



# LESOTHO Government Gazette

Vol. 63

Friday – 23rd March, 2018

No. 22

## CONTENTS

No. Page

### LEGAL NOTICES

|    |   |
|----|---|
| 22 | Lesotho Communications Authority (Administrative) ..... 251<br>(Amendment) Rules, 2018        |
| 23 | Lesotho Communications Authority (Licensing ..... 254<br>Classification and Fees) Rules, 2018 |

Published by the Authority of His Majesty the King  
Price: M19.00

## LEGAL NOTICE NO. 23 OF 2018

**Lesotho Communications Authority (Licensing Classification and Fees) Rules, 2018**

Pursuant to section 5 of the Communications Act, 2012<sup>1</sup> the Authority make the following Rules -

**Citation and commencement**

1. These Rules may be cited as the Lesotho Communications Authority (Licensing Classification and Fees) Rules, 2018 and shall come into operation on the 1st of April, 2018.

**Interpretation**

2. In these Rules, unless the context otherwise requires -

“annual fee” means recurrent fee that is charged to a licensee once a year;

“application fee” means a once-off, non-refundable and non-transferable fee that is meant to cover costs related to assessing and processing an application for any service offered by the Authority and payable upon submission of an application;

“Authority” means the Lesotho Communications Authority;

“class licence” means an authorization whereby the terms and conditions are standard for a particular category or class of service provider;

“exemptions” means services for which licences are not required;

“individual licence” means a licence whereby the terms and conditions are customized according to the parameters set out in the application at the time the licensee applies for an authorization and as agreed with the Authority;

“individual numbers” means numbers on the national numbering plan, used for tollfree and for premium rated services, allocated as single numbers, and not as block or ranges;

“initial fee” means a once-off, non-refundable fee that is payable before a licence is issued, following a positive evaluation of the application;

“NOI” means Net Operating Income and refers to gross turnover on telecommunication business of the operator, inclusive of contracted amounts received for roaming and interconnection after deducting contracted amounts paid for roaming and interconnection;

“numbering block” means sequential block of one hundred thousand (100,000), telephone numbers, 8-digit long, which are based on the national numbering plan;

“numbering resources” means numbers allocated by the Authority to service providers for use in communications as determined by the national numbering plan;

“other administrative charges” means fees for various administrative activities relating to the processing of licences;

“permits” means authorization for entities to set up facilities and services for a period not exceeding 6 months, for testing, experiments, short term activities or events such as sports and meetings;

“primary licence” means a class or individual licence authorizing the holder to provide services, infrastructure, or in the case of private networks, to self-provide services, infrastructure or both;

“unified licence” means a category of licence that authorises the licensed entity to provide electronic communication services without restrictions;

“universal service” means the provision and availability of essential communications services to all sections of society as

determined by the Authority; and

“site survey/verification fee” means a fee charged for gathering information on the technical aspects of a site or equipment inspection, payable per trip or site.

### **Calculations, payment and licence classification details**

3. (1) The licensing classification, fees and details are set out in the First, Second and Third Schedules, respectively.

(2) The fees payable under these rules are -

- (a) the application fee,
- (b) the initial licence fee,
- (c) annual fees, and
- (d) renewal fees

(3) Fees for -

- (a) class licences and permits shall be paid on the date determined by the Authority;
- (b) individual licences shall be due on the 1st April every year and payable on or before the 1st July each year.

(4) Despite the provisions of 3(a) and (b) above, licence fees may be paid in accordance with a payment schedule agreed between the Authority and the licensee.

### **Penalties**

4. Where a licensee fails to pay the required licensing fees as set out in these Rules, the penalties set out in the Second Schedule shall be applied by the Authority against the licensee.

