

CA/F/MMS/APL-01

MARCH 2021

**APPLICATION  
FORM  
FOR  
COMMERCIAL  
BROADCASTING  
SERVICE  
LICENCE**

NOT FOR SALE

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**1. MANDATORY REQUIREMENTS FOR AN APPLICANT**

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**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 **MUST** submit a business plan addressing among others **ALL** issues highlighted in the business plan guideline attached as Annex 2.

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

| <b>SECTION C: APPLICATION AND LICENCE FEE:</b>                         |                                 |  |   |   |
|--|---------------------------------|--|---|---|
| <b>The table below shows fees payable for the respective licences:</b> |                                 |  |   |   |
| <b>Broadcast Licence Category</b>                                      | <b>Licence Duration (Years)</b> | <b>Application Fee (KShs.)</b><br>(payable when submitting application form) | <b>Initial Licence Fee (KShs.)</b><br>(payable after approval and before issuance of licence) | <b>Annual Operating Fee (KShs.)</b><br>(payable on/or before 1 <sup>st</sup> July of each year) |
| <b>Commercial free to air television (on DTT Platform)</b>             | 10                              | 5,000.00   | 100,000.00  | 0.4% of annual turnover or 80,000.00 whichever is higher  |
| <b>Commercial free to air radio (on DTT Platform)</b>                  | 10                              | 5,000.00   | 100,000.00  | 0.4% of annual turnover or 80,000.00 whichever is higher  |
| <b>Commercial FM Radio Licence</b>                                     | 10                              | 5,000.00   | 100,000.00  | 0.4% of annual turnover or 80,000.00 whichever is higher  |

**Note 1:** Entities wishing to be considered for a broadcasting service licence must have at least 30% substantive Kenyan ownership.

**Note 2:** Frequency fee, in cases where spectrum is utilised, is separately charged in accordance with the CA Approved frequency fee schedule on an annual basis

**Note 3:** Applicants for FM radio broadcasting licence **MUST** complete Application for FM Frequency Assignment in the Sound Broadcasting Radio Communication Service form CA/F/FSM/04 for each of the proposed transmission site attached as ANNEX 3

**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 |
|-----|--|-------------------|------------------|
|     | <b>Registration Details of Applicant</b>   |                   |                  |
| 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.<br>Where the Applicant is a Government Agency/body, a copy of the Act, Gazette Notice or other relevant legal Instrument creating the Agency.  |                   |                  |
|     | <b>Ownership Details of Applicant</b>  |                   |                  |
| 8.  | i) Copy of the <b>current</b> CR/12 or equivalent issued within the last 2 months <b>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.</b><br>ii) Copy of the <b>current</b> 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.<br>iii) For Societies, a copy of the minutes of the last AGM or document indicating the officials |                   |                  |
|     | <b>Identification Documents of owners/Directors (Individuals and Companies)</b>  |                   |                  |
| 9.  | i) <b>Clear</b> Copies of ID for directors and shareholders or <b>notarized</b> copies of passports in case of foreigners.<br>ii) In case of government officials, submit a gazette notice appointing the officer.<br>iii) Copy of Certificate from the Capital Markets Authority (CMA) (or its equivalent for foreign companies) in case of listed companies.   |                   |                  |
|     | <b>Other Requirements</b>  |                   |                  |
| 10. | A copy of the relevant document as listed below to be provided:<br>Society By-Laws or Constitution, (immediately prior to submission of Application) and Membership Agreement Terms and Conditions for Societies<br>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: ..... |

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**3. NAME OF APPLICANT**

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

M/S \_\_\_\_\_

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

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**4. APPLICANT'S CONTACTS**

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**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:** \_\_\_\_\_

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**5. LICENCE DETAILS**

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|  |  |  |
|--|--|--|
| Please identify the commercial free to air broadcasting service being applied for: |  |  |
| 5.1.   | Tick the category of the broadcasting service you wish to provide (tick only one). | <b>Commercial Free To Air Television (on DTT Platform)</b> |
|  |  | <b>Commercial Free To Air Radio (on DTT Platform)</b>      |
|  |  | <b>Commercial FM Radio Licence</b>                         |
| 5.2.   | Provide the name of the area you wish to provide the broadcasting service.         |  |
| 5.3.   | Language(s) of Broadcast   |  |

PROPOSED STATION IDENTITY OF BROADCASTING SERVICE (e.g. Wakenya FM) (attach registration of **business name certificate** for the station identity)

.....

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



**6. OTHER INFORMATION ABOUT THE APPLICANT**

6.1 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.

.....

6.2 Has any previous application by you been rejected under the Act? (If so give details)

.....

.....

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

.....

.....

6.4 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.

.....

.....

**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 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 .....

## 7.2 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 .....

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## 8. DECLARATION

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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.....

