



**ANALYSIS OF COMMENTS FROM PUBLIC CONSULTATION ON DRAFT DIGITAL SOUND  
BROADCASTING TEMPLATE LICENCES**

S/N	SECTION	Name of entity	COMMENT	JUSTIFICATION	CA Response
1.	<b>Abbreviations and acronyms</b>	SIGNS MEDIA KENYA LIMITED	Add abbreviations such as PWDs (Persons With Disabilities) and DSB (Digital Sound Broadcasting).	PWDs reflects the station's focus on Persons with Disabilities, ensuring inclusivity. DSB aligns with industry terminology.	Not Adopted The abbreviations and definitions for PWDs (Persons with Disabilities) and DSB (Digital Sound Broadcasting) were provided in the Digital Sound Broadcasting Licensing Framework which is the reference document for the DSB Licences. The regulatory Framework and licences allow for cross reference of abbreviations and definitions
2.	<b>Definitions</b>	SIGNS MEDIA KENYA LIMITED	Include 'Inclusive Broadcasting' - Broadcasting that ensures accessibility and representation for all, including Persons With Disabilities.	Promotes inclusivity and ensures that digital sound broadcasting caters to marginalized groups.	Not Adopted The requirement for Inclusive broadcasting is provided for Gazette Notice No.-6964 on-Additional Requirements for Broadcasting Service Providers on

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					Enhancing Accessibility of Broadcasting Services to Persons with Disabilities PWDs
		David Chiaji	<p><b>1. Act</b>  <b>Current Definition:</b> “Act” means the Kenya Information and Communications Act, Cap 411A any successor legislation and any subsequent amendments made thereto.  <b>Proposed Improvement:</b> The definition is clear, but it could be more precise by specifying that it includes any regulations made under the Act.  <b>Revised Definition:</b> "Act" <i>refers to the Kenya Information and Communications Act, Cap 411A, as amended or replaced, including any successor legislation, regulations, or subsidiary legislation made under it.</i></p> <p><b>2. Analogue Sound Broadcasting</b></p> <p><b>Current Definition:</b> Refers to terrestrial broadcasting where</p>		<p>1. Act Not Adopted. Regulations and Subsidiary legislations are defined separately.</p> <p>2. Analogue Sound Broadcasting Not Adopted  The definition is generic and not technology specific. The Authority in 2008 adopted technology neutral licence regime</p>

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			<p>the sound broadcast signal is in analogue format.</p> <p><b>Proposed Improvement:</b> The definition could better reflect the nature of the broadcasting process and the different methods involved. It would be helpful to mention that it applies to both AM and FM radio.</p> <p><b>Revised Definition:</b> "Analogue Sound Broadcasting" <i>refers to the terrestrial transmission of sound signals in an analogue format, including but not limited to AM and FM radio broadcasts.</i></p> <p><b>3. Broadcasting Signal Distribution</b></p> <p><b>Current Definition:</b> Describes the process of transmitting a broadcasting service signal from the point of origin to the target area via electronic communications, including multi-channel distribution.</p> <p><b>Proposed Improvement:</b> This definition is quite comprehensive. However, it may benefit from clarification about the types of technologies</p>		<p>3. Broadcasting Signal Distribution Not Adopted The definition is generic and not technology specific. The Authority in 2008 adopted technology neutral licence regime.</p>

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			<p>involved (terrestrial, satellite, cable, etc.).</p> <p><b>Revised Definition:</b>  "Broadcasting Signal Distribution" <i>refers to the process by which a broadcasting service's signal is transmitted from its origin (where the content is finalized) to its intended target area using electronic communication methods, including but not limited to terrestrial, satellite, and cable technologies, and may involve multi-channel distribution systems.</i></p> <p><b>4. Simulcast</b></p> <p><b>Current Definition:</b> Refers to the simultaneous transmission of the same sound broadcasting service on two or more channels or media.</p> <p><b>Proposed Improvement:</b> This definition is quite clear. However, it could be expanded to reflect the potential for simulcasting across multiple platforms (e.g., radio, TV, online streaming).</p> <p><b>Revised Definition:</b>  "Simulcast" <i>refers to the</i></p>		<p>4. Simulcast  Not Adopted  The definition is generic and not technology specific</p>