**Repeal**

5. The Lesotho Communications Authority (Licensing Fees) Rules, 2013<sup>2</sup> are repealed.

**DATED:**

**TŠELISO 'MOKELA  
CHIEF EXECUTIVE OFFICER**

**NOTE**

1. Act No. 4 of 2012
2. L.N. No. 20 of 2013

**Lesotho Communications Authority (Licensing Classification and Fees)  
Rules 2018****FIRST SCHEDULE****Licence Classification****TABLE 1 - LICENCE**

| <b>Licence Category</b>  | <b>Type of Authorisation</b> |
|--|------------------------------|
| 1.1. Network Services (Data services & MVNO)                             | Individual Licence           |
| 1.2. Network Infrastructure (Facilities)                                 | Individual Licence           |
| 1.3. Unified Licence   | Individual Licence           |
| 1.4. Content (Radio and Television)                                      | Individual Licence           |
| 1.5. Public Postal Services  | Individual Licence           |
| 1.6. Commercial Postal Services  | Individual Licence           |
| 1.7. Private Networks  | Individual License           |
| 1.8. Radio Frequency Spectrum  | Class Licence                |
| 1.9. Applications – (Value added services requiring numbering resources) | Class Licence                |
| 1.10. Numbering Resources  | Class Licence                |
| 1.11. Short-term activities  | Permits                      |
| 1.12. Resale Internet Service Providers                                  | Registration                 |

## SECOND SCHEDULE

## Regulatory Fees

TABLE 2: INDIVIDUAL LICENCES

| Category                                | Authorisation Tenure | Application Fee (Maloti) | Initial Fee (Maloti) | Renewal   | Annual Fee (Maloti) |
|---|----------------------|--------------------------|----------------------|-----------|---------------------|
| <b>2.1 Networks</b>                     |                      |                          |                      |           |                     |
| 2.1.1 Network services                  | 20 years             | 70 000                   | 146 300              | 146 300   | 4% of NOI           |
| 2.1.2 Network infrastructure            | 20 years             | 70 000                   | 146 300              | 146 300   | 4% of NOI           |
| 2.1.3 Unified licence                   | 20 years             | 200 000                  | 10 000 000           | 5 225 000 | 4% of NOI           |
| <b>2.2 Content (Sound Broadcasting)</b> |                      |                          |                      |           |                     |
| 2.2.1 Commercial                        | 15 years             | 13 500                   | 20 900               | 20 900    | 12 000              |
| 2.2.2 Community                         | 15 years             | 9 500                    | 10 000               | 10 000    | 5 000               |
| 2.2.3 Private                           | 15 years             | 13 500                   | 20 900               | 20 900    | 12 000              |
| 2.2.4 Public                            | unlimited            | -                        | -                    | -         | 100 000             |
| <b>2.3 Content (Television)</b>         |                      |                          |                      |           |                     |
| 2.3.1 Commercial                        | 15 years             | 17 000                   | 34 000               | 34 000    | 25 000              |
| 2.3.2 Community                         | 15 years             | 9 800                    | 10 500               | 10 500    | 5 000               |
| 2.3.3 Private                           | 15 years             | 17 000                   | 34 000               | 34 000    | 25 000              |
| 2.3.4 Public                            | unlimited            | -                        | -                    | -         | 200 000             |
| <b>2.4 Postal services</b>              |                      |                          |                      |           |                     |
| 2.4.1 Public postal services            | unlimited            | 3 000                    | 300 000              | -         | 1% of NOI           |
| 2.4.2 Commercial postal services        | 5 years              | 1 000                    | 2 000                | 2 000     | 1% of NOI           |

