

NATIONAL COMMUNICATIONS AUTHORITY



SELECTION AND AWARD PROCEDURE FOR DIGITAL TERRESTRIAL PAY TELEVISION NETWORK LICENSES

INVITATION FOR COMMENT

October 2011

INVITATION FOR COMMENT

1. The NATIONAL COMMUNICATIONS AUTHORITY (NCA) intends to invite proposals/offers from eligible Entities registered under the Ghana Companies Code, 1963, Act 179 for the grant of licenses to establish, maintain and operate Digital Terrestrial Pay Television Networks.
2. Accordingly, in pursuance of its mandate under section 27 of the Electronic Communications Act, 2008, Act 775 and section 4.1 of the National Telecommunications Policy 2005 (NTP'05), the Authority hereby invites views and comments from Existing and Prospective Broadcasting industry players; consumers of broadcasting and communications services and the General Public on the Selection and Award Procedure for Digital Terrestrial Pay Television Network Licenses.
3. The Authority invites **written** views and comments on the **Selection and Award Procedure Document**, which can be accessed on the Authority's website, www.nca.org.gh.
4. The public consultation begins with immediate effect and shall expire on **5pm on 11th November, 2011**.
5. All responses/comments should be electronically transmitted as **e-mail attachments**, in Microsoft Word format to secretariat.dbmc@nca.org.gh.
6. All respondents are requested to complete a response cover sheet (*see Page vi below*). The cover sheet and response template can be downloaded on the Authority's website, www.nca.org.gh.

Confidentiality

7. In furtherance of transparency and openness, the Authority shall consider all responses as non-confidential; accordingly all submissions may be published on our website, www.nca.org.gh.
8. Please note that copyright and all other intellectual property in responses shall be assumed to be licensed to NCA to use, to meet its legal requirements.

Next Step

9. Subsequent to the completion of the Public Consultation, the Authority shall proceed to publish the final **Selection and Award Procedure Document**, and thereafter invite applications.

SUMMARY OF CONSULTATIONS

1. The Authority intends to issue Digital Terrestrial Pay Television Network Licenses.
2. The Digital Terrestrial Pay Television Network shall be authorized to do the following:
 - ❖ Use radio frequencies to establish and operate a digital terrestrial television network
 - ❖ Combine or package two or more television and other services for transmission over a DTT network.
 - ❖ Provide information on programmes (such as Electronic Programme Guide {EPG}, etc) and
 - ❖ Comply with the laws and rules related to the technical specifications for DTT in Ghana.

Categories of DTT Network Licenses

3. The Digital Terrestrial Pay Television Network licence is a category of Digital Terrestrial Television (DTT) Network licenses. The other licence category is Free to Air (FTA) Television Network licence.
4. **Free to Air (FTA) DTT Network(s):**
 - (i) shall provide services broadcast for general reception without requiring a consumer to pay any form of subscription fees.
 - (ii) are for **national** coverage and licensees shall, in so far as it is reasonably practicable, be capable of transmitting by digital terrestrial means to the whole country (“the maximum coverage area”) at Analogue Switch-Off (ASO).
5. The Digital Broadcasting Migration Committee is in the process of facilitating the establishment of a Public Private Partnership (PPP) between the state broadcaster, Ghana Broadcasting Corporation (GBC) and the private broadcasters, Ghana Independent Broadcasters Association (GIBA) to establish and operate DTT Transmission Networks. When that entity is created it shall be licensed to operate the

Free to Air DTT Networks. The PPP entity shall have monopoly over FTA DTT Network(s) at least until ASO.

6. This selection and award procedure does not apply to the FTA DTT Network(s).
7. **Digital Terrestrial Pay TV Network:**
 - (i) shall provide services broadcast for general reception, which requires a consumer to pay some form of periodic subscription fees.
 - (ii) shall have no minimum coverage area requirements imposed on it. However, the licensee shall commence operations not later than two (2) years from the date of the licence.

Licence Period

8. The initial licence period for a Digital Terrestrial Pay TV Network Licence shall be fifteen (15) years.

Licensed Area

9. A Digital Terrestrial Pay TV Network shall indicate its intended area of coverage in its application and the licence shall indicate the coverage area approved by the Authority.

