

LEGAL NOTICE NO. OF 2008

LESOTHO COMMUNICATIONS AUTHORITY (LICENSING FEES) RULES 2008

Pursuant to section 16 of the Lesotho Communications Authority Act 2000¹, the Authority makes the following rules –

Citation and commencement

1. These rules may be cited as the Lesotho Communications Authority (Licensing Fees) Rules 2008 and shall come into operation on the date of publication in the Gazette.

Payment of licensing fees

2. (1) The licensing fees are as set out in the Schedule.
(2) The fees are payable annually with an exception of-
 - (a) the application fee; and
 - (b) the initial licence fee.
(3) The fees shall be payable-
 - (a) on such date as the Authority may indicate; or
 - (b) in accordance with a payment schedule as may be agreed by the Authority and a licensee.

Penalties

3. Failure to pay the fees as required by these rules shall attract the penalties as shown in the Schedule.

Repeal

4. The Lesotho Communications Authority (Licensing Fees) Rules 2008² are repealed.

DATED:

**MONEHELA POSHOLI
CHIEF EXECUTIVE**

¹ Act NO. 5 of 2000 as amended

² Legal Notice NO. 7 of 2008

SCHEDULE
LICENSING FEES
Amended 2008

1 LICENCE CLASSIFICATION

Licence Classes	Examples	Type of Authorisation
Public Communications Service Providers	Fixed, Mobile, Internet Service Providers Class A & B, Satellite Network Operators and Signal Distributors	Individual Licence.
Private Communications Networks	Corporate Networks	Individual Licence.
Radio Licences	Two-way Radio	Registration
Resale Services	Internet Service Providers class C.	Registration
Short-term Activities	Short-term activities requiring frequency assignments or temporary telecom facilities	Permits.
Broadcasting Networks & Services	Radio and TV	Individual licence

2 REGULATORY FEES

TABLE 1 – Individual Licences

Description		Application (Maloti)		Fee (Maloti)	
		New Licence	Licence Amendment	Initial	Annual/Royalty
1.1	Public Communications Service Providers	63,000	17,300	Per evaluation	3.5% of N.O.I
1.2	Broadcasting Networks and Services				
1.2.1	Sound Broadcasting				
	Public	8,800	3,000	15,000	10,000
	Private	8,800	3,000	15,000	10,000
	Commercial	8,800	3,000	15,000	10,000
	Community	8,800	3,000	10,000	2,000
1.2.2	Television Broadcasting				
	Public	8,800	3,000	20,000	20,000
	Private	8,800	3,000	20,000	20,000
	Commercial	8,800	3,000	20,000	20,000
	Community	8,800	3,000	10,000	2,000
1.3	Private Communications Networks	8,800	3,000	Per evaluation	200,000

TABLE 2 – Services Subject to Registration (Resale Services)

Description		Fee (Maloti)	
		Application	Annual
2.1	ISP – Class C	2,100	2,000

TABLE 3 – Radio Licences

Description		Fee (Maloti)	
		Application	Annual
3.1	Land Mobile Services (non-cellular)		
3.1.1	Mobile two-way radio stations		
3.1.1.1	Network of up to 10 radios	930	1,500
3.1.1.2	Network of 11 – 30 radios	930	3,000
3.1.1.3	Network of 31 – 50 radios	930	6,000
3.1.1.4	Network of 51 – 100 radios	930	9,000
3.1.1.5	Network of above 100 radios	930	15,000
3.1.2	Cross Border		
3.1.2.1	Network of up to 10 radios	930	2,500
3.1.2.2	Network of 11 – 30 radios	930	4,000
3.1.2.3	Network of 31 – 50 radios	930	7,000
3.1.2.4	Network of 51 – 100 radios	930	10,000
3.1.2.5	Network of above 100 radios	930	16,000
3.1.3	Alarm system including base station with remote stations	930	5,000
3.1.4	Paging systems	930	300
3.1.5	Emergency services as per ITU recommendation	Exempted	Exempted
3.2	Satellite Services		
3.2.1	Earth station/ VSATs -Transmit/ Receive (TX/RX)	8,200	Spectrum fees are applicable as per 3.4. Annual fees are applicable as per 1.1 or 1.3 accordingly.
3.2.2	Amateur	5,000	1,200
3.2.3	Terminal for radio determination services	5,000	1,200
3.2.4	Landing rights:	8,200	10,000
3.3	Radio-determination/Aeronautical Services		
3.3.1	Aeronautical stations (per airport)	600	3,000
3.3.2	Aircraft Licence (per aircraft)	600	750
3.3.3	Radio - operators Certificate	Nil	Nil
3.3.4	Aeronautical earth station	600	1,000
3.3.5	Radiolocation stations e.g. Radar	600	575
3.4	Spectrum fees		(per MHz)
3.4.1	Fixed services		