**TABLE 3: CLASS LICENCES –RADIO FREQUENCIES SPECTRUM**

|         | Type of Service   | Application Fee<br>(Maloti) | Annual Fees<br>(Maloti) |
|---------|---|-----------------------------|-------------------------|
| 3.1     | Private Networks  | 15 000                      | Per evaluation          |
| 3.2     | Land Mobile Services (Non-Cellular)   |                             |                         |
| 3.2.1   | Mobile Two-way Radio Stations (National)                                    |                             |                         |
| 3.2.1.1 | Network of up to 10 radios  | 1 400                       | 1 800                   |
| 3.2.1.2 | Network of 11-30 radios   | 1 400                       | 3 600                   |
| 3.2.1.3 | Network of 31-50 radios   | 1 400                       | 7 200                   |
| 3.2.1.4 | Network of 51-100 radios  | 1 400                       | 10 700                  |
| 3.2.1.5 | Network of above 100 radios   | 1 400                       | 18 000                  |
| 3.2.2   | Mobile Two-way Radio Stations (Cross Border)                                |                             |                         |
| 3.2.2.1 | Network of up to 10 radios  | 1 400                       | 3 000                   |
| 3.2.2.2 | Network of 11-30 radios   | 1 400                       | 4 800                   |
| 3.2.2.3 | Network of 31-50 radios   | 1 400                       | 8 400                   |
| 3.2.2.4 | Network of 51-100 radios  | 1 400                       | 12 100                  |
| 3.2.2.5 | Network of above 100 radios   | 1 400                       | 19 400                  |
| 3.2.3   | Alarm System including base station<br>with remote stations                 | 1 400                       | 6 100                   |
| 3.2.4   | Paging Systems  | 1 400                       | 400                     |
| 3.2.5   | Telemetry/Tele-command  | 1 400                       | 3 600                   |
| 3.2.6   | Emergency services as per ITU<br>recommendations & national<br>requirements | -                           | Exempted                |
| 3.2.7   | Vehicle tracking  | 2 400                       | 4 800                   |
| 3.3     | Satellite Services  |                             |                         |
| 3.3.1   | Earth station/VSAT  |                             |                         |



| Type of Service  | Application Fee<br>(Maloti) | Annual Fees<br>(Maloti) |
|--|-----------------------------|-------------------------|
| 3.3.1.1 Private  | 2 000                       | 8 000                   |
| 3.3.1.2 Commercial   | 2 000                       | 4 000                   |
| 3.3.1.3 Amateur  | 2 000                       | 1 500                   |
| 3.3.2 Terminal for radio determination services                                    | 2 000                       | 1 500                   |
| 3.3.3 Landing Rights   |                             |                         |
| 3.3.3.1 Subscription   | 5 000                       | 250 000                 |
| 3.3.3.2 Tracking (Vehicle & Other)   | 2 500                       | 15 000                  |
| <b>3.4 Radio-Determination/Aeronautical Services</b>                               |                             |                         |
| 3.4.1 Aeronautical Stations (per airport)  | 750                         | 3 600                   |
| 3.4.2 Aircraft licence (per aircraft)  | 750                         | 100                     |
| 3.4.3 Aeronautical Earth Station   | 750                         | 1 200                   |
| 3.4.4 Radio location stations e.g. radar   | 750                         | 700                     |
| <b>3.5 Fixed Links</b>   |                             |                         |
| 3.5.1 Point-to-point link (Per MHz)  | 1 300                       | (Per MHz)<br>1 400      |
| 3.5.2 Fixed Links for Broadband Access<br>(60/90 GHz)                              | 1 400                       | (Per Hop)<br>3 000      |
| <b>3.6 Access Spectrum</b>   |                             | Per MHz                 |
| 3.6.1 Mobile spectrum  | 10 000                      | 11 800                  |
| 3.6.2 Broadband fixed wireless access  | 1 400                       | 2 100                   |
| <b>3.7 Sound Broadcasting Services</b>   |                             | (Per Channel)           |
| 3.7.1 MF-AM  | 1 100                       | 1 000                   |
| 3.7.2 HF-AM  | 1 100                       | 1 000                   |
| 3.7.3 VHF-FM operating with an effective isotropic<br>radiated power (e.i.r.p) of: |                             |                         |
| 3.7.3.1 Up to 500 W  | 1 100                       | 1 000                   |

