

CA/F/MMS/APL-07

NOVEMBER 2023

**APPLICATION
FORM
FOR SATELLITE
LANDING
RIGHTS
BROADCASTING
SERVICE
LICENCE**

NOT FOR SALE

1. MANDATORY REQUIREMENTS FOR AN APPLICANT

SECTION A: INSTRUCTIONS

1. This application should be completed in English and any document in foreign language must be translated into English.
2. The application should be accompanied by an affidavit sworn by one of the Directors submitting the documents listed herein in line with the template attached as Annex 1.
3. Completed application form should be presented at our offices on Ground Floor, Wing B, CA Centre Waiyaki Way, at the Front Desk where you will be issued with a Payment Instruction Form.
4. Payments of fees can be made by Banker's or Company Cheque at the Cashier's office on ground floor on presentation of the Payment Instruction Form. The Cashier's office is open in the morning between **0900** and **1200** hours and in the afternoon from **1400** to **1600** hours on weekdays (and closed on public holidays).

SECTION B: REQUIRED DOCUMENTATION
I. Originals of the following documents:

1. A covering letter, signed by the applicant, addressed to the Director General (see address below) on Applicant's letterhead.
For Government Entities, the Application letter should be by Institution's Chief Executive Officer.

II. Clear photocopies of the following documents of the Applicant:

1. Copy of Certificate of Incorporation/Business Name/Registration Certificates or equivalent and for other shareholder companies where there is chain ownership in the applicant.
(Note: Government Agencies are exempted from this requirement)
2. If the applicant is registered under the companies Act (Cap 486):
 - 2.1 Copy of form CR/12 or equivalent from the Registrar of Companies listing the directors and shareholders of the company and details of their nationality and shareholding – *(CR/12 should not be older than two (2) months from the date of issue)*.
(Note: Government Agencies are exempted from this requirement) and
 - 2.2 Copy of form CR/12 or equivalent from the Registrar of Companies *giving the details of the name of Shareholder/Director, Nationality and shares held* for other companies that are shareholder or in the ownership chain of the Applicant until all shares are attributed to individuals.
(Note: Government Agencies are exempted from this requirement)
3. Copy of the relevant documents as listed below where applicable:
 - Cooperative Society's By-Laws, Membership Agreement Terms and Conditions, Minutes of its AGM authorizing venture in the service for which the licence is sought; or
 - Partnership Deed for business name; or
 - Constitution of the Society Membership Agreement Terms and Conditions and Minutes of its AGM authorizing venture into the service for which the licence is sought; or
4. Certificate/letter from Capital Markets Authority (CMA), if the company is listed in a stock exchange in Kenya.
5. For any foreign company applicant or holding shares in the applicant or in the ownership chain of the applicant.
 - 5.1 **Notarized** Copy of Certificate of Incorporation
 - 5.2 **Notarized** Copy of Shareholders Register or equivalent of a foreign company listing the directors and shareholders of the company and details of their nationality and shareholding.
6. Kenyan National Identity Cards (ID) or valid Kenyan/Foreign passports for all Directors and Shareholders of the Applicant. Both sides of ID should be copied on the same side of an A4 size paper. Copies of

Application Form for Landing Rights Broadcasting Service Licence

	passport should include pages showing the nationality, date of issue and expiry, name and photograph of the holder. (Note: Government Agencies are exempted from this requirement)
7.	Valid Tax Compliance Certificate from Kenya Revenue Authority for companies in Kenya.

SECTION C: APPLICATION AND LICENCE FEE:				
The table below shows fees payable for the respective licences:				
Broadcast Licence Category	Licence Duration (Years)	Application Fee (KShs.) (payable when submitting application form)	One-time Registration fee (USD.) (payable after approval and before issuance of licence)	Annual Operating Fee (KShs.) (payable on/or before 1 st July of each year)
Landing Rights Broadcasting Service	15	5,000.00	12,500.00	N/A

2. APPLICATION ACCEPTANCE SECTION – CHECKFOR OFFICIAL USE ONLY

No	Application Requirements	Receiving Officer	Checking Officer
1.	Duly signed Cover letter on applicant's letterhead		
2.	Duly completed application form		
3.	Declaration by the applicant with name, designation, signature and date		
4.	Duly executed affidavit submitting copies of the documents (no erasures)		
5.	Business plan for the licence applied for enclosed		
6.	Application fees paid		

Submit all documents using a sworn affidavit while all **foreign** documents must be **notarized**.