Fees

10. The consideration for a Digital Terrestrial Pay TV Network Licence shall be as follows:
 - (i) There shall be a non-refundable application fee of Ten Thousand United States (\$10,000.00) Dollars per network application.
 - a. This shall be in the form of a Bankers Draft drawable on a Bank in Ghana.
 - (ii) The Licence Fee for the **Digital Terrestrial Pay TV Network** shall be Fifty Thousand United States Dollars (US\$50,000.00) plus US\$3000.00 per frequency per transmission site.

(iii) Annual Regulatory fees (subject to periodic review by the Authority) shall be Thirty Five Thousand United States Dollars (US\$35,000.00) plus US\$3000.00 per frequency per transmission site.

11. Any additional frequencies for network rollout shall be offered at the prevailing market prices.

Eligibility Criteria

12. All applicants shall be incorporated in Ghana.

(i) The Entity must be registered under the laws of Ghana, and duly certified to operate in Ghana, by the deadline for submission of applications.

13. There shall be a minimum of 30% Ghanaian ownership in the applying Entity; be it a company, a joint venture or consortium.

(i) The said minimum 30% Ghanaian ownership shall be in place by the deadline for submission of applications.

(ii) A minimum 30% Ghanaian ownership shall be maintained throughout the duration of the Licence.

14. An Entity may apply for multiple DTT Network licences but a **separate application must be submitted for each licence**.

(i) An applicant may make an application conditional on the outcome of its other application(s).

(ii) The details of any conditions attached to an application must be included in the application, making full and clear reference, where appropriate, to the associated applicant and its application(s).

(iii) An applicant does not have to repeat the same company information in the subsequent applications. However, the appropriate references to the information (section number and page number) in the previous application should be made.

(iv) An applicant shall pay the application fee for each licence applied for.

Selection Process

17. The Authority shall employ a “beauty contest” to select prospective applicants for the award of a Digital Terrestrial Pay Television License. This procedure requires that successful applicants meet and satisfy a Two Stage process:

- **Stage One: Pre-Qualification (Administrative)**
- **Stage Two: Evaluation of Technical–Operational–Management Competence**
 - Evaluation of Strategic, Operational & Technical Submissions
 - Evaluation of Business Presentations

RESPONSE FORMAT

COVER SHEET FOR RESPONSE TO NCA PUBLIC CONSULTATION ON DIGITAL TERRESTRIAL PAY TELEVISION NETWORK LICENSES

BASIC DETAILS

Name of respondent:

Representing (self or organisation/s):

Address:

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on NCA's website, and I authorise NCA to make use of the information in this response to meet its legal requirements. If I have sent my response by email, NCA can disregard any standard e-mail text about not disclosing email contents and attachments.

Name :

Signed (if hard copy)

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CHAPTER 1

BACKGROUND

1.0 Introduction

The NATIONAL COMMUNICATIONS AUTHORITY (AUTHORITY) is empowered under Section 3(c) of NCA Act 769 of 2008 ("The Act") to issue Licenses for the operation and provision of communication services, and to determine the eligibility criteria of applicants for the said licenses.

Having given due consideration to the principles of transparency, fairness, non-discrimination and all other relevant principles, the AUTHORITY has decided to issue procedures, guidelines and criteria for the award of Digital Terrestrial Pay TV Network Licenses.

1.1 Legal, Regulatory and Policy Environment

Presently, the principal legal statutes governing broadcasting and the entire electronic communications industry in Ghana are the following:

1.1.1 Policies

- ❖ NMC National Media Policy, 2000
- ❖ National Telecommunications Policy (NTP), 2005
- ❖ Report of the National Digital Broadcasting Migration Technical Committee (NDBMTC), 2010

1.1.2 Laws

- ❖ Television Licensing Decree, 1966, (N.L.C.D. 89)
- ❖ Television Licensing (Amendment) Law, 1991 (P.N.D.C.L. 257)
- ❖ Ghana Broadcasting Corporation Decree, 1968, (N.L.C.D. 226)
- ❖ National Media Commission Act, 1993 (Act 449)
- ❖ National Communications Authority Act, 2008 (Act 769)

- ❖ Electronic Communications Act, 2008, (Act 775)
- ❖ Public Procurement Act, 2003, (Act 663)

1.1.3 Regulations and Guidelines

- ❖ Television Licensing Regulations, 1991 (L.I. 1520)
- ❖ NMC Broadcasting Standards, 2000
- ❖ National Communications Regulations, 2003, (L.I. 1719) [review in progress]
- ❖ NMC Guidelines for Local Language Broadcasting, 2009
- ❖ Guidelines for the Deployment of Communications Infrastructure, 2010

This Selection and Award Procedure document, along with the terms and conditions of the License, should be read in conjunction with the above-mentioned legal statutes and other applicable statutory laws including rules, regulations, decrees, orders, decisions, guidelines, directives and documents of general application issued by the Government of Ghana or the AUTHORITY.

