

FORM: CCK/F/LCS/AF 12



**APPLICATION
FOR A
SUBMARINE CABLE
LANDING RIGHTS
LICENCE**

(June 2011 version)

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 submarine cable landing rights licence:

	Application Fee	Initial Licence Fee	Annual Operating Fee
when fees are payable (all fees are non-refundable)	when submitting application form AF12	after approval and before issuance of Licence	on/or before 1 st July of each year
Submarine Cable Landing Rights Licence	10,000/=	15,000,000/=	0.5% of annual turnover or 5,000,000/= whichever is high

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		
	• Constitution of the NGO; 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. SUB-MARINE CABLE (SMC) SYSTEM INFORMATION

Name of SMC

Points of Presence (Landing Points)

System Configuration

Initial Equipped System Capacity

Maximum System Capacity

Detail Ownership of the SMC System

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 licenced 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 and independent referees who have known you for at least three (3) years.

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 _____

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 _____

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 LICENCE 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 submarine cable landing rights
licence.

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 document listed below:

APPLYING ENTITY	REQUISITE CONSTITUTING DOCUMENT
1. Company	Memorandum and Articles of Association
2. Non-Governmental Organization (NGOs)	Constitution of the NGO
3. Cooperative Society	Cooperative Society's By-Laws
4. Partnership	Partnership Deed
5. 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 _____ licence.

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 _____)

BEFORE ME)

_____)

_____)

_____)

COMMISSIONER FOR OATHS)

(Deponent)

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:

1. Executive Summary:

Briefly describe your organization and the business concept:

2. Financial Information

Provide at least three-year financial projections in terms of cash flows.

Year	Cash flows
Year 1	
Year 2	
Year 3	

3. ~~Technical Information~~

~~Provide the proposed system configuration with block diagrams, proposed technology interface with other licensees, network and terminal equipments and the standards they conform to etc.~~

4. Market Information

Indicate envisioned rollout plan for the first five year:

Year	Available bandwidth	Allotted bandwidth
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		

5. Billing and Quality Control

Describe how you will allocate bandwidth; eg in volumes, on demand etc and the billing thereof and the quality of service to be maintained.

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

ANNEX 3: INFORMATION ON THE LICENSING PROCEDURE AND PROCESS

1. Process of submitting an 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 Commission

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

The Commission considers applications on 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. 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 **six (6) months** from the date it's written and states the offer fees to be paid before a licence is issued.

The offer fees include the licence fee and upfront operational fees. 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 licencees
- 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 licenced 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.