the services provided using the spectrum, including a description and diagram of any network operated, constructed or used;
- (f) an indication whether and to what extent the spectrum is currently being used;
- (g) an indication whether and to what extent spectrum use fees have been paid and proof thereof; and
- (h) a copy of the licence or licences.

(2) The Authority may request further information or documentation from the licensee, which must be provided to the Authority in the manner set out by the Authority.

**The application to use spectrum required for defence purposes by the Namibian Defence Force or any other organ of the State in terms of section 101(12) of the Act**

**8.** (1) The Namibian Defence Force and any other organ of State using spectrum for defence purposes that is a deemed licensee in terms of section 101(12) of the Act, must submit in writing to the Authority within thirty (30) days from the publication of these regulations (provided, however if these regulations are published before the coming into operation of the Act, within thirty (30) days after the relevant provisions of the Act come into operation) the following information and documentation in the form made available by the Authority –

- (a) the full and official name of the organ of State;
- (b) the name of the contact person and the following contact details –

- (i) physical address;
- (ii) postal address;
- (iii) telephone number(s);
- (iv) facsimile numbers(s); and
- (v) electronic mail address(es).

(2) The Namibian Defence Force and any other organ of State using spectrum for defence purposes that is a deemed licensee in terms of section 101(12) of the Act must also submit in writing to the Authority within the time set out in section 101(12) of the Act, an application for a licence or licences required by the Act.

(3) The application must include –

- (a) a complete and accurate list of radio frequencies or groups of radio frequencies which have been assigned to it for defence purposes;
- (b) an indication whether and to what extent the spectrum is currently being used;
- (c) a copy of the radio frequency assignments; and
- (d) any other information the organ of State believes might be relevant to the Authority in carrying out its functions set out in sections 101(12) of the Act.

(4) The Authority may request further information or documentation, which must be provided to the Authority in the manner set out by the Authority.

### **Licence review procedures**

**9.** (1) In respect of any licence review to be performed by the Authority in terms of these regulations, as soon as possible after receiving the information submitted by licensees in terms of these regulations, the Authority will publish a notice in the *Government Gazette* setting out the list of licences issued under previous licensing dispensations along with an indication as to what licence or licences will be issued to the licensees in terms of the regulations made in terms of sections 37, 38 and 84 of the Act.

(2) Any person who has a right to a licence that does not appear on the list contemplated in regulation 9(1) above, must submit the information required by these regulations in writing to the Authority within fourteen (14) days from the date of publication, after which the Authority will publish a second notice in the *Government Gazette* setting out a revised list of licences.

(3) After the Authority publishes the second notice referred to in regulation 9(2) above, the public may submit in writing to the Authority, comments, within the thirty (30) days from the date of publication.

(4) The Authority may consider written submissions not timeously filed if, in its opinion, it is practicable to do so.

(5) The Authority may request further written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.



- (6) 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;
  - (b) be clear and concise; and
  - (c) conform to any further requirements determined by the Authority from time to time.
- (7) After receiving any written comments submitted in terms of regulations 9 (3) and (5) above, the Authority will issue the appropriate new licences contemplated in the regulations made in terms of sections 37, 38 and 84 of the Act, to licensees, provided however –
- (a) If any licensee does not provide all of the information required by these regulations in the time provided, the licensee's licence may be revoked by the Authority and no new licence will be issued, and in the case of spectrum licences, spectrum may be reallocated; and
  - (b) No new licence will be issued to licensees in terms of these regulations until –
    - (i) all fees due and payable in respect of the licences are paid; and
    - (ii) all licences issued under previous licensing dispensations are returned to the Authority; and
  - (c) If the licensee is providing a service that falls within the category of services that may be provided without a licence, the Authority will list such persons in a register of persons registered to provide a service without a licence.

### **Transitional licence application procedures**

**10.** (1) Excepting the application to use spectrum by the Namibian Defence Force and any other organ of State using spectrum for defence purposes, in respect of any licence application made or amended in terms of these regulations, the Authority will publish notice of the application in the *Government Gazette*.

(2) After the Authority publishes a notice of an application in the *Government Gazette*, the public may submit in writing to the Authority, comments within the time set out in the notice, which time may not be less than thirty (30) days from the date of publication.

(3) If the Authority considers it appropriate, it may also provide the opportunity for the submission of applicant responses to the comments.