1.1.4 Digital Broadcasting Migration Committee (DBMC)

The Government of Ghana, in December 2010, established the National Digital Broadcasting Migration Implementation Committee (NDBMIC) now known as the Digital Broadcasting Migration Committee (DBMC) to oversee the implementation of the digital broadcasting migration programme in Ghana. This Committee is working closely with all stakeholder agencies to ensure that the migration from analogue to digital broadcasting is timely, cost-effective and ensures universal access. The Committee is also responsible for the education of the public on the entire DTT migration programme. Up to date information on the Committee's activities and the migration from analogue to digital broadcasting could be found at www.koodigi.org.

1.2 Overview of the Existing Broadcasting Industry in Ghana

The broadcasting landscape in Ghana has grown since the inception of the 1992 Constitution which guaranteed the Freedom and Independence of the media. Private participation in both sound and television broadcasting has over time developed the

broadcasting industry into a highly competitive sector offering a good amount of choice and enhancing information dissemination and free speech to deepen Ghana’s fledgling democracy.

FM radio broadcasting is the most pervasive and accessible broadcasting platform. Terrestrial Free to Air (FTA) television is the most dominant platform for TV reception. An overview of the various broadcasting platforms are discussed below.

1.2.1 FM Radio Broadcasting

Since the liberalization of broadcasting in Ghana, FM radio broadcasting has grown significantly albeit in the private/commercial segment. The distribution of FM radio stations in Ghana is shown in Figures 1-1 and 1-2. As of June ending 2011, a total of 227 FM radio broadcasting stations had been authorised with 203 in operation.

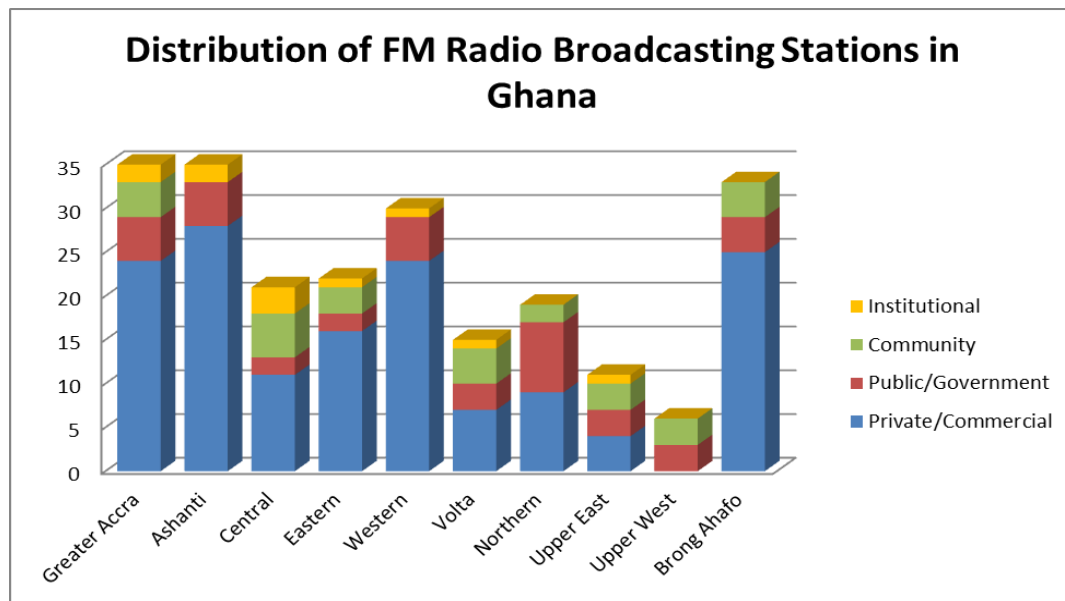


Figure 1-1: Disbtribution of FM Radio Broadcasting Stations in Ghana (Data from NCA, 30 June 2011)

