



**APPLICATION FOR
AN ELECTRONIC
COMMUNICATIONS
SERVICE PROVIDER
LICENCE UNDER THE
UNIFIED LICENSING
FRAMEWORK**

CA/F/LCS/TL 3.7

(FEBRUARY 2021)

NOT FOR SALE

New App Transfer Renewal
 Upgrade

1. MANDATORY REQUIREMENTS FOR AN APPLICANT

A: this application should be completed in English and any document in foreign language must be translated into English

B: the application should be addressed to the Director/Licensing, Compliance and Standards (see address below) with a covering letter summarizing 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 attached as Annex 1 herein.

D: The table below shows fees payable for the various licences:

ULF Licence		Application Fee (Kshs.)	Initial Licence Fee* (Kshs.)	Annual Operating Fee (Kshs.)
when fees are payable (all fees are non-refundable)		when submitting application form TL 3.6	after approval and before issuance of licence	on/or before 1 st July of each year
Network Facilities Provider	Tier 2	5,000/=	15,000,000/=	0.4% of annual gross turnover from licensed services or 800,000/= whichever is higher
	Tier 3	5,000/=	200,000/=	0.4% of annual gross turnover from licensed services or 160,000/= whichever is higher
Application Service Provider (MVNO, Vehicle Tracking etc.)		5,000/=	100,000/=	0.4% of annual gross turnover from licensed services or 80,000/= whichever is higher
Content Service Provider		5,000/=	100,000/=	0.4% of annual gross turnover from licensed services or 80,000/= whichever is higher
Electronic Certification Service Provider (E-CSP)		5,000/=	100,000/=	0.4% of annual gross turnover from licensed services or 80,000/= whichever is higher
International Gateway Operator		5,000/=	15,000,000/=	0.4% of annual gross turnover from licensed services or 800,000/= whichever is higher

Payments can be made in Banker's or company cheque at our 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 4 below.

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

G: For information on which kind of entity can apply for any electronic communications license, please refer to Annex 3 attached.

H: The License will be issued for a period of 15 years

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 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		
11.	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		
12.	For MVNO Service applicant, submit a letter from proposed Host Mobile Network Operator (HMNO) indicating availability of spare capacity and willingness by the HMNO to host the proposed MVNO services		
13.	Certificate Practice Statement and 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

.....
Explain the literal meaning of the Name

.....

4. APPLICANT'S CONTACTS

1. Physical Address:

Town _____ Street/Road _____

LR No. _____ Floor No. _____ Room No. _____

Name of Building _____

2. Postal Address:

P. O. Box _____ Postal Code _____

Post Office Town _____

3. Phone and Fax Contact:

Tel. No. _____ Fax. No. _____

Mobile No. _____ Other Tel. Nos. _____

4. Email and Web Address:

Email address _____

Web Address _____

5. LICENCE(S) APPLIED FOR

Please tick the category/ies of licence/s you wish to be considered for. More information on licensing under the Unified licensing Framework (ULF) Market Structure is available on CA Website: www.ca.go.ke.

Applications Service Provider

Content Service Provider

International Gateway Operator

Network Facilities Provider

T2

T3

Electronic Certification Service Provider (E CSP)

6. OTHER INFORMATION ABOUT THE APPLICANT

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

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

.....
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. 1st 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 No. _____ Alternative Tel. No. _____

Email Address: _____

Occupation: _____ Signature: _____

2. 2nd 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 No. _____ Alternative Tel. No. _____

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

CLC Deferments 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

Name of Applicant:.....

Not Approved
Comments:

Approved

As (Tick Licence(s) approved and cross out rest):

ASP

CSP

E-CSP

IGS

NFP-T2

NFP-T3

On (Date):

Meeting Ref:

BD Ext. Date:

Completed by:

Signature:

Date:

ANNEX 1: TEMPLATE OF THE AFFIDAVIT TO BE SUBMITTED

REPUBLIC OF KENYA

IN THE MATTER OF OATHS AND STATUTORY DECLARATIONS ACT

CHAPTER, LAWS OF KENYA

AND

**IN THE MATTER OF AN APPLICATION FOR LICENSE FROM THE
COMMUNICATIONS AUTHORITY OF KENYA**

AFFIDAVIT

I, _____ Number
of P o s t Office B o x

_____ (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
Authority's Market Structure*) licence/s.

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. a copy of **current** CR12 (less than 2 months old) 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 a copy of the **current** CR/12 (less than 2 months old) for other companies which are shareholder of the Applicant until all shares are attributed to individuals.

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

4.1.5. For MVNO service applicant, submit a letter from proposed HMNO indicating availability of spare capacity and willingness by the HMNO to host the proposed MVNO services

4.1.6 **Certificate Practice Statement and Certification Policy in case on E-CSP applicant**

4.1.7. Copies of Kenyan National Identity Cards (ID) or Kenyan/Foreign passports for all Directors and Shareholders of the Applicant:

4.1.7.1. Both sides of the ID should be copied onto the same side of an A4 size paper, and

4.1.7.2. Passport copies should include pages showing the nationality, date of issue and expiry, name and photograph of holder. Please note that all foreign passport copies should be notarized.

4.2. Compliance with Kenya Revenue Authority rules:

4.2.2. 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 _____ license.

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)	
)	
<u>COMMISSIONER FOR OATHS</u>)	
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. Where an applicant applies **for more than one licence (of the ASP, CSP and NFP)**, the listed sub-headings of the business plan; **technology, market information, financial projections, billing information and quality of service information, including services to be offered**, have to be provided **separately** for each license category. 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. Proposed Services

List and **clearly describe** each of the proposed services under the respective licence applied for.

4. Frequency Spectrum *(for NFP applicants only)*

In case you require frequency resources to rollout your business, please indicate the preferred frequency band(s). Frequency resources will however require a separate application subject to availability.

5. Market Information

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

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

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

4.3. 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. Billing Information

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

6.2. 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,

6.3. Provide information on the proposed tariff for each service (in Kenya Shillings only).

7. 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). *The financial information should be provided in Kshs ONLY.*

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

8. 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.

ANNEX 3 LICENSE CATEGORIES AND ENTITIES THAT CAN OR CANNOT APPLY

Table 1: License Categories and Entities that can or cannot apply

Entities that can apply for;	Limited Company	Cooperative Societies	Business Names	Society Organizations
Application Service Provider (ASP)	√	√	√	√
Content Service Provider (CSP)	√	√	√	√
Electronic Certification Service Provider (E-CSP)	√	√	×	√
Network Facilities Provider (NFP) – Tier 2,3	√	×	×	×
International Gateway Systems and Services (IGSS)	√	×	×	×
Business Process Outsourcing (BPO)	√	×	×	×

Key: √ - Can Apply

× - Cannot Apply

ANNEX 4: SECTOR POLICY REQUIREMENT

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 in line with ICT sector policy.

ANNEX 5: INFORMATION ON THE LICENSING PROCEDURE AND PROCESS

1. Process of issuing a licence

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 of 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. 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 6 months from the date it's written and states the amount of money to be paid before a licence is issued.

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 licensees
- Obligations to the Authority
- Obligations to the state

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

6. Resources for rolling out the licensed 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