

CA/F/MMS/APL-06 **K**SA **APPLICATION** FORM **NOVEMBER 2023** FOR **SUBSCRIPTION** BROADCASTING **SERVICE LICENCE**



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).
- 5. Applicants <u>MUST</u> submit a business plan addressing among others <u>ALL</u> issues highlighted in the business plan guideline attached as Annex 2.

I.	SECTION B: REQUIRED DOCUMENTATION
	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 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.

The table below shows fee	s payable for	the respective lice	ences:	
Broadcast Licence Category Licence Application Initial Licence Annual Operation				Annual Operating
	Duration	Fee (KShs.)	Fee (KShs.)	Fee (KShs.)
	(Years)	(payable when	(payable after	(payable on/or before
		submitting	approval and	1 st July of each year)
		application	before issuance	
		form)	of licence)	
Subscription Broadcasting	10	5,000.00	100,000.00	0.4% of annual
Service				turnover or
				80,000.00 whichever
				is higher



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2. APPLICATION ACCEPTANCE SECTION – CHECK FOR OFFICIAL USE ONLY

No	Applic	ation Requirements		Receiving Officer	Checking Officer
	Duly s	gned Cover letter on applicant's letterhead		1	
2.		ompleted application form			
3.	Declaration by the applicant with name, designation, signature and date				
l.		kecuted affidavit submitting copies of the doct			
5.		ss plan for the licence applied for enclosed			
б.		ation fees paid			
		vents using a <u>sworn affidavit</u> while all foreign	documents must be notarized		
No		ation Requirements	uocuments must be nountieu.	Receiving Officer	Checking Officer
	Regist	ration Details of Applicant			
7.		f Certificate of Incorporation/Registration Ce	rtificates or equivalent and		
		documents for other shareholder companies v			
		pplicant.			
		the Applicant is a Government Agency/body,	a copy of the Act Gazette		
		or other relevant legal Instrument creating the			
		ship Details of Applicant	Agency.		
8.	i)	Copy of the <u>current</u> CR/12 or equivalent is indicating names of shareholders, their ac shares held by each, names of directors a nominees or not or whether non sharehol	ddresses, their nationalities, nd whether directors are		
	ii)	Copy of the <u>current</u> CR/12 or equivalent, is			
	11)	for other shareholder companies, where the			
		applicant, indicating all the details as above individuals.	, until all shares are attributed to		
			ant ACM on the summer t		
	iii)	For Societies, a copy of the minutes of the l	ast AGM or document		
	T 1 (*)	indicating the officials			
		ication Documents of owners/Directors (Inc	-		
9.	i)	Clear Copies of ID for directors and shareh	olders or notarized copies of		
	passports in case of foreigners.				
	ii)	In case of government officials, submit a ga officer.	zette notice appointing the		
	iii)	Copy of Certificate from the Capital Market	ts Authority (CMA) (or its		
		equivalent for foreign companies) in case of	f listed companies.		
	Other	Requirements			
10.	A copy	of the relevant document as listed below to b	e provided:	1	
	Society By-Laws or Constitution, (immediately prior to submission of Application)			1	
	and Membership Agreement Terms and Conditions for Societies				
		ship Deed for Partnerships			
11.		f Valid Tax Compliance Certificate of the Ap	plicant (Not of the	1	
		/Directors)	r (1.00 01 010		
	eiving ar	d Checking Officers MUST confirm submi before accepting and logging an applicatio		necking agai	nst each
	eiving Of		Checking Officer		
meet			Checking Officer		
Com	ments: .		Comments:		
Nam	e:		Name:		
1 (ulli					



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/Roa	ıd
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. OTHER INFORMATION ABOUT THE APPLICANT

- 5.1 State whether any of the partners/ directors/ shareholders have a beneficial interest in any other business licensed to provide or operate telecommunication and or broadcasting services.
- 5.2 Has any previous application by you been rejected under the Act? (If so give details)

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5.3 Has any previous license granted to you under the Act been cancelled, suspended or modified? (If so give details)

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5.4 Have you or any of the directors or shareholders adjudged bankrupt or has entered into a composition or scheme of arrangement with his creditors or is of unsound mind, if so please explain.