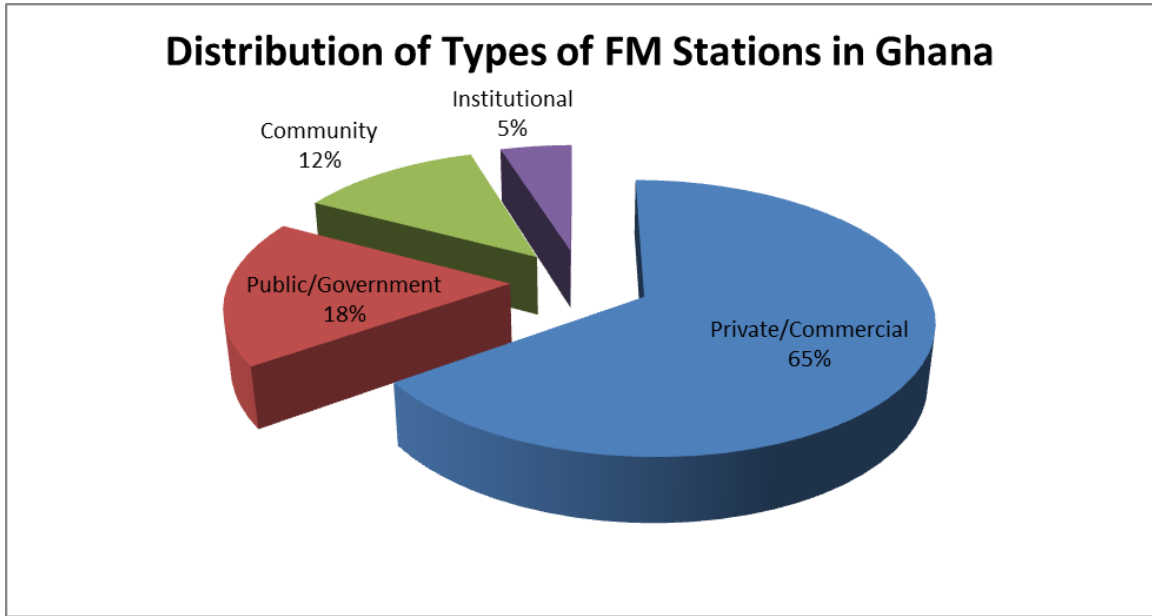


Figure 1-2: Distribution of Types of FM Stations in Ghana (Data from NCA, 30 June 2011)

1.2.2 Television Broadcasting

Satellite TV covers the entire country whereas Terrestrial TV covers approximately 80% of the population. Ghana Television (GTV), operated by the Ghana Broadcasting Corporation (GBC), currently has the most extensive Terrestrial TV coverage in the country comprising about thirty nine (39) transmission sites nationwide.

Terrestrial TV is the most dominant TV reception platform in Ghana followed by satellite and cable respectively. Figure 1-3 shows the distribution of Television broadcasting services in Ghana.

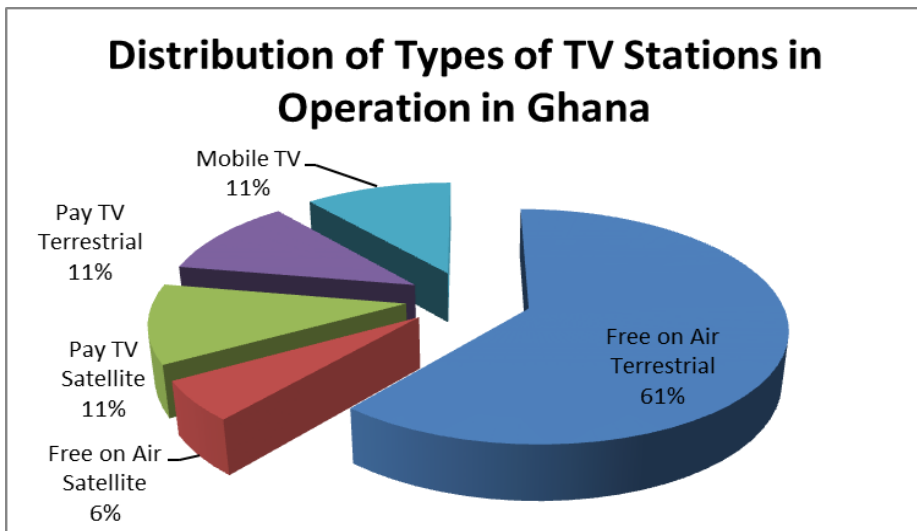


Figure 1-3: Distribution of Types of TV in operation in Ghana (Data from NCA, 30 June 2011)