| Type of Service  | Application Fee (Maloti) | Annual Fees (Maloti) |
|--|--------------------------|----------------------|
| 3.7.3.2 Above 500 W (but below 1000 W)                                       | 1 100                    | 1 500                |
| 3.7.3.3 Above 1000 W   | 1 100                    | 5 000                |
| <b>3.8 Television Broadcasting Services</b>                                  |                          | <b>(Per MHz)</b>     |
| 3.8.1 VHF  | 1 300                    | 1 000                |
| 3.8.2 UHF operating with an effective isotropic radiated power (e.i.r.p) of: |                          |                      |
| 3.8.2.1 Up to 1kW  | 1 100                    | 2 300                |
| 3.8.2.2 Above 1kW  | 1 100                    | 4 000                |
| 3.9 Amateur Radio (terrestrial)  | 350                      | -                    |
| 3.10 Resale Internet Service Providers                                       | 0                        | 0                    |

**TABLE 4: CLASS LICENCES – NUMBERING RESOURCES**

| Authorization Type  | Application Fee (Maloti) | Annual Fee (Maloti) |
|---|--------------------------|---------------------|
| <b>4.1 Individual Numbers</b>   |                          |                     |
| 4.1.1 Premium Rate Message Service (PRMS)   | 1 300                    | 350                 |
| 4.1.2 Premium Rate Voice Services (PRVS)  | 1 300                    | 1 100               |
| <b>4.2 Toll-free numbers</b>  |                          |                     |
| 4.2.1 Commercial entities   | 1 300                    | 1 100               |
| 4.2.2 Non-commercial entities   | 1 300                    | -                   |
| <b>4.3 Numbering Resources (block of 100,000 contiguous numbers)</b>  | <b>2 500</b>             | <b>35 000</b>       |
| <b>4.4 Emergency Numbers - National Emergency Services (e.g. fire department, child-helpline, police, public ambulance)</b> | <b>-</b>                 | <b>-</b>            |

**TABLE 5: SHORT TERM ACTIVITIES (PERMITS) UP TO 6 MONTHS**

|  | <b>Permit<br/>Fees<br/>(Maloti)</b> |
|--|-------------------------------------|
| 5.1 Content (includes spectrum where required) | 10 000                              |
| 5.2 Individual numbers                         | 1 300                               |

**TABLE 6: UNIVERSAL SERVICE OBLIGATION**

|                            |             |
|----------------------------|-------------|
| 6.1 Network Services       | 1.5% of NOI |
| 6.2 Network Infrastructure | 1.5% of NOI |
| 6.3 Unified licence        | 1.5% of NOI |

**TABLE 7: PENALTIES**

|   |  |
|---|--|
| 7.1 Non-Payment of regulatory fees                                    |  |
| 7.1.1 1-3 Months  | 20% of outstanding amount  |
| 7.1.2 Above 3 months, up to 6 months                                  | 50% of outstanding amount  |
| 7.1.3 Above 6 months, up to 12 months                                 | 75% of outstanding amount  |
| 7.1.4 After 12 months   | Automatic expiration*  |
| 7.2 Unauthorised use of spectrum or exceeding authorised power limits | Payment of 3 times applicable annual fee   |
| 7.3 Other Penalties   | As stipulated in the Communications Act 2012, and/or licence conditions / General Authorizations |

**Notes to Table 7**

\* Automatic expiration will only apply to class licenses.

**TABLE 8: OTHER ADMINISTRATIVE CHARGES**

|            | <b>Service</b>  | <b>Fee (Maloti)</b> |
|------------|---|---------------------|
| <b>8.1</b> | <b>Documents</b>  |                     |
| 8.1.1      | Documents on USB*   | 150                 |
| 8.1.2      | Licence Certificate (reprint per certificate)                   | 150                 |
| 8.1.3      | Printed material per page                                       | 10                  |
| <b>8.2</b> | <b>Licence Amendment (requested by a licensee)</b>              |                     |
| 8.2.1      | Individual licence: Unified, Infrastructure, Network Services** | 16 100              |
| 8.2.2      | Individual Licence: Content**                                   | 3 220               |
| 8.2.3      | Private Network licence   | 3 220               |
| 8.2.3      | Class Licence   | 2 150               |
| 8.4        | Verification/Site survey (per site)                             | 1 500               |
| 8.5        | Registration of transmitting equipment                          | -                   |
| 8.6        | Type-approval (per item)  | 3 500               |
| <b>8.7</b> | <b>Licence transfer or assignment</b>                           |                     |

The fee payable shall be equivalent to the application fee of a relevant licence.

