

LEGAL NOTICE NO. OF 2024

**Lesotho Communications Authority (Licensing Classification and Fees)
(Amendment) Rules, 2024**

Pursuant to section 5(1)(c) and 15(1)(a) of the Communications Act, 2012,

I,

NIZAM GOOLAM

being the Chief Executive Officer of the Lesotho Communications Authority make the following Rules –

Citation and commencement

1. These Rules may be cited as the Lesotho Communications Authority (Licensing Classification and Fees) (Amendment) Rules, 2024 and shall come into operation on the date of publication in the Gazette.

Amendment of First Schedule to the Rules

2. First Schedule to the Licensing Classification and Fees Rules, 2023 is amended as follows –

Individual numbers

Paragraph 3(1) Individual numbers is amended by inserting the following paragraph after the full stop –

“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.”

The amendment is proposed to read as follows:

3. (1) Individual numbers are numbers allocated for value-added services such as toll-free services, premium rate messaging services, premium rate voice

services, emergency services and USSD 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.**

Lesotho National Numbering Plan

Paragraph 4 (d) (iv) is amended by inserting the following paragraph after the full stop –

“USSD Codes in Level 1 used by Unified Licensees for internal use for provision of information for accessing communication services by subscribers shall be exempted from being charged.”

The amendment is proposed to read as follows:

(iv) licence shall be required for numbers assigned to third parties and not for internal use by the mobile network operators. **USSD Codes in Level 1 used by mobile network operators for internal use and provision of information for accessing licensed communication services by subscribers shall be exempted from being charged.**

Mobile Virtual Network Operator (MVNO), Internet Service Provider (ISP) and Rural Community Network

Paragraph 6 (2) is deleted and substituted with the following –

(2) An ISP licensee –

An ISP licensee may provide internet services under the following sub-categories –

(a) Terrestrial Networks

- i. ISP licensee in this sub-category may own infrastructure in accordance with licence conditions;

- ii. Qualifies for access to spectrum but do not qualify for numbering blocks;
- iii. May also use license-exempt bands such as Industrial, Scientific, and Medical (ISM bands) to build mesh networks in order to enable the 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; and
- iv. May arrange international interconnection with foreign parties.

(b) Satellite Networks

- i. ISP licensee in this sub-category may provide broadband connectivity using satellite-based technology such as Non-Geostationary Satellite Orbit (NGSO) systems;
- ii. Service providers in this category are required to pay landing rights fees for NGSO systems as prescribed in these rules;
- iii. Qualifies for access to licensed radio frequency spectrum but do not qualify for numbering blocks; and
- iv. May arrange international interconnection with foreign parties.

(c) Hybrid Networks (terrestrial and satellite)

- i. ISP licensee in this sub-category may provide broadband connectivity using a combination of terrestrial and satellite-based technology such as NGSO systems network;
- ii. An ISP licensee in this sub category may partner with another licensee to provide broadband connectivity using a hybrid network.
- iii. Service providers in this category are required to pay landing rights fees for NGSO systems as prescribed in these rules;
- iv. May own infrastructure in accordance with licence conditions;
- v. May also use license-exempt bands such as ISM bands to build mesh networks in order to enable the 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;

- vi. May arrange international interconnection with foreign parties; and
- vii. Qualifies for access to licensed radio frequency spectrum but do not qualify for numbering blocks.

Amateur radio licence

Paragraph 10 is amended by inserting the following after the full stop –

“Amateur radio service is a radiocommunication service for the purpose of self-training, inter-communication and technical investigations carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest. Amateur service may also be operated through the use of space stations on earth satellites.”

The amendment is proposed to read as follows:

Amateur radio licence is required for a person to operate an amateur radio. Amateur radio service is a radiocommunication service for the purpose of self-training, inter-communication and technical investigations carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest. Amateur service may also be operated through the use of space stations on earth satellites.

Resale Internet Service Providers (RISPs)

Paragraph 19 (3) is deleted and substituted with the following –

“Notwithstanding item 19(2)(b), RISPs may set up their own infrastructure to service customers, with the exception where they require:

- (a) a radio spectrum that is subject to licensing;
- (b) right of way to cross public lands to reach customers; and
- (c) numbering resources to serve customers.”

Amendment of Table 2 of Third Schedule to the Rules

3. Table 2 of the Third Schedule to the Licensing Classification and Fees Rules, 2023 is amended –

(a) In item 2.1, by deleting sub-item 2.1.2.1 and substituting it with the following –

Category	Authorization Tenure (Years)	Application Fee (Maloti)	Initial Fee (Maloti)	Renewal Fee (Maloti)	Annual Fee (Maloti)
2.1.2.1A Internet Service Provider (Terrestrial)	20 years	70,000	146,300	146,300	4% NOI
2.1.2.1B Internet Service Provider (Hybrid)	20 years	70,000	146,300	146,300	4% NOI
2.1.2.1C Internet Service Provider (Satellite)	3 years	140,000	440,000	440,000	4%NOI

(b) In item 2.2, by deleting sub-item 2.2.4 and substituting it with the following –

Category	Authorization Tenure (Years)	Application Fee (Maloti)	Initial Fee (Maloti)	Renewal Fee (Maloti)	Annual Fee (Maloti)
2.2.4 Public	20 years	13,500	0	100,000	100,000

(c) In item 2.3, by deleting sub-item 2.3.4 and substituting it with the following –

Category	Authorization Tenure (Years)	Application Fee (Maloti)	Initial Fee (Maloti)	Renewal Fee (Maloti)	Annual Fee (Maloti)
2.3.4 Public	20 years	13,500	0	200,000	200,000

Amendment of Table 8 of Third Schedule to the Rules

5. Table 8 of the Third Schedule to the Licensing Classification and Fees Rules, 2023 is amended by deleting item 8.2 and substituting it with the following –

8.2 Unauthorised use of numbering resources, spectrum or exceeding authorised power limits.	Payment of three times the applicable annual fee
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Transition

6. Current Network Services licensees will continue to operate with their existing licences until their licence periods come to an end. However, they have a choice to convert their licences to hybrid or satellite networks category within a period of 24 months from the date when these Rules come into operation.