Description		Fee (Maloti)	
		Application	Annual
3.4.1.1	Point to Point Link	1,000	1,400
3.4.1.2	Point to Multi-point Link	1,000	2,000
3.4.2	Radio Access Networks	10,000	10,000
3.4.3	Amateur Radio	250	nil
3.5			
	Telemetry/Tele-command: e.g. radio equipment for measuring seismic movements	930	3,000
3.6			
	Broadcasting Services		<i>per MHz</i>
3.6.1	Sound		
3.6.1.1	FM-AM	1,000	1,000
3.6.1.2	HF-AM	1,000	1,000
3.6.1.3	VHF-FM	1,000	
3.6.1.3.1	Up to 500W		1,000
3.6.1.3.2	Above 500W		2,000
3.6.2	Television		
3.6.2.1	VHF	1,000	1,000
3.6.2.2	UHF operating with an effective isotropic radiated power (e.i.r.p) of:		
3.6.2.2.1	up to 1kW	1,000	1,000
3.6.2.2.2	Above 1kW	1,000	2,000

TABLE 4 – Other Regulatory Fees

Description		Administrative Fee (Maloti)	Annual Fee (Maloti)
4.1	Express facilities	17,300	NA
4.2	Permits for Short-Term Activities		
4.2.1	Application processed within 5 days	1,500	NA
4.2.2	Application processed beyond 5 days	140	NA
4.2.3	Amateur Radio	50	NA
4.2.4	Sound/TV and other radio temporary permits	Application fee as in 4.2.1 or 4.2.2	<ul style="list-style-type: none"> • Annual fee pro-rated based on <i>Tables 1 & 2</i> • Annual spectrum fee in <i>Table 3</i>.
4.3	Suppliers of Radio Equipment	250	1,000
4.4	Registration of Transmitting Equipment	<i>Nil</i>	<i>Nil</i>
4.5	Type Approval	300	NA
4.6	Site survey	1,000	NA

2.1 TABLE 5 – General Administrative Charges

General administrative charges		Fee (Maloti)
5.1	Printed material	3.00/page
5.2	Licence certificate	50
5.3	Licence amendment	Per evaluation
5.4	Illegal use of spectrum	Min 6,000
5.5	General offences by users other than those on <i>Table 7</i>	As per the LCA ACT

TABLE 6 – General Authorization: licence-exempt services

Description	
6.1	Applications and Content
6.2	Customer Premises Equipment Dealerships
6.3	Private Networks (unless they cross public roads or use licensed radio spectrum)
6.4	Value-added Services such as calling card services, application service provision (without own network infrastructure to connect clients),
6.5	Internet service provision (without own backhaul network infrastructure to connect clients)
6.6	Wireless Network using ISM bands in line with ITU standards
6.7	Content services such as multimedia

TABLE 7 – Penalties for non-compliance (Charged per case)

Description		<i>Fee</i>
7.1	Individual Licence – Non-payment	
7.1.1	1 to 3 months	10% of outstanding amount
7.1.2	Above 3 to 6 months	25% of outstanding amount
7.1.3	Above 6 to 12 months	50% of outstanding amount
7.1.4	Above 12 to 24 months	75% of outstanding amount
7.1.5	Above 24 months	Revoke
7.2	Others – Non-payment	
7.2.1	1 to 3 months	25% of outstanding amount
7.2.2	Above 3 to 6 months	50% of outstanding amount
7.2.3	Above 6 to 12 months	75% of outstanding amount
7.2.4	Above 12 months	Revoke
7.3	Non-compliance	As per LCA ACT and/or Licence Conditions

ANNEX A – EXPLANATORY NOTES TO LESOTHO COMMUNICATIONS AUTHORITY LICENCE CLASSIFICATION

A1. INDIVIDUAL LICENCE

A1.1 Public Communications Service Providers

Individual licence issued for deployment of electronic communications networks, systems and facilities to offer communications switching and/or transmission capacity and/or services to existing licensed communications operators, business and /or consumers beyond a single premises. This class comprises mobile communications systems (e.g. base stations, mobile switching centres, signal distribution networks) needed to offer public mobile phone, paging, trunked radio, mobile data services; and fixed communications services (e.g. exchanges, fibre, ducts, frontier stations, international gateways) to offer services like leased services, public local and international voice and data services.

This licence category also includes classes A and B of Internet Service Providers. The Internet Service Providers in class A. are authorised to source international internet bandwidth sell to ISPs and directly to customers either deploying their own infrastructure, or through infrastructure leased from third parties. ISPs in Class B are authorised to source international internet bandwidth and sell to ISPs only, either by deploying their own infrastructure or infrastructure leased from third parties.

A1.2 Broadcasting Networks and Services

This licence allows the licensee to provide public broadcasting services as well as underlying infrastructure needed for that purpose. This embraces all elements of broadcasting irrespective of whether the medium deployed is in the form of radio or cabling.

A1.3 Private Communications Networks

Private networks are networks that are not interconnected with public networks. They are subject to prohibition against resale and they are for exclusive use by the entity (ies) deploying them.

A2. SERVICES SUBJECT TO REGISTRATION (RESALE SERVICES)

A2.1 Class C - Internet Service Providers (ISPs)

This registration authorises providers of internet services to provide a last mile access network, and the authorization is renewable on annual basis. The registrant is not allowed to set up own public infrastructure in the form of international links and backhaul links to provide services to own clients.