**Notes to Table 8**

\* In the case where the documents are requested by email, the fee is M0.00. The fees do not include postage or courier; that will be the responsibility of the person requesting the documents.

\*\* In the case of a merger of two or more licences, the application for licence amendment is treated as if it is one licence that is being amended.

---

## THIRD SCHEDULE

### Licence Classification Details

#### 9 Content (broadcasting)

The classification of broadcasting licences is defined in the Broadcasting Classification Regulations 2007.

Broadcasting content authorization is for television and audio broadcast services, and broadcast over terrestrial radio. A licensee is eligible for one or more frequencies to enable broadcasting over air. A licensee may self-provide infrastructure for transmission and distribution.

#### 10 Individual Numbers

These are individual numbers allocated for value added services, toll free services and emergency services. Each application may accommodate up to 5 numbers. Beyond 5 numbers, the applicant has to submit a separate application. The annual fee is for each number allocated.

Toll free numbers are categorised as commercial and non-commercial. Commercial is for entities that provide paid services and non-commercial is for entities offering free services. Non-commercial entities shall apply for exemption of annual fees on numbers.

#### 11 Network Services

Service providers in this category are authorised to provide electronic communication services to end users. Licences in this category include Internet Service Providers (ISP) and Mobile Virtual Network Operators (MVNO). MVNO licence is granted only when there is an agreement with a host.

ISP licensees may own infrastructure in accordance with licence conditions. They qualify for access to spectrum but do not qualify for numbering blocks. They may also use licence exempt bands (ISM bands) to build mesh networks in order to enable expansion of services and create Wi-Fi hotspots. Quality of Service on the mesh networks cannot be guaranteed nor enforced as the bands are not protected like licensed bands.

They may arrange international interconnection with foreign parties.

MVNO qualify for access to numbering resources and may own infrastructure, subject to its licence conditions or authorisation by the Authority.

## **12 Network Infrastructure (facilities)**

This category focuses on wholesale leasing of transport and access infrastructure to service providers which do not wish to or are not licensed to set up their own facilities. Wholesale in this regard excludes provision of service to the end-users. Examples of services a licensee in this category could provide are a service neutral open access network and broadcasting signal distribution networks.

The licensees may also interconnect with entities in foreign territories for the purpose of facilitating the exchange of traffic between third party networks and those of foreign parties.

## **13 Unified Licence**

- (1) This is a full service licence that consists of fixed and mobile services. The licence authorizes the holder to provide all forms of electronic communications networks and services.
- (2) The initial fee covers a licence for:
  - (a) The provision of telecommunication services without limitations; and
  - (b) 30 blocks of numbering resources where a block is 100,000 contiguous numbers.
- (3) Additional numbering resources shall be applied for separately.
- (4) The radio spectrum shall be applied for separately.

## 14 Radio Frequency Spectrum

Radio frequency spectrum licences are issued in accordance with the Lesotho National Frequency Allocation Plan. Landing rights are categorised under radio frequency spectrum, even though no assignments are made.

### a) Land mobile services

This is an authorisation to provide mobile service between base station and land mobile station, or between land mobile stations. Examples of land mobile services are:

- (i) Mobile two-way radio stations;
- (ii) Repeater/base stations;
- (ii) Alarm systems; and
- (iv) Paging systems
- (v) Telemetry/Tele-command

### b) Satellite Services

These are radiocommunication services between satellites and earth stations at given positions. Very Small Aperture Terminals (VSATs) are licensed under this category for private and commercial use. Each VSAT station must be licenced before it can be operated. A VSAT licence shall be issued only to a holder of an applicable primary licence.