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			<p><i>simultaneous transmission of the same broadcast content across two or more channels</i></p> <p><b>Additional Applicable Comments</b></p> <p>- Digital Broadcasting Transition: Given the global shift from analogue to digital broadcasting, it would be beneficial to explicitly mention in the definitions that digital broadcasting (DSB) is encouraged or mandated in some contexts, and specify how the transition from analogue to digital is expected to proceed under the law. This could be in the form of a transitional clause or reference in the definitions.</p> <p>- The term "broadcasting" might also include internet-based streaming services that deliver similar content. While this is implicit in some definitions (e.g., "multi-channel distribution"), a specific reference to new media (like webcasting and streaming) could future-proof the document against emerging trends in broadcasting.</p>		<p>Additional Applicable Comments Not Adopted Digital Broadcasting Transition The DSB transition id not Mandatory.</p> <p>Broadcasting definition is retained as defined KICA,1998</p> <p>Public Access and Community Broadcasting are defined in KICA,1998</p>

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			- Public Access and Community Broadcasting: The definitions currently focus primarily on commercial services. It could be worth adding a brief mention of "community broadcasting services" or "public access services," which could be subject to different regulatory criteria or obligations.		
3.	<b>DSB signal distribution Licences</b>	SIGNS MEDIA KENYA LIMITED	Agree, but propose incentives for broadcasters focused on inclusivity, such as priority access or reduced licensing fees.	Stations promoting accessibility face higher operational challenges; incentives ensure fair competition and inclusivity.	Not Adopted In line with The Kenya Constitution 2010 Article 35: Access to information and KICA, all broadcasters providing news and events of national importance to have sign language interpreters at a minimum.
		David Chiaji	I generally agree with the proposed license terms and conditions. However, I propose the following enhancements: <ul style="list-style-type: none"> <li>• Include provisions mandating redundancy measures to ensure</li> </ul>		Noted <ul style="list-style-type: none"> <li>• Provisions mandating redundancy is already catered for in licence condition</li> </ul>

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			<p>uninterrupted service delivery.</p> <ul style="list-style-type: none"> <li>Require licensees to enable equitable infrastructure sharing to promote market competition and efficient resource utilization.</li> <li>Emphasize eco-friendly infrastructure practices in line with sustainable development goals.</li> </ul>		<ul style="list-style-type: none"> <li>Requirement for licensees' infrastructure sharing already provided in KICA, regulations and licence conditions</li> <li>eco-friendly infrastructure practices are encouraged in KICA, regulations and licence conditions</li> </ul>
4.	<b>DSB Services Licences</b>	SIGNS MEDIA KENYA LIMITED	Agree, but recommend a clause requiring broadcasters to allocate a minimum percentage of content for Disability-focused programming.	Ensures representation and accessibility for marginalized communities, aligning with inclusive broadcasting principles.	Not Adopted In line with The Kenya Constitution 2010 Article 35: Access to information and KICA, all broadcasters providing news and events of national importance to have sign language interpreters at a minimum.



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		David Chiaji	<ul style="list-style-type: none"> <li>• Establish requirements for licensees to ensure inclusive programming that caters to all demographics.</li> <li>• Add provisions safeguarding consumers from exploitative subscription rates.</li> <li>• Enforce periodic assessments of license terms to accommodate technological advancements.</li> </ul>		<p>Noted</p> <ul style="list-style-type: none"> <li>• Requirements for licensees to ensure inclusive programming catered for by Gazette Notice No.-6964 on-Additional Requirements for Broadcasting Service Providers on Enhancing Accessibility of Broadcasting Services to Persons with Disabilities PWDs</li> <li>• The Authority safeguards consumers from exploitative subscription rates by approving requiring providers to submit their tariffs for</li> </ul>