No	Application Requirements	Receiving Officer	Checking Officer
	Registration Details of Applicant		
7.	Copy of Certificate of Incorporation/Registration Certificates or equivalent and similar documents for other shareholder companies where there is chain ownership in the applicant. Where the Applicant is a Government Agency/body, a copy of the Act, Gazette Notice or other relevant legal Instrument creating the Agency.		
	Ownership Details of Applicant		
8.	i) Copy of the current CR/12 or equivalent issued within the last 2 months indicating names of shareholders, their addresses, their nationalities, shares held by each, names of directors and whether directors are nominees or not or whether non shareholder directors. ii) Copy of the current CR/12 or equivalent, issued within the last 2 months for other shareholder companies, where there is chain ownership of the applicant, indicating all the details as above, until all shares are attributed to individuals. iii) For Societies, a copy of the minutes of the last AGM or document indicating the officials		
	Identification Documents of owners/Directors (Individuals and Companies)		
9.	i) Clear Copies of ID for directors and shareholders or notarized copies of passports in case of foreigners. ii) In case of government officials, submit a gazette notice appointing the officer. iii) Copy of Certificate from the Capital Markets Authority (CMA) (or its equivalent for foreign companies) in case of listed companies.		
	Other Requirements		
10.	A copy of the relevant document as listed below to be provided: Society By-Laws or Constitution, (immediately prior to submission of Application) and Membership Agreement Terms and Conditions for Societies Partnership Deed for Partnerships		
11.	Copy of Valid Tax Compliance Certificate of the Applicant (Not of the owners/Directors)		

Receiving and Checking Officers MUST confirm submission of all requirements by checking against each requirement before accepting and logging an application

Receiving Officer	Checking Officer
Comments:	Comments:
Name:	Name:
Signature:Date:	Signature:Date:

3. NAME OF APPLICANT

(In bold capital letters in the order the names appear on Registration Certificate etc)

M/S _____

Explain the literal meaning of the name.....

4. APPLICANT'S CONTACTS

1. Physical Address:

Town Street/Road

LR No. Floor Room

Name of Building

2. Postal Address:

P. O. Box Postal Code

Post Office Town

3. Phone and Fax Contact:

Tel. No. Fax. No.

Mobile Other Tel. Nos.

4. Email Address:

5. LICENCE DETAILS

Please identify the broadcasting service being applied for:		
5.1.	Tick the category of the broadcasting service you wish to provide (tick only one).	Landing Rights for Direct-To-Home Services (DTH) Licence
		Landing Rights for Direct Broadcasting Services Licence
5.2.	Provide the names of other countries where you provide this broadcasting service.	

6. DETAILS OF THE GROUND TERMINAL *(Where appropriate, the following information should be provided as an attachment to this application)*

6.1	Size of the antenna (Min)
-----	---------------------------

6.2	Attach lease agreement and footprint of the satellite on which transponders are proposed to be hired
6.3	Proposed number of Channels
6.4	Provide details of the proposed channels that may be broadcasted using this licence
6.5	What are the measures you intend to put in place to guarantee quality of services to your customers?

7. SUBSCRIPTION MANAGEMENT SERVICES (Where appropriate, the following information should be provided as an attachment to this application)

7.1	Provide details of the local Subscription Management Services Provider
7.2	Describe the scope of services to be provided by your Subscription Management Services Provider

8. ADDITIONAL INFORMATION

8.1	Briefly state any additional information that you think is not covered and will be helpful in the examination of this application

9. REFEREES (Referees should not be employees of the applicant entity, Ministry of Information & Communications or the Authority)

The following details should be completed by two different and independent referees who have known you for at least three (3) years.

9.1. First Referee

I certify that the information given in this form is true and correct to the best of my knowledge

Full Name

.....
(Block letters as the names appear on the ID/Passport)

Postal Address:

P. O. Box Postal Code

Post Office Town

Phone and Fax Contact:

Tel. No. Fax. No.

Mobile Other Tel. Nos.

Email Address:

Occupation Signature

9.2. Second Referee**I certify that the information given in this form is true and correct to the best of my knowledge**

Full Name

*(Block letters as the names appear on the ID/Passport)***Postal Address:**

P. O. Box Postal Code

Post Office Town

Phone and Fax Contact:

Tel. No. Fax. No.

Mobile Other Tel. Nos.

Email Address:

Occupation Signature

10. DECLARATION

I/We hereby certify the information we have provided in this application is true and correct to the best of my/ our knowledge. I/We also understand that it is an offence under the Penal Code to give false information in support of any application.

Name.....

Designation.....
(the signatory should be accountable and a senior person in the organisation)

Signature.....