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6. LICENCE DETAILS

	e identify the commercial free to air broad	Terrestrial Subscription (Pay Licence
6.1.	Tick the category of the broadcasting service you wish to provide (tick only one).	Cable Subscription (Pay) Licence
		Satellite Subscription (Pay) Licence
		Internet Protocol Broadcasting Licence
6.2.	Indicate the proposed service	Terrestrial Subscription (Pay Licence
	identity(ies) as applicable	Cable Subscription (Pay) Licence
		Satellite Subscription (Pay) Licence
		Internet Protocol Broadcasting Licence
6.3.	Attach business name certificate/ trademark certificate for the proposed service identity Explain the literal meaning of the proposed service identity	
6.4.	Provide the name of the area you wish to provide the broadcasting service.	
6.5.	Attach the rollout plan for the area you are applying this service for.	

7. **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.

7.1. 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 a		
Postal Address: P. O. Box	Posi	tal Code	
Post Office Town			
Phone and Fax Conta Tel. No.		ax. No.	



Mobile	Other Tel. Nos.
Email Address:	
Occupation	Signature
2.2. Second Referee	
I certify that the inform	nation 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 Cont	act:
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.....

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

Signature.....

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

9. 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.

10. FOR OFFICIAL USE ONLY

BPC COMMENTS		
Not Recommended	Recommended	
Applicant to do the following:	for:	
	Name:	
	Designation	
	Signature:	
	Date:	
Name:		
Signature:		
Date:		
	Official Stamp	

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

<u>REPUBLIC OF KENYA</u> IN THE MATTER OF OATHS AND STATUTORY DECLARATIONS ACT CHARTER 15 I AWS OF		
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 <u>AUTHORITY OF KENYA</u>		
<u>AFFIDAVIT</u>		
I,of Post Office Box Number		
(<i>Town</i>)(<i>Postcode</i>)do hereby make oath and state as follows:		
1. THAT I am an adult of sound mind and		
(<i>position/ status in the applicant entity</i>) of(<i>name of the applicant</i>) 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:[<i>tick documents for which copies have been provided</i>]		
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 Applicantuntil 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/iesand
 - 4.1.5.2. ShareholderRegister 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.
- 4.3. A business plan relevant to the specific broadcasting market segment whose licence is being sought
- 4.4. A copy of one of the 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	

4.5. 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	ort of	_(Applicant's name) application for
7. THAT what is deponed to herein above is tr	rue and within my own ki	nowledge.
SWORN at by the said)
Thisday ofin the year	_)
BEFORE ME)
COMMISSIONER FOR OATHS)
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 be provided separate 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 <u>block diagrams</u>, *indicating the relationship* between the proposed systems/business to existing service/infrastructure providers and customers being served, proposed technology interface with other licensees, network and terminal equipment and/or customer premise equipment (CPE) and the standards they conform to etc.

In addition, kindly provide the technical information listed in the table under Annex 2A; Satellite subscription service providers will additionally be required to provide information under Annex 2B.

5. Programming Information

Provide details of your programming, giving information on composition of your various program channels in your bouquet, minimum number of channels in a bouquet, type of parental control mechanism you will employ, the number of local channels you will provide (if any) in your bouquet, whether free to view channels shall be available and what conditions shall be necessary for their access

6. Market Information

6.1. Indicate envisioned rollout plan for the first three years:

Year	Number of Subscribers/Users/Scope of Coverage	
Year 1		
Year 2		
Year 3		

6.2. Provide a description of each proposed service and how the service is to be accessed by the public.

6.3. 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.

6.4. Indicate the projected start date and the value proposition if given the licence.

7. 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.

8. Billing Information

- 8.1. Describe the billing system you intend to deploy (and where applicable details of the software/hardware)
- 8.2. 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
- 8.3. Provide information on the proposed tariff for each service (in Kenya Shillings only).
- 8.4. Attach evidence of capacity to roll out the service if licensed.



9. Revenue Stream

Provide the anticipated revenue stream from advertising, sponsorships, subscriptions 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.

10. Financial Information

Based on the revenue streams highlighted in 4 (above) provide at least three-year financial projections including <u>Income statements</u>, <u>Balance sheet</u> and <u>Cash Flow statement</u> 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.