(4) Applicant responses to the comments must be submitted in writing to the Authority within the time established by the Authority, which time may be not less than fourteen (14) days from the submission of written comments or if the opportunity for the submission of responses is published in a subsequent *Government Gazette*, not less than fourteen (14) days from the date of publication.

(5) The times for the submission of comments and responses are to be determined by the Authority in light of the nature of the licence application.

(6) The Authority may consider written submissions not timeously filed if, in its opinion, it is practicable to do so.

(7) The Authority may request further written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

(8) All written submissions, (including, but not limited to comments or responses), 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;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority from time to time.

(9) After considering any licence application made or amended in terms of these regulations and written and oral submissions, if any, the Authority will either deny the application or grant the application, in whole or in part, and issue the appropriate licences contemplated in the regulations made in terms of sections 37, 38 and 84 of the Act, provided however -

(a) If an applicant does not provide all of the information required by these regulations in the time provided, the Authority will not grant and issue a licence; and

(b) If the applicant is intending to provide a service that falls within the category of services that may be provided without a licence, the Authority will list such persons in a register of persons registered to provide a service without a licence.

### **Oral hearings**

**11.** (1) If the Authority considers it appropriate, it may also hear oral submissions in respect of any licence review carried out or licence application made or amended in terms of these regulations.

(2) The Authority must invite the public to make oral submissions at least fourteen (14) days prior to the hearing.

(3) Unless otherwise specified by the Authority, hearings are open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the application, provided however, that the hearing should be informal in nature.

(5) All oral submissions must –

(a) include a statement of the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;

(b) be clear and concise; and

(c) conform to any further requirements determined by the Authority.

(6) The Authority may request further oral or written submissions, for example, further information or clarification, which must be provided to the Authority in the manner set out by the Authority.

(7) At the conclusion of the hearing, a concise report summarising the oral submissions must be prepared and placed in the relevant file by the Authority.

**Confidential information**

12. (1) Any person providing information or documentation may designate information as confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that it may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential. Closed hearings will be treated as confidential meetings in terms of section 29 of the Act, and the notice of the closed meeting required by section 29(4) must be maintained in the relevant file.

***Ex parte* communications**

13. A person may not communicate with the members of the Board, the CEO or staff members of, or consultants to the Authority to discuss the subject matter of a licence review or licence application proceeding, except as provided for herein.

**Record of proceedings**

14. (1) All documents deemed relevant by the Authority to the licence review proceedings contemplated by the Act and these regulations, including information and documentation provided in terms of these regulations and decisions made by the Authority, must be maintained by the Authority in a file at the head offices of the Authority and if practicable, on the Authority's website.

(2) All documents deemed relevant by the Authority to the licence application proceedings contemplated by the Act and these regulations must be maintained by the Authority separately for each application proceeding in files located at the head offices of the Authority and if practicable, electronically, on the Authority's website.

(3) Except for confidential information, any person may examine the licence review or licence application proceedings files either 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, or, if available, on the Authority's website where copies may be downloaded free of charge.

**Publication of licensing decisions and licences**

15. (1) All decisions made in terms of these regulations and the relevant provisions of the Act will be communicated to the applicants and licensees in writing and may be published in the *Government Gazette*.

(2) The Authority's register of licences maintained in terms of section 27(3) of the Act and copies of all licences, will be held at the head offices of the Authority and if practicable, on the Authority's website.

(3) The Authority will also maintain a register of persons registered to provide a service without a licence at the head offices of the Authority and if practicable, on the Authority's website.

(4) Any person may examine the register of licences and persons registered to provide a service without a licence, and copies of licences either 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, or, if available, on the Authority's website where copies may be downloaded free of charge.

**Reconsideration**

**16.** (1) The Authority may, on its own, reconsider any decision made in terms of these regulations within the time set out in section 31 of the Act.

(2) Any person may request the Authority in writing to reconsider any decision made in terms of these regulations within 30 days of notice of the decision, and the Authority must reconsider such regulation within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions being received, or it may provide an opportunity for further submissions in a manner stated by the Authority.

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

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 18

2011

**NOTICE OF INTENTION TO MAKE REGULATIONS IN RESPECT OF REGULATIONS  
REGARDING CONSUMER COMPLAINTS**

The Board of the Communications Regulatory Authority of Namibia (CRAN), in terms of the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009” prescribed in General Notice 334, Government Gazette No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations (the Notice).