A3 RADIO LICENCES

Radio frequency spectrum licences are issued to users of radio frequency spectrum.

A3.1 Land mobile services

This is a mobile service between base stations and land mobile stations, or between land mobile stations. Cross border licence refers to permission given to radio operators in this category. The usage of V/UHF radios is bilaterally agreed upon between Lesotho and South Africa for use by truckers. Similarly, HF communication licences are issued to truckers travelling in the SADC region. Examples of land mobile services,

A3.1.1 Mobile two-way radio stations

A3.1.2 Repeater/base stations

A3.1.3 Alarm systems

A3.1.4 Paging systems

A3.1.5 Emergency services

A3.2 Radio-determination

The determination of the position, velocity and/or other characteristics of an object, or the obtaining of information relating to these parameters, by means of propagation properties of radio waves.

A3.2.1 Aeronautical earth station

This is an earth station in the fixed-satellite service, or in some cases, in the aeronautical mobile-satellite service, positioned at a specified fixed point on land to provide a feeder link for the aeronautical mobile-satellite service (See A3.5 below).

A3.3 Fixed services

It is a radio communication service between specified fixed points. For example,

A3.3.1 Point to point link

A3.3.2 Point to multipoint per link

A3.4 Fixed satellite service

This is a radiocommunication service between earth stations at given positions, when one or more satellites are used. The given position refers to a specified fixed point or a fixed point within specified areas. This service includes satellite-to-satellite links.

A3.4.1 Earth station

This is a station located either on the Earth's surface or within the major portion of the Earth's atmosphere and intended for communication with:

- One or more space stations; or
- One or more stations of the same kind by means of one or more reflecting satellites or other objects in space.

A3.4.2 Space station

A station located on an object which is beyond, is intended to go beyond, or has been beyond the major portion of the Earth's atmosphere is called space station.

A3.5 Mobile satellite service

This is a radiocommunication service between:

- mobile earth stations and one or more space stations, or between space stations used for this service; or
- Mobile earth stations by means of one or more space stations.

This service may also include feeder links necessary for its operation.

ANNEX B – EXPLANATORY NOTES TO LESOTHO COMMUNICATIONS AUTHORITY REGULATORY FEES

B1. REGULATORY FEES

B1.1 Application fee

This is a once-off non refundable fee that is meant to cover costs related to assessing and processing an application for any service offered by the LCA. Amongst the costs are the following:

- Basic processing and filing of application
- Technical and business feasibility checking
- Local spectrum coordination, i.e. checking interference within country
- Regional coordination, i.e. coordinating use with neighbouring countries
- International coordination, i.e. ITU approval for new allocations and /or satellite filings
- Special licence costs e.g. consultants costs where applicable
- A fee for testing new technologies to be used in the provision of services that use spectrum, to ascertain conformity with standards as Authority prescribes and in line with international standards

B1.2 Initial Licence fee

This is a once-off non refundable fee. The fee relates to the market value of the licence, and it is payable before a licence is issued.

B1.3 Annual licence fee

This is an annual fee that shall be charged for the continued provision of licensed services.

B1.4 Royalty fee

This is an annual fee charged as a percentage of the Net Operating Income of the licensee.

B1.5 Radio Licence fee

This is a spectrum fee charged on per MHz basis.

B2. OTHER REGULATORY FEES

B2.1. Express facilities

This refers to a fee charged to an applicant in order to expedite processing of an application for a licence. The aim of the fee is to cover costs that would have to be incurred in affording special treatment to the application. Such costs include extraordinary Board meetings convened for the sole purpose of considering the application.

B2.2. Permits

These are permits issued to applicants wishing to carry out activities that require licensing for a short duration not exceeding 30 days. The applicant must pay an application fee as well as a prorated fee for the specific service for which a permit is required. Permits are not renewable.

B2.3. Suppliers of radio communications equipment

This includes all entities involved in the supply, installation and maintenance of radio communication equipment or experimentation (excluding amateurs) with radio frequencies.

B2.4. Possession of transmitting equipment

All persons in possession of radio transmitting equipment are required to register such equipment with the Authority. Registration is renewed annually.

B2.5. General administrative charges

The Authority charges a fee for a myriad of administrative works relating to processing of licences or registrations.

B2.6. Type approval

This is a once-off non-refundable fee for approving the technology to ascertain conformity with standards and instructions prescribed by bodies that are recognised by the Authority.

B3 PENALTIES FOR NON-COMPLIANCE

The Authority shall impose penalties for non-compliance. This can be for illegal use of spectrum, failure to pay the prescribed annual licence fees and/or frequency assignments fees when they are due or as per the payment schedule agreed upon with the Authority.

B4 MISCELLANEOUS

B4.1 Exemptions

There are no exemptions other than those stated in this document.

B4.2 Nil

Where the fee(s) for a service is nil, the registrant/licensee is required to register the service.

B4.3 Discounts

Discounts on regulatory fees may be granted to special service organizations such as schools and humanitarian missions.

B4.4 Site Survey

This is to determine geographical parameters such as coordinates and heights above sea level for location of radio installations.