Non-transmitting devices for non-commercial use are licence-exempt but should be registered with the Authority to ensure protection in accordance with legislation governing use of radio frequency spectrum. Satellite TV receivers are exempted from registration.

Providers of satellite pay TV services are subject to landing rights. The service provider is required to obtain landing rights authorization from the Authority.

**c) Radiodetermination/Aeronautical Services**

Usage of radiodetermination/aeronautical spectrum is subject to authorisation by the Authority.

**d) Fixed Links**

These are radio licences for fixed terrestrial applications. The services involve transmission of radio signals between fixed points. They are point-to-point links that may also be used for broadband access. Spectrum for broadband access is aimed at providing high capacity links for trunking speed similar to those provided by fibre networks.

**e) Access Spectrum**

Access spectrum is licensed to deliver communication services in the last mile. It is categorised into mobile spectrum and broadband fixed wireless spectrum.

**f) Broadcasting Services**

Radio spectrum for broadcasting services is available to holders of individual licences designated for Content service provision. Licensees have to apply separately for radio frequencies, as these are not included in the primary licences.

**15 Amateur Radio**

A licence to operate amateur radio equipment.

**16 Numbering Resources**

These are numbers allocated according to the national numbering plan. Internet number resources and domain names are excluded, as the responsibility for their allocation lies with other bodies.

Numbers are categorised as “number blocks” and “individual numbers”. Number blocks are for use by network operators for allocation to subscribers, while the individual numbers are for short codes, emergency



services and toll-free services.

**17 Private Network**

This is an authorization for an entity to setup and operate a network for its own exclusive use. It is subject to prohibition against resale of services or infrastructure to third-parties. A private network licence is precluded from numbering blocks. Spectrum may be allocated for the establishment of radio links.

**18 Permits (for short-term activities)**

Permits are short term authorizations for activities that require a licence for a period not exceeding 6 months. Permits are not renewable.

**19 Public Postal Services**

These are universal postal services such as letter post items of up to 2 kilograms and parcels of up to 20 kilograms. Public postal services are within the exclusive rights of the Lesotho Post. The Lesotho Post has a universal service obligation to provide basic and ordinary mail services nation-wide at uniform and affordable prices for all citizens. The mail services are delivered into post office mailboxes (P.O. Boxes) of the addressee.

**20 Commercial Postal Services**

Licensees under this category provide value-added mail services on a commercial basis with specific conditions such as time-bound delivery, track and trace, insurance etc. Commercial mail services are also limited to 2 kilograms for letters/documents and 20 kilograms for parcels. The mail services are delivered to the specific location of the addressee. Services under this category are offered by the Commercial Postal Operators, which are courier, express and parcel operators.

**21 Universal Service Obligation**

Licensees in the following categories are required to pay a universal service charge in line with the Communications Act, 2012:

- (a) Network Services;
- (b) Network Infrastructure;
- (c) Unified Licence;

## **22 Requirement for a Licence**

A licence is not required for the provision of services, unless any of the following conditions apply:

- a) The service provider wishes to be allocated numbering resources to provide service;
- b) The service provider (or private entity) requires radio spectrum resources that require licensing; or
- c) The service provider (or private entity) requires rights of way to deploy network infrastructure;
- d) The service provider wishes to provide postal or courier services.

## **23 Resale Internet Service Providers**

Resellers of internet access services, referred to here as resale ISPs that have been deregulated/delisted are required to register with the Authority on an annual basis.

- a) They are authorised to provide last mile access network.
- b) They are not allowed to set up own public infrastructure in the form of international and backhaul links to provide service to own clients. However, they may set up their own infrastructure to service customers, with the exception of where they require -
  - i) radio spectrum that is subject to licensing;
  - ii) rights of way to cross in public land/roads to reach cus-

tomers; and

iii) numbering resources to serve customers.

**24. Penalties**

The penalties stipulated under Table 7 of the Second Schedule will apply in cases where a licensee fails to pay license fees on a due date or fails to successfully pay in accordance with the agreed payment schedule.