



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 31 January 2014

No. 5402

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## General Notices

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### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 12

2014

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

The Communications Regulatory Authority of Namibia, in terms of regulation 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 (As amended), herewith gives notice that the person referred to in the table below has submitted an application for a commercial broadcasting service licence to the Authority:

Applicant	Applicant's citizenship or place of incorporation	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens	Category of Broadcasting Service Licence as contemplated in the Regulations Setting out Broadcasting and Telecom-munications Service Licence categories	Provision of Signal Distribution	Whether applicant intends to use spectrum in the provision of broadcasting services intended to be provided	Proof of Application fees paid up to date submitted?
TV Worx CC	Namibia	100 %	Commercial Broadcasting Service Licence	Own	No	Yes

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

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

All written submissions must be made either physically or electronically -

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

**L.N. JACOBS**  
**CHAIR PERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 13

2014

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

The Communications Regulatory Authority of Namibia, in terms of Regulation 11 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences", in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 herewith gives notice of the following persons who have submitted applications for transfer of control of licence:

Licensee;	Type of service licence;	Transferor;	Transferee and Frequencies to be transferred from Transferor to Transferees as applied for;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens; in respect of the Transferees	Reasons for the proposed transfer;
Radio Kudu (Pty) Ltd	Spectrum Use Licence	Radio Kudu (Pty) Ltd	<b>Omulunga Radio (Pty) Ltd</b> Karibib - 94.6 MHz Omaruru - 94.6 MHz Henties Bay - 95.1 MHz Rosh Pinah - 103.4 MHz Katima Mulilo - 107.4 MHz	51%	Transfer of spectrum between licences
Radio Kudu (Pty) Ltd	Commercial Broadcasting Service Licence	Radio Kudu (Pty) Ltd	<b>Fresh FM (Pty) Ltd</b> Otjiwarongo - 90.9MHz Tsumeb - 92.6 MHz Rundu - 92.7 MHz Gobabis - 92.9 MHz Oranjemund - 97.3 MHz Lüderitz - 93.7 MHz Grootfontein - 95.2 MHz Keetmanshoop - 95.6 MHz Mariental - 97.3 MHz	51%	Transfer of spectrum between licences

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

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

All written submissions must be made either physically or electronically -

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
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**CHAIR PERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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## COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 14

2014

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

The Communications Regulatory Authority of Namibia, in terms of section 101 of the Communications Act (Act No 8 of 2009) and regulation 6 and 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the person referred to in the table below, has been awarded a spectrum use licence, effective from date of publication of this notice in the *Gazette*:

Licensee;	Licensee's Citizen- ship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies controlled by Namibian Citizens;	Description of geographic coverage area(s);	Radio Fre- quencies or group of frequencies applied for;	Services intended to be provided using the spectrum being applied for;	Type of Service Licence;	Proof of Licence Applica- tion Fees Paid Up to Date Submitted?  Yes/No
West Coast FM (Pty) Ltd	Namibian	100%	Walvis Bay	106.9 MHz	Commercial Broadcasting Services	Commercial Broadcasting Service Licence	Yes

The licence is issued subject to the Communications Act, 2009 (Act No. 8 of 2009) and the regulations setting out licence conditions for spectrum use licences, published in Government Gazette No. 5354, General Notice No. 469 dated 2 December 2013.

#### REASONS FOR AWARDING THE SPECTRUM USE LICENCE

West Coast FM (Pty) Ltd submitted an application for spectrum use licences for commercial broadcasting services to the Authority on 8 January 2013 for consideration, in accordance with section 101 of the Communications Act, 2009 (Act No. 8 of 2009) (hereinafter referred to as the “Act”) and the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use licences as published in Government Gazette No. 4785, General Notice No. 272 of 29 August 2011.

West Coast FM (Pty) Ltd was issued a commercial broadcasting service licence by the Authority in terms of Section 87 of the Communications Act, 2009 as published in Government Gazette No. 4839, Notice No. 393 dated 25 November 2011. Subsequent thereto, West Coast FM (Pty) Ltd was assigned a spectrum use licence in Swakopmund on completion of the broadcasting spectrum audit as published in the Government Gazette No. 5037, Notice No. 306 dated 13 September 2012.

In compliance with Section 101 of the Act and the Regulations Regarding Licencing Procedure for Telecommunications and Broadcasting Service Licences and Spectrum Use License, West Coast FM (Pty) Ltd. submitted a spectrum use licence application for additional spectrum between 87 MHz and 108 MHz to provide broadcasting services within the geographical area of Walvis Bay.

As per technical information submitted by West Coast FM (Pty) Ltd, the transmitter will be operated at a power output of 100 Watt. Outstanding information related to antenna and transmitter equipment was provided on written request from the Authority dated 29 May 2013.

Following due process in terms of Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences, the Authority published a notice in the Government Gazette 5254, General Notice No 286, dated 31 July 2013, allowing fourteen (14) days for public comments from the date of publication of the Notice in the *Gazette*. No public comments were received and subsequently no reply comments were requested from West Coast FM (Pty) Ltd.

The Authority conducted a spectrum study utilizing the Scorpio Mobile Spectrum Unit to identify a vacant frequency within the Walvis Bay geographical area based on the technical information submitted by West Coast FM (Pty) Ltd and taking into account existing spectrum use by broadcasters in the same area as well as the unique topographical characteristics of the intended coverage area.

The Authority identified 106.9 MHz as a suitable frequency. This frequency is within the frequency range 87 MHz to 108 MHz as applied for by West Coast FM (Pty) Ltd to expand its FM broadcasting services to Walvis Bay. West Coast FM (Pty) Ltd complies with the requirements for a spectrum use licence as set out in Regulation 6(2) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences published in the Government Gazette No. 4785, Notice No. 272 dated 29 August 2011.

The Authority approved the issuance of the spectrum use application to enable West Coast FM (Pty) Ltd to provide commercial broadcasting services in conjunction with a spectrum use licence in the Walvis Bay geographical area in terms of Section 101(6) and (8) of the Act as well as Regulation 6(1) of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences published in the Government Gazette No. 4785, Notice No. 272 dated 29 August 2011.

**L.N. JACOBS**  
**CHAIR PERSON OF THE BOARD**  
**COMMUNICATIONS REGULATORY AUTHORITY**

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