

ENQ: JOSEPHINE SHIGWEDHA

19 June 2026

Dear Applicant

DECISION ON THE SECTION 31 RECONSIDERATION APPLICATIONS REGARDING THE AUTHORITY'S DECISION TO DECLINE STARLINK INTERNET SERVICES NAMIBIA (PTY) LTD'S TELECOMMUNICATIONS AND SPECTRUM LICENCE APPLICATIONS - 622 APPLICATION REQUESTS

The Authority refers to your reconsideration application as submitted in terms of section 31 in respect of the decision to decline Starlink Internet Services Namibia (Pty) Ltd.'s applications for a Class Comprehensive Telecommunications Service Licence Spectrum Licence, as published on 23 March 2026 in Government Gazette No. 8872, under General Notice No.197.

In this respect, the Authority on 19 June 2026 resolved that:

- (i) The 622 applications fail to meet the mandatory jurisdictional requirements for reconsideration and is therefore dismissed. Consistent with the established principles of reconsideration, the absence of compliance with the substantive grounds' requirement deprives the Authority of competence to entertain the requests. The applications must therefore be dismissed.

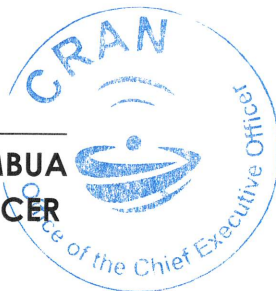
The reasons for the Authority's decision are attached hereto marked as **"Annexure A"**.

We trust you find the above in order.

Yours sincerely,



MRS. EMILIA NGHIKEMBUA
CHIEF EXECUTIVE OFFICER



ANNEXURE A

REASONS: DECISION ON THE SECTION 31 RECONSIDERATION APPLICATIONS REGARDING THE AUTHORITY'S DECISION TO DECLINE STARLINK INTERNET SERVICES NAMIBIA (PTY) LTD'S TELECOMMUNICATIONS AND SPECTRUM LICENCE APPLICATIONS – 622 APPLICATION REQUESTS

1. INTRODUCTION

This document sets out the reasons for the Authority's decision on the 624 requests received between 23 March 2026 and 22 April 2026 for reconsideration of its decision to decline Starlink Internet Services Namibia (Pty) Ltd's applications for a Class Comprehensive Telecommunications Service Licence (ECS and ECNS) and a Spectrum Licence.

2. BACKGROUND

Starlink Internet Services Namibia (Pty) Ltd (hereinafter referred to as Starlink) submitted an application for a Class Comprehensive Telecommunications Service Licence (ECS & ECNS) in accordance with section 38 of the Communications Act (Act No 8 of 2009) (hereinafter referred to as the "Act") and regulation 4 of the Regulations regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences for consideration by the Authority.

Additionally, Starlink applied for a Spectrum Licence for fixed satellite services in accordance with section 101 of the Communications Act (Act No 8 of 2009) and the Regulations prescribing Procedures regarding Application for, and Amendment, Renewal, Transfer and Cancellation of Spectrum Licences.

The Authority resolved to decline Starlink Internet Services Namibia (Pty) Ltd's application for a Class Comprehensive Telecommunications Service Licence and inadvertently its Spectrum Licence, as published on 23 March 2026 in Government Gazette No. 8872, under General Notice No.197.

Pursuant to Regulation 20 of the *Regulations Prescribing Procedures Regarding Application for, and Amendment, Renewal, Transfer and Cancellation of Spectrum Licences* (hereinafter referred to as the Licensing Regulation) any person may submit a request in writing to the Authority to reconsider a decision made in terms of these regulations within thirty (30) days of notice of the decision.

3. PROCEDURAL COMPLIANCE

3.1 Compliance with the prescribed timeframes for reconsideration applications

Section 31 of the Communications Act, 2009 empowers the Authority, within ninety (90) days of making an order or decision, to reconsider that order or decision either on its own initiative or upon request by a person affected by it. In this matter, following publication of the Authority's decision to decline Starlink Internet Services Namibia (Pty) Ltd's application for a Class Comprehensive Telecommunications Service Licence and related Spectrum Licence, the 622 requests for reconsideration were received within the prescribed period.

3.2 Consideration of the 622 applications

In *S v Kakololo* 2004 NR 7 (HC), the Court emphasised that a party seeking to challenge a decision must identify, with sufficient clarity and specificity, the decision or portion of the decision being challenged, the grounds upon which the challenge is based, and whether those grounds relate to fact, law, or both.

- the decision or specific part of the decision being challenged;
- the precise grounds upon which the challenge is brought; and
- whether the grounds relied upon concern issues of fact, law, or both.

Although *Kakololo* concerned an appeal, the underlying principle is equally applicable to reconsideration proceedings. A request for reconsideration must be framed with sufficient clarity to enable the decision-maker to identify the issues requiring reconsideration and to afford any affected party a fair opportunity to respond.

In essence, a reconsideration application must be properly lodged in accordance with the applicable statutory and regulatory requirements. At a minimum, an applicant must clearly identify the decision sought to be reconsidered, set out the specific grounds upon which the reconsideration is sought, and provide sufficient information to enable the Authority to understand the nature of the complaint and the relief being sought. These requirements are essential to ensure procedural fairness, legal certainty, and the efficient administration of the reconsideration process.

In applying these principles, the Authority found that the majority of the 622 applications did not meet these minimum requirements. Each application was identical in structure and content, offering nothing more than a general expression of dissatisfaction with the Authority's decision, without advancing any substantive grounds or reasons that could properly invoke reconsideration.

In addition, the applicants' reference to the broad policy objective that "connectivity is good for Namibia" was not an issue ripe for reconsideration. The Authority had already determined that the statutory criteria relating to competition and connectivity were met; and therefore, this argument could not displace or cause the reevaluation of the Authority's decision.

Accordingly, and consistent with the principles articulated, the applications failed to meet the mandatory threshold for reconsideration. The substantive grounds requirement is a jurisdictional prerequisite, and in the absence of compliance, the Authority lacked competence to entertain the applications.

In light of the foregoing, the Authority is of the view that the 622 applications failed to meet the mandatory jurisdictional requirements for reconsideration. Consistent with the principles of reconsideration, the absence of compliance with the substantive grounds' requirements, deprives the Authority of competence to entertain the requests. On this basis, the applications are accordingly dismissed.

4. DECISION

The Authority resolved that the 622 applications fail to meet the mandatory jurisdictional requirements for reconsideration. Consistent with the established principles of reconsideration, the absence of compliance with the substantive grounds' requirement deprives the Authority of competence to entertain the requests. The applications must therefore be dismissed.

[THE END]