The Notice contains the following:

1. A concise statement of the purpose of the proposed regulations.
2. A draft of the proposed “Regulations Regarding Consumer Complaints”.

Written comments may be submitted as prescribed in the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice.

**Statement of purpose of the proposed regulations**

The Communications Act No. 8 of 2009 (the Act), in sections 90(1) and 131, allows any user to lodge complaints with the Authority. In terms of section 129 of the Act, the Authority deems it necessary to prescribe the attached regulations allowing any person, who is an end-user or potential customer of a person providing any service contemplated in the Act, to lodge a complaint with the Authority.

The Authority is empowered to consider complaints lodged and take the appropriate action. The proposed regulations are therefore a mechanism for tabling complaints, and for considering the complaints lodged, and informing the complainant of the action taken or not taken by the Authority.

In addressing the complaints, the Authority may adjudicate disputes between parties. These regulations thus provide for the possibility of mediation proceedings to be conducted with the aim of settling complaints. In addressing complaints, the Authority may also conduct investigations in terms of sections 122 – 127 of the Act. These regulations also highlight this power of the Authority.

**Proposed “Regulations Regarding Consumer Complaints”****Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning, and -

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

“Complaint” means any complaint, dispute, grievance, criticism, objection or disagreement -

- (a) alleging non-compliance or breach of a licence;
- (b) alleging non-compliance or breach of a contract;
- (c) alleging non-compliance or breach of the Act or regulations; and
- (d) shall include, but is not limited to, complaints involving the following -
  - (i) billing;
  - (ii) charges and refunds;
  - (iii) service deliver and product delivery;
  - (iv) confidential information;
  - (v) customer services and customer treatment; and
  - (vi) service interruptions and dropped calls.

“Complainant” means any person, natural or juristic, who is an end-user or potential customer of a person providing a service contemplated in the Act; and

“Respondent” means the person against whom the Complaint is lodged.

**Submission of documents to the Authority**

2. (1) In these regulations submit or lodge “in writing to the Authority” means either physically or electronically –

- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (c) by electronic mail to the following address: [cran@cran.na](mailto:cran@cran.na);
- (d) by facsimile to the following facsimile number: +264 61 23 8646; or
- (e) in any other manner or at alternative addresses set out by the Authority from time to time.

**Applicability**

**3.** (1) These regulations are applicable to all Complaints submitted by Complainants and specifically to -

- (a) complaints contemplated in terms of section 90(1) of the Act;
- (b) complaints contemplated in terms of section 131 of the Act;
- (c) mediation contemplated in terms of section 132 of the Act; and
- (d) investigations contemplated in terms of sections 122 – 127 of the Act.

**Lodging of Complaints by Complainants**

**4.** (1) A Complainant may lodge a Complaint in writing to the Authority -

- (a) if the Complainant has lodged the substance of the Complaint with the Respondent and after fourteen (14) days, the Respondent has not adequately resolved the Complaint; or
- (b) upon a showing of good cause why the substance of the Complaint was not first lodged with the Respondent.

(2) Complaints shall contain -

- (a) the name and contact details of the Complainant and the name and contact details of the person for whom the Complaint is lodged, if different;
- (b) the name of the Respondent, or if the name of the Respondent is unknown, as many identifying details as are available in order to assist the Authority in identifying the Respondent;
- (c) an accurate and concise statement of the facts illustrating the Complaint and demonstrating that the Respondent acted wrongly;
- (d) a clear and concise statement of the specific relief or remedy sought; and
- (e) any other relevant information.

(3) Licensees and persons registered with the Authority to provide services without a licence, must maintain records of all Complaints and provide bi-annual reports to the Authority in the format set out by the Authority from time to time.

**Adjudication of Complaints**

**5.** (1) Upon receiving a Complaint, the Authority will within forty-eight (48) hours -

- (a) issue the Complainant with an acknowledgement of receipt of the Complaint and a reference number; and
- (b) inform the Respondent of the Complaint and provide a copy of the Complaint.

(2) The Respondent must submit in writing to the Authority its response to the Complaint within seven (7) days of receipt of the Complaint. The Respondent must simultaneously provide a copy of the response to the Complainant.