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## 9. COMPLETED APPLICATION FORMS SHOULD BE ADDRESSED TO: -

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

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**10. FOR OFFICIAL USE ONLY**

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| <b>BPC COMMENTS</b>   |  |
|---|--|
| <p><b>Not Recommended</b> <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p><b>Applicant to do the following:</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p><b>Name:</b></p> <p>.....</p> <p><b>Signature:</b></p> <p>.....</p> <p><b>Date:</b></p> <p>.....</p> | <p><b>Recommended</b> <input style="width: 40px; height: 15px;" type="checkbox"/></p> <p><b>for:</b></p> <p>.....</p> <p>.....</p> <p><b>Name:</b></p> <p>.....</p> <p><b>Designation</b></p> <p>.....</p> <p><b>Signature:</b></p> <p>.....</p> <p><b>Date:</b></p> <p>.....</p> <p style="text-align: right; padding-top: 20px;"><b>Official Stamp</b></p> |

**Deferments:**

| <b>CLC#</b> | <b>Reason for deferment</b> | <b>Name &amp; Signature</b> |
|-------------|-----------------------------|-----------------------------|
|             |                             |                             |
|             |                             |                             |



**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.
- 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:

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

)

)

)

)

)

)

This \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

\_\_\_\_\_  
(Deponent)

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 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. Technical Information**

Provide the proposed system configuration with block diagrams. Specifically provide details of your studio equipment, studio to transmitter/BSD link 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.

In addition, applicants for FM radio broadcasting licence **MUST** complete **Application for Frequency Assignment in the Sound Broadcasting Radio Communication Service form CA/F/FSM/04 (Annex 3)** for each of the proposed transmission site.

### **3. Station Programming**

Provide your proposed station's programming indicating the proposed hours of broadcasting for each day of the week, a schedule of your programme segments for each day of the week, specific value proposition of your programming format in the proposed coverage area, your own produced programmes and their weekly proportions, any planned external source of programming (local or foreign). Also indicate if regular news services programmes on matters of public interest form part of your programming and how often these will be broadcast. Also indicate the principal sources of news.

### **4. 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 differ from them and address the existing gaps.

### **5. 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.

### **6. Financial Information**

Based on the revenue streams highlighted in 4 (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.

### **7. Quality of Service Assurance**

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

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

| <b>Entities that can apply for;</b> | <b>Limited Company</b> | <b>Cooperative Societies</b> | <b>Business Names</b> | <b>Community Based Organisations</b> |
|-------------------------------------|------------------------|------------------------------|-----------------------|--------------------------------------|
| Commercial Broadcasting Licence     | √                      | √                            | √                     | ×                                    |

**Key: √ - Can Apply                      × - Cannot Apply**

**ANNEX 4: INFORMATION ON THE LICENSING PROCEDURE AND PROCESS**

**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 **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**

**ANNEX 5: APPLICATION FOR FREQUENCY ASSIGNMENT IN THE SOUND  
BROADCASTING RADIO COMMUNICATION SERVICE CA/F/FSM/04**

Serial No.....

**1. Administrative Details:**

- a) Name of the organisation (or individual) .....  
 Nationality..... ID / PP No.....  
 Postal address.....  
 Business telephone.....Email.....  
 Physical location: Road/street..... Building..... LR. No.....
- b) Name and postal address of the local supplier (if any).....  
 Postal address.....  
 Business telephone.....Email.....
- c) Authorised broadcasting area .....
- d) Name of person / organisation responsible for payment of bills.....  
 .....

**2. Transmitter Site Details:**

- i) Name.....
- ii) LR. No. . . . .
- iii) Road/Area.....
- iv) Geographical co-ordinates:  
 Latitude: deg..... min..... sec..... (N/S)  
 Longitude: deg..... min .....sec..... (E).
- v) Altitude above sea level (in metres).....
- vi) Relative height around 15 kilometre radius.....

**3. Transmitter Equipment Details:**

- a) Equipment and performance characteristics.
  - i) Name of Manufacturer.....  
 Make.....  
 Model.....
  - ii) Carrier output power.....
  - iii) Effective Radiated Power (dB W).....
  - iv) RF bandwidth.....kHz
  - v) RF Filter Loss.....dB
- b) Transmit Antenna Details:
  - i) Type of antenna.....
  - ii) Antenna height above ground level .....
  - iii) Relative antenna height around a 15 kilometre radius.....
  - iv) Polarization.....
  - v) Radiation pattern:
    - a) Omnidirectional: (YES or NO).....
    - b) If not omnidirectional provide the following details:
      - 1. Azimuth of the main lobe.....
      - 2. Angular beam width of the main lobe at the 3 dB point.....
  - vi) Antenna gain in dBi.....
  - vii) Estimated Antenna losses (splitter, harnesses, null fill losses) in dB.....

- a) Feeder:
- i) Feeder type.....
  - ii) Feeder length.....m
  - iii) Attenuation per metre.....dB
  - iv) Total feeder loss.....dB

**2. Band Pass Filter Details:**

- i) Name of Manufacturer.....  
Make.....  
Model.....
- ii) Return loss over the frequency range  $f_c \pm 100$  KHz.....
- iii) Return loss outside the frequency range  $f_c \pm 1$  MHz.....  
Where  $f_c$  = Centre Frequency

**3. Miscellaneous**

- i) Proposed date of commencement of service.....

**Applicants Declaration:**

I declare that the above information is true to the best of my knowledge

Contact person..... Designation:..... Date..... Signature:.....

**Confirmation by your Radio Vendor/Local Supplier:**

I confirm that the above information is true to the best of my knowledge

Radio Vendor ..... Technical Personnel's Name.....

P.O. Box ..... Technical Personnel's Licence No.....

Date ..... Signature.....

Official Stamp.....