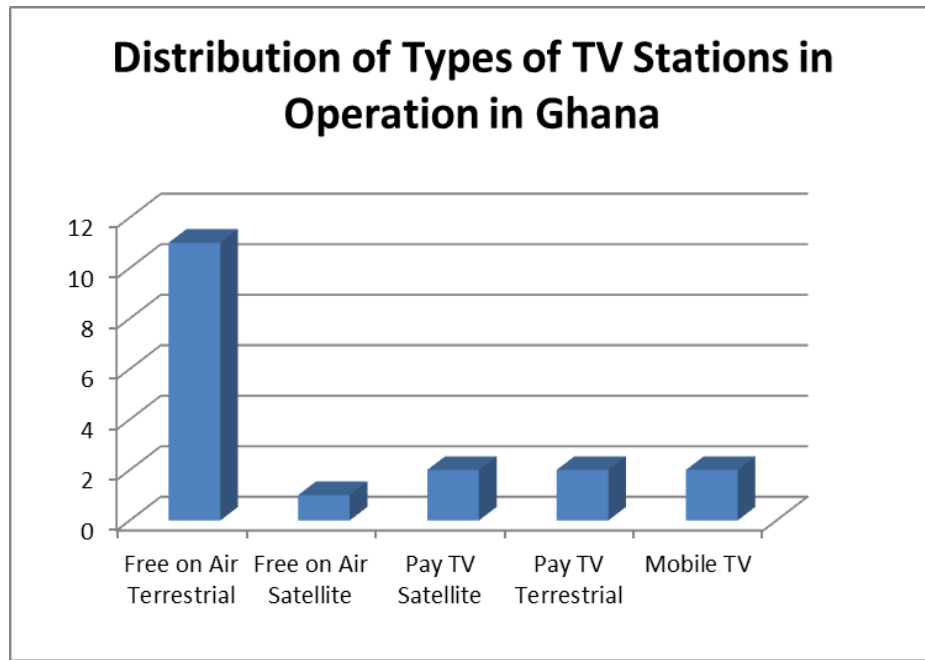


Figure 1- 4: Distribution of Types of TV Stations in Operation in Ghana (Data from NCA, 30 June 2011)

1.2.3 Existing Terrestrial TV Broadcasting Licensees

The following holders of TV broadcasting licenses as of 31st December, 2010 are expected to be carried on the Free to Air (FTA) Digital Terrestrial Television Network(s).

No.	Name of Company	Brand Name	Type of Service	Area(s) of Operation	Date of Frequency Authorisation
1.	Ghana Broadcasting Corporation (GBC)	GTV	Free To Air Terrestrial	Nationwide	Established by GBC Decree of 1968
2.	TV3 Network Limited	TV3	Free To Air Terrestrial	<ul style="list-style-type: none"> • Greater Accra • Eastern • Western • Central • Ashanti • Brong Ahafo 	17 September 1996
3.	Metropolitan Entertainment Television	Metro TV	Free To Air Terrestrial	Nationwide (All ten regional capitals)	5 September 1997