(3) The Complainant may submit in writing to the Authority its reply to the response within seven (7) days of receipt of the Respondent's response. The Complainant must simultaneously provide a copy of the response to the Respondent.

(4) In the event the Respondent or the Complainant are unable to comply with the deadlines set out in the provisions of sub-regulation 5(2) and 5(3) above, they may request the Authority for an extension of time, which request may or may not be granted by the Authority within its sole discretion, depending on, among other things, the nature of the Complaint.

(5) All written submissions must be clear and concise and conform to any further requirements determined by the Authority from time to time.

(6) The Authority may request additional information or documentation from the Complainant or the Respondent relating to the Complaint, and may stipulate the time periods within and the manner in which such information or documentation should be submitted.

(7) Thereafter, the Authority may either, and in no particular order -

(a) order mediation in terms of section 132 of the Act;

(b) initiate an investigation in terms of sections 122 – 127 of the Act;

(c) conduct oral hearings;

(d) dismiss the Complaint, either wholly or partly;

(e) grant the relief sought in the Complaint, either wholly or partly;

(f) impose any appropriate penalty, including a fine; or

(g) take any other action or decision, as may be appropriate in the circumstances, or refuse to take any action or decision, as may be appropriate in the circumstances.

### **Oral hearings**

6. (1) If the Authority considers it appropriate, it may conduct oral hearings.

(2) The Authority must invite the Complainant and Respondent and any witnesses, at least seven (7) days prior to the oral hearing, to make oral submissions.

(3) Unless otherwise specified by the Authority, hearings are open to the public.

(4) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the Complaint.

(5) All oral submissions must –

(a) include a statement of the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submissions is made, if different; and

- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority.

(6) The Authority may request further oral or written submissions, for example, further information or clarification, from the person making the oral submissions, which must be provided to the Authority in the manner set out by the Authority.

(7) At the conclusion of the hearing, a concise report summarising the oral submissions must be prepared by the Authority as part of the record of the hearing.

### **Decisions of the Authority**

**7.** (1) The Authority shall after making a decision in respect of the Complaint, reduce the decision to writing, which must contain -

- (a) concise findings of fact and conclusions of law; and
- (b) the appropriate order, sanction, relief, or remedy or the denial of the requested order, sanction, relief or remedy.

(2) The Authority shall render its decision within a period of fourteen (14) days. In the event the Authority is unable to render its decision within the aforementioned time period, the Authority shall inform the Complainant and the Respondent of its inability and the reasons for such inability and what measures are to be taken to address the matter urgently.

### **Confidential information**

**8.** (1) Any person providing information or documentation may designate information as confidential, provided, however, if the Authority is of the opinion that the information is not confidential, it must inform the person that it may withdraw the information, agree that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential. Closed hearings will be treated as confidential meetings in terms of section 29 of the Act, and the notice of the closed meeting required by section 29(4) must be maintained in the relevant complaint file.

### ***Ex parte* communications**

**9.** A person may not communicate with the members of the Board, the CEO or staff members of, or consultants to the Authority to discuss the subject matter of any Complaint, except as provided for herein.

### **Record of proceedings**

**10.** (1) All documents deemed relevant by the Authority to a Complaint must be maintained by the Authority in the most appropriate format.

(2) Except for confidential information, any person may examine the file of a Complaint 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, and, if practicable on the Authority's website where copies may be downloaded free of charge.



**Publication of decisions**

**11.** (1) After concluding a Complaint proceeding, the Authority shall inform the Complainant and the Respondent of its decision and deliver a copy of the decision to the aforementioned parties.

(2) The Authority shall maintain a public register of its decisions made and copies of all decisions, at the head offices of the Authority and if practicable, on the Authority's website.

(3) Any person may examine the register of decisions or copies of decisions 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, and, if practicable, on the Authority's website where copies may be downloaded free of charge.

**Reconsideration**

**12.** (1) The Authority may reconsider any decision made in terms of these regulations, within the time set out in section 31 of the Act.

(2) Any person may request the Authority in writing to reconsider any decision made in terms of these regulations, within thirty (30) days of the publication of the final decision, and the Authority must reconsider such regulation within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions being received, or it may provide an opportunity for the public to provide further written or oral submissions in a manner stated by the Authority.

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

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