



**COMMUNICATIONS
AUTHORITY OF KENYA**

**APPLICATION
FOR
SUBMARINE CABLE
LANDING RIGHTS
LICENCE**

**CA/F/LCS/TL 6.4
(FEBRUARY 2021)**

NOT FOR SALE

New App

Transfer

Renewal

1. MANDATORY REQUIREMENTS FOR AN APPLICANT

- A:** This application should be completed in English,
- B:** The application should be addressed to the Director/Licensing, Compliance and Standards (see *address below*) with a covering letter summarising the profile of the applicant and the licence/s applied for,
- C:** The application should be accompanied by a sworn affidavit submitting the documents listed therein in line with the template at Annex 1 below:
- D:** The table below shows fees payable for the submarine cable landing rights licence:

	Application Fee (Kes)	Initial Licence Fee (Kes)	Annual Operating Fee (Kes)
when fees are payable (all fees are non-refundable)	when submitting application form TL 6	after approval and before issuance of Licence	on/or before 1 st July of each year
Submarine Cable Landing Rights Licence	5,000/=	15,000,000/=	0.4% of annual turnover from licenced services or 4,000,000/= whichever is high

Payments can be made in Banker's or Company Cheque at the Cashier's office on ground floor at CA Centre. The Cashier's office is open between **0900** and **1200** hours and in the afternoon from **1400** to **1600** hours on weekdays (and closed on public holidays and weekends).

E: For more information on the licensing procedures and processes, see Annex 3 below.

F: Please present a completed application form at our offices on 1st Floor, CA Centre Waiyaki Way, at the Front Desk.

2. APPLICATION ACCEPTANCE SECTION - FOR 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.	Has the applicant Stamped the application with Company Stamp		
5.	Duly executed affidavit submitting copies of the documents (no erasures)		
6.	Business plan for the licence/s applied for enclosed		
7.	Application fees paid		

Submit all documents using a sworn affidavit while all foreign documents must be notarized. Where application documents are signed by a foreigner, a work permit for the foreigner should be submitted.

No	Application Requirements	Receiving Officer	Checking Officer
	Registration Details of Applicant		
8.	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		
9.	Copy of the <u>current</u> 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. Similar documents or equivalent with similar details, where there is chain ownership of the applicant, until all shares are attributed to individuals. For Societies, a copy of the minutes of the last AGM or document indicating the officials/office bearers		
	Identification Documents of owners/Directors (Individuals and Companies)		
10.	Clear Copies of ID for directors and shareholders or notarized copies of passports in case of foreigners.		
11.	In case of government officials, submit a gazette notice appointing the officer. Copy of Certificate from the Capital Markets Authority (CMA) (or its equivalent for foreign companies) in case of listed companies.		
	Other Requirements		
12.	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		
13.	Certificate Practice Statement a Certification Policy in case on E-CSP applicant		
14.	Copy of Valid Tax Compliance Certificate of the Applicant (Not of the owners/Directors)		

The 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

.....
Literal Meaning of the Entity 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. SUB-MARINE CABLE (SMC) SYSTEM INFORMATION

Name of SMC

Points of Presence (Landing Points)

System Configuration

Initial Equipped System Capacity

Maximum System Capacity

Detail Ownership of the SMC System

6. OTHER INFORMATION ABOUT THE APPLICANT

1. State whether any of the partners/ directors/ shareholders is undischarged bankrupt.
(If so indicate give details)
.....

2. State whether any of the partners/ directors/ shareholders have a beneficial interest
in any other business licenced to provide or operate telecommunication services.
.....

3. Has any previous application by you been rejected or cancelled under the Act? *(If so
give details)*.....

7. REFEREES (*individual persons from Kenya*)

Two different referees who have known the entity/person in a professional capacity, but are not employees or Directors of the applicant, should complete the following details.

1. First Referee

I certify that the information provided 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 _____

2. Second Referee

I certify that the information provided 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 _____

8. 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.....

Signature.....

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

9. COMPLETED APPLICATION FORMS SHOULD BE RETURNED TO: -

**Director/ Licensing, Compliance and Standards
Communications Authority of Kenya
1st Floor, CA Centre, Waiyaki Way
P. O. Box 14448
Nairobi - 00800
Tel: 254-20- 4242000/070304000/0736121515/121414
Fax: 254-20- 4242430**

FOR OFFICIAL USE ONLY

BPC COMMENTS	
Not Recommended <input type="checkbox"/>	Recommended <input type="checkbox"/>
Applicant to do the following:	for:
	Name:
	Designation
	Signature:
	Date:
Name:	
Signature:	
Date:	
	Official Stamp

CLC Deferment Section:

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

.....
 for Licensing/Renewal/Upgrade/Transfer as

Subject To:

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

.....

Name:.....

