

CA/F/MMS/APL-05

MARCH 2021

**APPLICATION
FORM
FOR
SUBSCRIPTION
MANAGEMENT
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).
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. (Note: Government Agencies are exempted from this requirement)
7.	Valid Tax Compliance Certificate from Kenya Revenue Authority.

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)	Initial Licence Fee (KShs.) (payable after approval and before issuance of licence)	Annual Operating Fee (KShs.) (payable on/or before 1 st July of each year)
Subscription Mngement Service Broadcasting Licence	10	5,000.00	100,000.00	0.4% of annual turnover or 80,000.00 whichever is higher

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

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.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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. 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)
.....
.....

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

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.

.....

.....

6. LICENCE DETAILS

Please identify the commercial free to air broadcasting service being applied for:			
6.1.	Tick the category of the broadcasting service you wish to provide (tick only one).	Subscription Management Service/Access Control for self	
		Subscription Management Service/Access Control for other Service Providers	
6.2.	Propose subscription management service identity		
6.3.	Explain the literal meaning of the name		
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. TECHNICAL INFORMATION *(Where appropriate the following information should be provided as an attachment to this application)*

7.1	Indicate the proposed location(s) of the Subscription Management/access control facility equipment		
7.2	Describe the linkage between the subscription management/access control system and the content		
7.3	Capacity of the subscription management system/access control:		
	a) Subscriber capacity for single content service provider		
	b) max number of content service providers served simultaneously and respective max subscriber capacity		
7.4	List the details of the proposed subscriber receiving equipment (set top boxes, decodes, etc) expected		
7.5	List the details of the proposed standby power equipment		
	Type	Quantity	Manufacturer

7.6	List the details of the proposed test equipment, if any		
	Type	Quantity	Manufacturer
7.7	Indicate the type of signal encryption system to be used		
7.8	Type of conditional access media to be used (smartcard, etc)		
7.9	Description of proposed customer billing/payment system and how accuracy of subscriber billing		
7.10	Location(s) of subscriber management facility(s)___		
7.11	Type of equipment to be used for subscription management/ access control		
7.12	Proposed turn around times for installation, repair and relocation of customers premises equipment		
7.13	Proposed numbers and locations of customer care centres		
7.14	Proposed maximum number of hours of operation per day		
7.15	Proposed date of commencement of the subscription management service ___		
7.16	Propose subscription management service identity		
7.17	Name of network operator who will carry the subscription management service/ access control		

8. CUSTOMER CARE (Where appropriate, the following information should be provided as an attachment to this application)

8.1	Indicate your proposed hours of operation for subscription management system and customer care
8.2	Do you intent to use third parties for receiving subscription payments? If Yes, provide details

8.3	Provide details on how you intent to handle customer complaints
8.4	Provide details on whether you intent to provide subscription management service for self only, or solely on behalf of other content service providers or a combination
8.5	How many broadcast content service providers do you anticipate to provide subscription management

9. OTHERS

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

10. 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.

10.1. 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

10.2. 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

11. 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.....

12. 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.**

13. FOR OFFICIAL USE ONLY

BPC COMMENTS	
<p>Not Recommended <input type="checkbox"/></p> <p>Applicant to do the following:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Name:</p> <p>.....</p> <p>Signature:</p> <p>.....</p> <p>Date:</p> <p>.....</p>	<p>Recommended <input type="checkbox"/></p> <p>for:</p> <p>.....</p> <p>.....</p> <p>Name:</p> <p>.....</p> <p>Designation</p> <p>.....</p> <p>Signature:</p> <p>.....</p> <p>Date:</p> <p>.....</p> <p style="text-align: right; margin-top: 20px;">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.
- 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 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 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. Technical Information

Provide the proposed system configuration with block diagrams, *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.

3. Market Information

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

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

3.2. Provide a description of each proposed service and how the service is to be accessed by the public.
 3.3. 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.

4. Billing Information

4.1. Describe the billing system you intend to deploy (and where applicable details of the software/hardware)
 4.2. 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
 4.3. Provide information on the proposed tariff for each service (in Kenya Shillings only).

5. 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.

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

Entities that can apply for;	Limited Company	Business Names	Cooperative Societies	Community Based Organisations
Subscription Management Service Broadcasting Licence	√	×	×	×

Key: √ - Can Apply × - Cannot Apply

ANNEX 5: 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 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