Date.....Company Stamp.....

11. COMPLETED APPLICATION FORMS SHOULD BE ADDRESSED TO: -

**Director General
Communications Authority of Kenya
CA Centre, Waiyaki Way
P. O. Box 14448
NAIROBI - 00800
Tel: 254-20- 4242000
Fax: 254-20- 4451866.**

12. FOR OFFICIAL USE ONLY

BPC COMMENTS	
<p>Not Recommended <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>Applicant to do the following:</p> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <p>Name:</p> <hr style="border-top: 1px dashed black;"/> <p>Signature:</p> <hr style="border-top: 1px dashed black;"/> <p>Date:</p> <hr style="border-top: 1px dashed black;"/>	<p>Recommended <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p>for:</p> <p>Name:</p> <p>Designation</p> <p>Signature:</p> <p>Date:</p> <p style="text-align: right;">Official Stamp</p>

Deferments:

CLC#	Reason for deferment	Name & Signature

CLC COMMENTS

Name of Applicant.....

The applicant **MEETS/ DOES NOT MEET** the Authority's requirements and is hereby **RECOMMENDED/NOT RECOMMENDED** for Licensing/Renewal

.....
.....

Subject To:

.....
.....

The reasons for not recommending the applicant are as follows: -

.....

Name:.....

Designation..... Signature.....

CLC No..... Date.....

ANNEX 1: TEMPLATE OF AFFIDAVIT TO BE SUBMITTED

REPUBLIC OF KENYA

**IN THE MATTER OF OATHS AND STATUTORY DECLARATIONS ACT CHAPTER 15, LAWS
OF KENYA**

AND

**IN THE MATTER OF AN APPLICATION FOR LICENSE FROM THE COMMUNICATIONS
AUTHORITY OF KENYA**

AFFIDAVIT

I, _____ of Post Office Box Number

_____ (Town) _____ (Postcode) do hereby make oath and state as follows:

1. THAT I am an adult of sound mind and _____

(*position/ status in the applicant entity*) of _____ (*name of the applicant*) and hence competent to swear this Affidavit.

2. THAT I am a citizen of the _____ and holder of

National Identity Card No. (or Passport No.) _____ .

3. THAT _____ (*name of the applicant*) has resolved to make an application to the Authority for a _____ (*name of the licence in accordance with the Broadcasting Market Structure*) licence.

4. THAT I have submitted the following copies of our documents in support of the said application: [*tick documents for which copies have been provided*]

4.1. Registration and ownership status:

4.1.1. For an applicant registered under the Companies Act (Cap 486):

4.1.1.1. Copy of Certificate of Incorporation

4.1.1.2. An original letter from the Registrar of Companies listing the directors and shareholders of the company and details of their shareholding – Original Form CR/12

4.1.1.3. Attach copy of original CR/12 for other companies which are shareholder of the Applicant until all shares are attributed to individuals.

4.1.2. Copy of Business Name, or

- 4.1.3. Copy of Registration Certificate etc.
- 4.1.4. If the company is listed in a stock exchange in Kenya, copy of Certificate from Capital Markets Authority (CMA).
- 4.1.5. For any foreign company which is a shareholder of the Applicant attach copies **certified by a Notary Public** of:
 - 4.1.5.1. Certificate of Incorporation of the foreign company/ies and
 - 4.1.5.2. Shareholder Register of the foreign company/ies.
- 4.1.6. Copies of Kenyan National Identity Cards (ID) or Kenyan/Foreign passports for all Directors and Shareholders of the Applicant:
 - 4.1.6.1. Both sides of the ID should be copied onto the same side of an A4 size paper, and
 - 4.1.6.2. Passport copies should include pages showing the nationality, date of issue and expiry, name and photograph of holder.

4.2. Compliance with Kenya Revenue Authority rules:

- 4.2.1. Copy of Valid Tax Compliance Certificate for companies in Kenya.

4.3. A copy of one of the appropriate document listed below:

APPLYING ENTITY	REQUISITE CONSTITUTING DOCUMENT
1. Non-Governmental Organization (NGOs)	Constitution of the NGO
2. Cooperative Society	Cooperative Society's By-Laws
3. Partnership	Partnership Deed
4. Society	Society's Constitution

4.4. Other documents (please list)

.....

5. THAT I swear that the documents listed in 4 above are authentic copies of the original documents issued by the relevant authorities to the applicant.