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

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

BD STATUS	
Not Approved <input type="checkbox"/> Comments: <hr/> <hr/> <hr/> <hr/>	Approved <input type="checkbox"/>
	On (Date):
	Meeting Ref:
	BD Ext. Date:
Completed by:	Signature:
	Date:

REPUBLIC OF KENYA

IN THE MATTER OF OATHS AND STATUTORY DECLARATIONS ACT

CHAPTER, LAWS OF KENYA

AND

**IN THE MATTER OF AN APPLICATION FOR LICENCE 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 Commission for a submarine cable landing
rights licence.

4. THAT I have submitted the following copies of our documents in support of the said application:

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 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– Original Form CR/12

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

[Note that companies wishing to be considered for a licence in the communications sector must allot a minimum of 30% of their total shares to individual Kenyan citizens.

4.1.2. a copy of Business Name/ Registration Certificate , or

4.1.3. a copy of Certificate of Incorporation 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. Share Certificate of the foreign company/ies providing details as in 4.1.1.2 above

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: Copy of Valid Tax Compliance Certificate.

4.3. A business plan in line with the guideline at Annex 2 below.

4.4. A copy of one of the documents listed below:

APPLYING ENTITY	REQUISITE CONSTITUTING DOCUMENT
1. Cooperative Society	Cooperative Society's By-Laws, Minutes of Last AGM, and Membership Agreement Terms & Conditions; or
2. Partnership	Partnership Deed for business names or

3. Society

Constitution of the Society and Minutes of its last AGM etc.

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 _____ licence.

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

SWORN at _____(Location))

by the said (Name of Applicant/Deponent))

_____)

This _____ day of _____ in the year _____)

BEFORE ME)

)

COMMISSIONER FOR OATHS/MAGISTRATE)

(Deponent)

Drawn by:

_____ (law firm)

_____ (physical address)

P. O. Box _____

_____ (town)

_____ (postal code)

ANNEX 2: BUSINESS PLAN GUIDELINE

Please provide separately a Business Plan and ensure the following details are included and in the sequence provided below:

1. Executive Summary:

Briefly describe your organization and the business concept.

2. Technical Information

Provide the proposed system configuration with block diagrams, proposed technology interface with other licensees, network and terminal equipments and/or customer premise equipment (CPE) and the standards they conform to etc.

3. Frequency Spectrum (for NFP applicants only)

In case you require frequency resources to rollout your business, please indicate the preferred frequency band(s).

Note that if you require frequency resource(s), you shall be required to apply separately which shall be assigned subject to availability

4. Market Information

4.1. Indicate envisioned rollout plan for the first five year:

Year	Available bandwidth	Allotted bandwidth
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		

4.2. Demonstrate knowledge of the market segment by discussing the competition issues- what products and companies are likely to compete on the provision of the same or similar products/services.

5. Billing Information

5.1. Describe the billing system you intend to deploy (and where applicable details of the software/hardware),

5.2. Describe how customers will be billed indicating whether billing shall be per unit or timed (second, minute etc) and if the bills shall be itemised or if billing shall be in volumes,

5.3. Provide information on the proposed tariff for each service (Kenya Shillings).

6. Financial Information

Provide at least three-year financial projections including Income statements, Balance sheet and Cash Flow statement projections as per International Accounting Standards (IAS)

Note that the income statements should be derived from the product of rollout plan (part 4.1 above) and billing information (part 5 above)

7. Quality of Service Assurance

Describe how you will ensure provision of quality services and how quality services will be maintained.

NB: IF YOU REQUIRE ANY FREQUENCY RESOURCE(S), YOU SHALL BE REQUIRED TO APPLY FOR IT SEPARATELY AND IT SHALL BE ASSIGNED SUBJECT TO AVAILABILITY.

8. Please provide any other additional information related to the proposed business.

ANNEX 3: INFORMATION ON THE LICENSING PROCEDURE AND PROCESS

1. Process of submitting an 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 Commission

An application which meets all the licensing requirements will be processed within **135 days** from the date of submission.

The Commission considers applications on a **first-come-first-served** basis. Although your application will undergo many 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. 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 **six (6)** months from the date it's written and states the offer fees to be paid before a licence is issued.

The offer fees include the licence fee and upfront operational fees. Please note that the upfront operational fees in the offer letter are prorated on monthly bases. This may therefore differ depending on the date you wish to make the payment. You may therefore wish to get in touch with our office to be advised on the correct operating fees before making the payment.

4. Operational period

Once you have paid the offer fees, you will be issued with a licence. You will then be required to put the licence into operation within **12 months** from the date of issuance of the licence.

5. Terms and conditions of the licence

The licence terms and conditions include (but are not limited) to the following:

- Scope of the licence
- Obligations to consumers
- Obligations to other licencees
- Obligations to the authority
- Obligations to the state

Please visit our website: www.ca.go.ke where you can download sample licences.

6. Resources for rolling out the licenced systems or services

After you are issued with a licence, you will be required to apply for resources related to the rollout of your licence. These include frequency, numbering and type approval of your equipment/s.

**THE AUTHORITY DOES NOT GUARANTEE AVAILABILITY OF RESOURCES OR
TYPE APPROVAL OF EQUIPMENT/S.**