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					<p>approval before implementation.</p> <ul style="list-style-type: none"> <li>The Authority in 2008 adopted technology neutral licence regime. Therefore licences</li> </ul>
5.	<b>Quality of Service Parameters for DSB Licences</b>	SIGNS MEDIA KENYA LIMITED	Signal reliability (99.9% uptime) and accessibility KPIs such as closed captions and audio clarity standards.	Reliable signal ensures accessibility, and audio clarity supports all listeners, especially the Deaf	<p>Adopted Signal reliability (99.9% uptime)</p> <p>Not adopted. KPIs for accessibility already provided for in Gazette Notice No.-6964 on-Additional Requirements for Broadcasting Service Providers on Enhancing Accessibility of Broadcasting Services to Persons with Disabilities PWDs</p>
		David Chiaji	For signal distribution services my proposal are as follows:- 1. Elements		Adopted with amendments as

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			<ul style="list-style-type: none"> <li>• A minimum of 99.5% uptime on signal availability</li> <li>• Minimum of 90% geographic coverage for national licenses.</li> <li>• Maximum of 200ms delay in signal transmission.</li> </ul> <p>2. KPIs</p> <ul style="list-style-type: none"> <li>• Monthly reports on uptime and latency.</li> <li>• Independent annual audits of coverage.</li> </ul> <p>For signal distribution services my proposal are as follows:-</p> <p>1. Elements</p> <ul style="list-style-type: none"> <li>• Minimum 128 Kbps for audio clarity.</li> <li>• Content Accessibility - Compliance with closed captioning and language diversity standards.</li> </ul> <p>2. KPIs</p> <ul style="list-style-type: none"> <li>• User satisfaction surveys and complaint resolution timeframes.</li> <li>• Regular audio quality checks.</li> </ul>		<p>For signal distribution services my proposal are as follows</p> <p>1. Elements</p> <ul style="list-style-type: none"> <li>• A minimum of 99.5% uptime on signal availability</li> <li>• Minimum of 90% geographic coverage for national licenses</li> </ul> <p>2. KPIs</p> <ul style="list-style-type: none"> <li>• Quarterly reports on uptime and latency.</li> <li>• Independent annual audits of coverage.</li> </ul>

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6.	<b>Proposed Roadmap</b>	SIGNS MEDIA KENYA LIMITED	Prioritize broadcasters focused on inclusivity during licensing implementation stages.	Accelerates access for broadcasters serving marginalized groups, ensuring early adoption of inclusive frameworks.	Not adopted. In line with The Kenya Constitution 2010 Article 35: Access to information and KICA, all broadcasters providing news and events of national importance to have sign language interpreters at a minimum.
		David Chiaji	I appreciate the outlined roadmap and its phased implementation. However, I suggest: <ul style="list-style-type: none"> <li>• Broadening stakeholder engagement to include rural communities for inclusivity.</li> <li>• Incorporating pilot projects to identify and address challenges before full rollout.</li> <li>• Establishing contingency plans for potential delays in meeting proposed timelines.</li> </ul>		Noted <ul style="list-style-type: none"> <li>• Stakeholder engagement was done for all public including rural communities</li> <li>• The Authority has planned to undertake piloting of DAB+ in Nairobi from FY 2024/25</li> </ul>
7.	<b>Other General consultation Questions</b>	SIGNS MEDIA KENYA LIMITED	Include monitoring requirements for inclusivity benchmarks, such as	Strengthens accountability and ensures the broadcasting ecosystem	Not adopted. The Authority monitors compliance to Additional

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			reports on PWD friendly programming.	adheres to inclusivity objectives.	Requirements for Broadcasting Service Providers on Enhancing Accessibility of Broadcasting Services to Persons with Disabilities PWDs
		David Chiaji	<ul style="list-style-type: none"> <li>• Specify robust security standards for protecting broadcasting infrastructure against cyber threats.</li> <li>• Include requirements for disaster recovery plans to ensure service continuity during emergencies.</li> <li>• Provide terms encouraging innovation, such as tax incentives for developing new broadcasting technologies.</li> </ul>		Noted