6. THAT this Affidavit is sworn in support of _____ (*Applicant's name*) application for _____ license.

7. THAT what is deponed to herein above is true and within my own knowledge.

SWORN at _____ by the said _____)
_____)
_____) _____)
(Deponent)

This _____ day of _____ in the year _____)
_____)

BEFORE ME _____)
_____)

COMMISSIONER FOR OATHS/NOTARY PUBLIC

Drawn by:

_____ (law firm)

_____ (physical address)

P. O. Box _____

_____ (town)

_____ (postal code)

ANNEX 2: BUSINESS PLAN GUIDELINE

Please provide separately a Business Plan ensuring that the following details are included in the sequence provided below. The applicants have to provide separate Business Plans for each license applied for. Any additional information is encouraged.

1. Executive Summary

Briefly describe your organization and the business concept, including summary of services to be provided.

2. Details/Profiles of Directors/Shareholders

Details and profiles of directors/shareholders (name, employment/businesses/activities involved in).

3. Association with CA Licensees

Details of association of the business or directors/shareholders with existing CA licensees, if any.

4. Technical Information

Provide the proposed system configuration with block diagrams. Specifically provide details of your equipment and where satellite is used, the name and transponder being used. Please indicate if broadcasting equipment quoted complies with the relevant ITU Recommendations for ITU Region 1

5. Market Information

With respect to the proposed coverage area, please provide the rollout plan and a market study report of the area for which the license is sought profiling the population and existing broadcasting services in the area. Indicate which licensees provide similar services in the proposed area, identify any gaps in the market and demonstrate how unique your intended programming is and how it differs from them and address the existing gaps.

6. Value Proposition (Unique contribution) to the market

Demonstrate the value proposition (unique contribution) that your intended programming and business is adding to the market. How it differs from what is existing in the market.

7. Revenue Stream

Provide the anticipated revenue stream from advertising, sponsorships and other sources describing how in the provision of the proposed services the business will generate income to sustain its operations, improve the services and, where applicable, a payback to its owners.

8. Financial Projections

Based on the revenue streams highlighted in 7 (above) provide at least three-year financial projections including Income statements, Balance sheet and Cash Flow statement projections as per International Accounting Standards (IAS). Highlight specifically:

- (a) Costs for capital investment (equipment, building, offices, vehicles etc)
- (b) Recurring costs (staff salaries, royalties, rent energy communications etc)
- (c) Financial investments from the applicant(s)

Please provide the financial estimates in Kenya Shillings (KSHs) only.

9. Capacity to provide proposed services

Attach evidence of capacity to provide the proposed service, including:

- (a) Evidence of capital (Bank deposits, credit facilities, or bank guarantee)
- (b) Demonstration of technical experience and capability as well as access to technical expertise and experience
- (c) Operational arrangements (Human resource plan, customer service plan support arrangements)
- (d) Projected start date of the business

10. Quality of Service Assurance Statement

Describe how you will ensure provision of quality services, how quality services will be maintained in provision of the proposed services, and the measures that you will put in place to ensure consumer protection. In addition, provide the set of technical related activities that will be implemented to ensure that you provide services to customers' satisfaction.

ANNEX 3: INFORMATION ON THE LICENSING PROCEDURE**1. Submission and Receipt of Licence Application**

Submission of an application may be done through the postal system or in person at our office. We encourage you to present your application in person where our receiving officer will check the documents and advise you on any shortcoming.

Once the receiving officer has confirmed that all documentations are in order, you will be requested to pay the application fees. Please retain your original payment receipt.

2. Consideration and approval of application by the Authority

An application, which meets all the licensing requirements, will be processed within 100 days from the date when all the requirements have been met.

The Authority considers applications on a first-come-first-served basis. Although your application will undergo several internal processes, you will be informed in writing and advised on the way forward in the event that the application is not successful at any stage.

3. Letter of licence offer

If the application is approved, you will be informed in writing (letter of offer) and may also be contacted via phone/email.

The letter of offer is valid for a period of 1 month from the date it is granted and states the initial and annual operating licence fees to be paid before a licence is issued. Please note that the upfront annual operating fees in the offer letter is prorated based on the date of the Offer letter.

4. Operational period

Once you have paid the fees required in the Offer letter, you will be issued with a licence. You will then be required to put the licence into operation within period stipulated in the specific licence.

5. Resources for rolling out the licensed systems or services

After you are issued with a licence, you will be required to apply for type approval of your equipment/s as applicable and utilize resources related to the rollout of your licence as required in the licence.

THE AUTHORITY DOES NOT GUARANTEE AVAILABILITY OF TYPE APPROVAL OF EQUIPMENT