No.	Name of Company	Brand Name	Type of Service	Area(s) of Operation	Date of Frequency Authorisation
4.	Television Africa Ltd.	TV Africa	Free To Air Terrestrial	<ul style="list-style-type: none"> • Greater Accra • Eastern • Central • Western • Ashanti 	21 November 1995
5.	Crystal Radiovision Network Ltd.	Crystal TV	Free To Air Terrestrial	<ul style="list-style-type: none"> • Greater Accra • Eastern 	1995
6.	Net 2 TV Limited	Net 2 TV	Free To Air Terrestrial	<ul style="list-style-type: none"> • Greater Accra • Eastern 	7 April 2004
7.	Independent TV Limited/ Top TV	Top TV	Free To Air Terrestrial	Greater Accra	1 April 2008
8.	K & N Investments Limited	e-TV Ghana	Free To Air Terrestrial	Greater Accra Eastern	19 October 2006
9.	Viasat Broadcasting Ltd.	Viasat 1	Free To Air Terrestrial	Greater Accra Eastern Central Western Ashanti	22 February 2008
10.	Three Angels Broadcasting Network (3ABN) Ghana	N/A	Free To Air Terrestrial	Not yet on air	11 August 2008
11.	Integrated Media Xchange (IMX)	N/A	Free To Air Terrestrial	Not yet on air	7 January 2009
12.	Multiple Concepts	GHOne	Free To Air Terrestrial	Greater Accra	5 January 2009
13.	Smart Multimedia	N/A	Free To Air Terrestrial	Not yet on air	23 December 2008
14.	The Cardinal Foundation for Distance Learning	N/A	Free To Air Terrestrial	Not yet on air	11 February 2005
15.	Centre for Intercultural Learning Talent & Development, AGORO	Coastal TV	Free To Air Terrestrial	Not yet on air	16 October 2007

No.	Name of Company	Brand Name	Type of Service	Area(s) of Operation	Date of Frequency Authorisation
16.	Great KOSA Company Ltd.	N/A	Educational/Research station	Not yet on air	27 August 2008
17.	Empire Broadcasting Network	N/A	Free To Air Terrestrial	Not yet on air	9 May 2008
18.	U2 Company Limited	N/A	Free to Air Terrestrial	Not yet on air	20 January 2009
19.	HBA TV & Communication	N/A	Free to Air Terrestrial	Not yet on air	24 June 2008
20.	City Television	CTV	Free to Air Terrestrial	Not yet on air	3 October, 2008

1.2.4 Analogue Terrestrial Pay TV Licensees

The following entities were authorized to operate Terrestrial Pay Television services based on analogue broadcasting technology and were therefore awarded multiple frequencies in the UHF TV bands.

No.	Name of Company	Brand Name	Nature of Service & No. of Frequencies	Location	Date of Frequency Assignment
1.	DSTV Mobile Ltd. formerly Real TV/ MC-Pay TV Limited	DSTV	Terrestrial Pay Television services with 6 UHF frequencies	Greater Accra,	2 nd December 2004
2.	Crystal Radiovision Network Ltd.	Crystal TV	Analogue Paid Terrestrial Television Broadcasting Services/ with 6 UHF frequencies	Eastern Region	8 th March 2002

According to section 81(10) of the National Communications Regulations, 2003, (L.I. 1719), the validity period for an allocated frequency shall be 5 years. Therefore the above frequency authorisations are invalid. These entities made attempts in the past to use some of the frequencies but were restrained by the Authority in view of the development of modalities for the migration from analogue to digital broadcasting. These entities are

therefore advised in accordance with section 81(11) of L.I.1719 to apply to the Authority, in accordance with the selection and award procedure contained herein if they desire to ‘re-use’ a UHF frequency for Digital Terrestrial Pay Television broadcasting services.

1.2.5 DTH Satellite Services

Direct to Home (DTH) Satellite Television operators already transmit in digital form using the DVB-S standard. These entities are not affected by the migration from analogue to digital broadcasting in Ghana.

The following is the list of Satellite Television stations authorised as of 31st December, 2010:

No.	Name of Company	Brand Name	Type of Service	Area(s) of Operation	Date of First Authorisation
1.	Multichoice Ghana	DSTV	Pay TV Digital Satellite (Ku)	Nationwide	14 April 2000
2.	Strong Digital	My TV	Pay TV Satellite (Ku)	Nationwide	13 May 2008
3.	Multimedia Broadcasting Company Ltd.	Multi TV	Free To View Digital Satellite (Ku)	Nationwide	22 January 2009

1.2.6 Mobile Television Operators

The Authority has adopted a technology neutral approach to mobile television in Ghana. The following two companies have currently been authorised to operate mobile television services in Ghana:

No.	Name of Company	Brand Name	Type of Service	Area(s) of Operation	Date of First Authorisation
1.	Black Star Television	Fon TV	Mobile TV (TDMB)	Greater Accra Ashanti	25 June 2007
2.	DSTV Mobile Limited formerly Real TV (GH) Ltd.	DSTV Mobile	Mobile TV (DVB-H)	Accra	17 September 2008