11. Capacity to provide the proposed service

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

12. Quality of Service Assurance

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 2A: Technical information for Cable, Terrestrial, Satellite and Internet Protocol Broadcasting

А.	Technical Information
1.	Indicate the location of the broadcasting facility Head-end equipment
2.	List the details of the proposed central receiving equipment (TVROs, Head-end equipment, etc),indicating the Type, Quantity, Manufacturer
3.	List the details of the proposed distribution equipment (cable, amplifier, etc), indicating the Type, Quantity, Manufacturer
4.	List the details of the proposed subscriber receiving equipment (set top box, distribution cables, distribution decoders, etc, indicating the Type, Quantity, Manufacturer
5.	List the details of the proposed standby power equipment (capable of atleast 5 hours continuous power supply), indicating the Type, Quantity, Manufacturer
	List the details of the proposed test equipment (Signal level measuring device, leakage detector, Cable TV Analyser, Remote line Monitoring and Network management, Frequency Counter, Waveform monitor), indicating the Type, Quantity, Manufacturer
6.	Note:Its mandatory for Cable TV Providers to own the above measuring equipment or atleast have a contractual agreement to access them.In the case of the later, a copy of the contractual agreement should be availed)
7.	Indicate the type of signal encryption to be used
8.	Type of conditional access media to be used (smart card, etc)
9.	Description of proposed billing system and how accuracy of subscriber billing shall be ensured
10.	Location of studio facility
11.	Type of studio equipment to be used for the broadcasting service
12.	Proposed type of studio to head-end to be used for the service, if any
13.	If satellite, name the provider, the satellite name and the transponder being used
14.	Proposed maximum number of hours of operation
15.	Proposed date of commencement of the subscription broadcasting service
16.	Proposed broadcasting service identity



B.	SUBSCRIPTION MANAGEMENT SERVICE PROVIDER
1.	Provide details of the Subscription Management Services Provider
2.	Describe the scope of services to be provided by your Subscription Management Services Provider

Annex 2B: Satellite subscription

A.	Technical Information
<u> </u>	
1.	Physical location of uplink ground station: Geographical coordinates, Town, Street, Road, LR No.
2.	Antenna geographical coordinates:
3.	Minimum Antenna Size/Diameters (in Meters)
4.	Shape and surface area of antenna
5.	Capacity of the uplink station: Carrier transmit (uplink) frequency (spot frequency or preferred frequency band), Bit rate (kb/s), Radio frequency bandwidth of uplink beam (MHz)
6.	Altitude above sea level
7.	Isotropic gain of Antenna (dBi)
8.	Beanwidth between half power points (degrees)
9.	Planned range of operating angles (degrees)
10.	Beam Polarisation type:
11.	Direction/plane of polarisation
12.	EIRP (dBW)
13.	Proposed Number of channels being uplinked from the site
14.	On separate sheets, provide information on modulation characteristics for each carrier, including information on frequency deviation for the reference signal, pre-emphasis characteristics and characteristics of video signal multiplexed with sound signal
15.	Attach related diagrams (network, site maps, etc)
16.	Regular hours of operation (UTC) per day/week/month/year
17.	Describe on separate sheet the system set-up, configuration and other related details including diagrams of set-up, ground terminal terminal equipment, content source and related systems
B.	SPACE SEGMENT OF DIRECT SATELLITE BROADCASTING PLATFORM (DOWNLINK)
1.	Name of the proposed satellite to be used for the service
2.	Full Name, Postal address, Telephone contacts, Contact email address of the Satellite Operators:
3.	Geostaitionary Orbital location



4.	Downlink Beam (footprint) name by geographic location
5.	Identity of the satellite
6.	Frequency band of operation
7.	Transponder Centre Frequencies
8.	Name, Postal address, Telephone contacts, Contact email address of any international party with which the
9.	Number of TV channels in each transponder
10.	Details of the downlink beam:data rate, FEC, Modulation,bandwidth and specific frequency range for each TV channel
11.	Satellite transmit Max. & Min. EIRP over Kenya in dBW: (enclose Satellite transmit antenna/eirp gain contours over Kenya). Is the signal already receiveable in Kenya? [YES/NO]
12.	Polarisation type
13.	Attach lease agreement (if any) and footprint maps of the satellite on which transponders are proposed to be hired
14.	On urgent matters regarding frequency interference, quality of transmission, or out-of-band or spurious emission and technical operations matters, give contacts of the liaision officer

ANNEX 3: LICENSE CATEGORIES AND ENTITIES THAT CAN OR CANNOT APPLY

Entities that can apply for;	Limited	Business	Cooperative	Society
	Company	Names	Societies	Organizations
Subscription Broadcasting Service Licence		×	×	×

Key: $\sqrt{-}$ **Can Apply** \times **- Cannot Apply**

ANNEX 4: 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 you application in person where our receiving officer will check the documents and advice 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 135 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