



**Communications
Commission
of Kenya**

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

**FORM CCK/F/LCS/TL 3.2
(February 2012)**

NOT FOR SALE

1. MANDATORY REQUIREMENTS FOR AN APPLICANT

- A:** this application should be completed in English
- B:** the application should be addressed to the Director/Licensing, Compliance and Standards (see *address below*) with a covering letter summarising the profile of the applicant and the licence/s applied for,
- C:** the application should be accompanied by a sworn affidavit submitting the documents listed therein in line with the template at Annex 1 below:
- D:** the table below shows fees payable for the 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 3.1	after approval and before issuance of licence	on/or before 1 st July of each year
Network Facilities Provider	Tier 2	10,000/=	15,000,000/=	0.5% of annual turnover or 1,000,000/= whichever is higher
	Tier 3	10,000/=	200,000/=	0.5% of annual turnover or 200,000/= whichever is higher
Application Service Provider		10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
Content Service Provider		10,000/=	100,000/=	0.5% of annual turnover or 100,000/= whichever is higher
International Gateway Operator		10,000/=	15,000,000/=	0.5% of annual turnover or 1,000,000/= whichever is higher
Business Processes Outsourcing		Onetime Registration Fee 10,000/=		

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

- E:** For more information on the licensing procedures and processes, see Annex 3 below.
- F:** Please present a completed application form at our offices on 1st Floor, CCK Centre Waiyaki Way, at the Front Desk.

2. APPLICATION ACCEPTANCE SECTION - FOR OFFICIAL USE ONLY

No	Application Requirements	Receiving Officer	Checking Officer
1.	Is a covering letter on applicant letterhead included?		
2.	Is the application duly completed?		
3.	Is the application signed, giving applicant's name and designation?		
4.	Is the licence/s applied for within the ULF Market Structure?		
5.	Is business plan for applied licence/s enclosed?		

Are the following documents listed on an affidavit sworn by one of the Directors

No	Application Requirements	Receiving Officer	Checking Officer
6.	Copy of Certificate of Incorporation/Registration Certificates or others (specify)		
7.	Is/are original CR/12(s) provided?		
8.	Copy of Certificate from CMA for listed companies		
9.	Notarised Copy of Certificate of Incorporation for foreign company		
10.	Notarised Copy of Share Certificate for foreign company		
11.	Copy of Personal Identification Number (PIN) card		
12.	Copy of Valid Tax Compliance Certificate		
13.	Copies of ID/passport for directors and shareholders		
14.	Is a copy of the relevant document as listed below provided? (<i>Indicate which document is provided</i>).		
	• Memorandum and Articles of Association of the Company; or		
	• Cooperative Society's By-Laws; or		
	• Partnership Deed; or		
	• Constitution of the Society etc.		

The Receiving Officer MUST tick ALL the boxes above before accepting and logging an application.

Receiving Officer's Comments:

Receiving Officer's Name:

Signature: **Date:**

The Checking Officer MUST tick ALL the boxes above before recommending the application for further consideration.

Checking Officer's Comments:

Checking Officer's Name:

Signature: **Date:**

3. NAME OF APPLICANT

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

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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. 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 CCK Website: www.cck.go.ke.

Application Service Provider Content Service Provider International Gateway Operator Business Processes Outsourcing

Network Facilities Provider

T2

T3

6. OTHER INFORMATION ABOUT THE APPLICANT

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

.....

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

.....

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

7. REFEREES

The following details should be completed by two different referees who have known the entity/person in a professional capacity.

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

Email Address: _____

Occupation: _____ Signature: _____

2. 2nd 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 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 give false information in support of any application.

Name.....

Designation.....

Signature.....

Date.....

9. COMPLETED APPLICATION FORMS SHOULD BE RETURNED TO: -

**Director/Licensing, Compliance and Standards
Communications Commission of Kenya
1st Floor, CCK Centre, Waiyaki Way
P. O. Box 14448
NAIROBI - 00800
Tel: 254-20- 4242000
Fax: 254-20- 4242430**

FOR OFFICIAL USE ONLY

The applicant **MEETS/ DOES NOT MEET** the Commission's requirements and is hereby **RECOMMENDED/NOT RECOMMENDED** for:

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

.....
Name.....

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

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

Official stamp

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 COMMISSION OF KENYA**

AFFIDAVIT

I, _____ of Post Office Box
Number _____

_____ (Town) _____ (Postcode) _____

do hereby make oath and state as follows:

1. THAT I am an adult of sound mind and _____
(position/ status in the applicant entity) of _____ (name
of the applicant) and hence competent to swear this Affidavit.
2. THAT I am a citizen of the _____ and holder of
National Identity Card No. (or Passport No.) _____.
3. THAT _____ (name of the applicant) has resolved
to make an application to the Commission for a
_____ (name of the licence in accordance with
the Commission'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. 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. Attached original CR/12 for other companies which are shareholder of the Applicant until all shares are attributed to individuals.

[Note that companies wishing to be considered for a licence in the communications sector must allot a minimum of 20% of their total shares to individual Kenyan citizens within three (3) years from the date of issuance of the licence/s].

4.1.2. a copy of Business Name, or

4.1.3. a 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. Share Certificate 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 Personal Identification Number (PIN) card, and

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. Company	Memorandum and Articles of Association
2. Cooperative Society	Cooperative Society's By-Laws
3. Partnership	Partnership Deed
4. Society	Society's Constitution

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 and ensure the following details are included and in the sequence provided below:

1. Executive Summary:

Briefly describe your organization and the business concept.

2. 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)

3. Technical Information

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

4. Frequency Spectrum (for NFP applicants only)

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

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

5. Market Information

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

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

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

5.3. 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 (Kenya Shillings or United States Dollar).

Note that the income statements (part 2 above) should be derived from the product of rollout plan (part 5.1 above) and tariff information (part 6.3 above)

7. Quality of Service Assurance

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

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

ANNEX 3: 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 Commission

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

The Commission 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 Commission
- Obligations to the state

Please visit our website: www.cck.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 Commission **does not** guarantee availability of resources or type approval of equipment/s.