1.2.7 Existing DTT Operators

There are currently three (3) entities operating DTT Networks as follows:

No.	Name of Company	Brand Name	Nature of Multiplex	Location	Date of Frequency Assignment
1.	CATV Limited	Cable Gold	Commercial Pay TV Standard: DVB-T / MPEG-2	Accra / Tema	5 Jan 2009 as replacement for MMDS frequency in the 2500 – 2690 MHz first authorised on 29 Jan 1997
2.	Wilsad Support Promotion Services	Skyy Digital	Commercial Pay TV Standard: DVB-T / MPEG-2	<ul style="list-style-type: none"> • Accra/ Tema • Takoradi • Koforidua • Kumasi 	5 June 2008 as replacement for MMDS frequency in the 2500 – 2690 MHz first authorised on 23 April 2004
3.	Ghana Broadcasting Corporation	GTV	Free to Air Pilot Standard: DVB-T / MPEG-4	<ul style="list-style-type: none"> • Accra/ Tema • Kumasi 	26 June 2008 on pilot basis

The commercial Pay TV entities would have the option to obtain Digital Terrestrial Pay TV Network Licences under the same terms and conditions as new applicants as follows:

- Payment of the applicable licence fees
- Conformance to the National DTT standards
- Cooperation with the Digital Broadcasting Migration Committee (DBMC) and

- All other licence conditions.

These entities must communicate their intention to obtain a Digital Terrestrial Pay TV Network Licence to the Authority by the closing date for receipt of applications. In the event that these entities intend to obtain additional frequency assignment to expand their current operation, they would have to submit, in addition to their letter of intent to continue their operations, an application to the Authority in accordance with the terms and conditions outlined in this selection and award procedure.

1.2.8 Television Receivers

There is insufficient information available to enable an accurate estimate of the number of TV sets available in the country. However, data from the Ministry of Trade and Industry (see Figure 1-5) indicates that three million, one hundred and eighty seven thousand, three hundred and thirty nine (3,187,339) TV sets were imported into the country from January 2007 to June 2010.

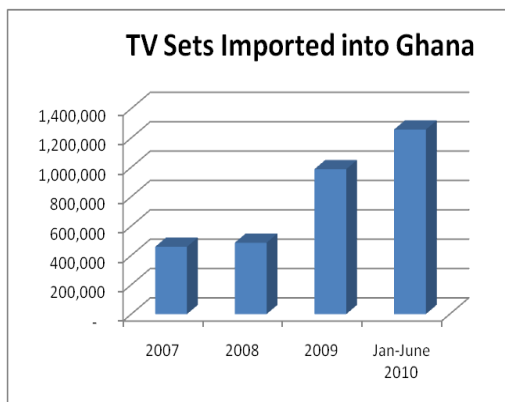


Figure 1-5 Imports of Television sets into Ghana (Data provided by Ministry of Trade and Industry)

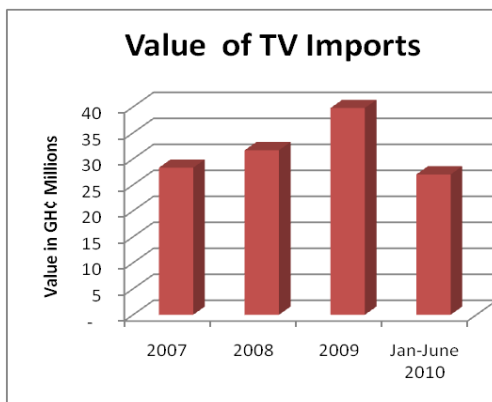


Figure 1-6 Imports of Television sets into Ghana (Data provided by Ministry of Trade and Industry)

1.2.9 Set Top Box (STB) Conformance

The Authority considers that the majority of Ghanaians would convert their existing analogue TV sets to receive digital television transmissions through the use of set top box (STB). To protect consumers from sub-standard products, all STBs sold on the Ghanaian market must conform to the national, minimum technical specification for DTT receivers.

A logo, known as the 'digital Ghana thumb', has been developed as a certification mark to help consumers and retailers through switchover in Ghana. DBMC shall feature the 'digital Ghana thumb' in its marketing campaign, and consumers shall be told to "look for the logo" when buying digital TV equipment. The logo is designed to identify digital TV products and digital TV services that have been tested and found to conform to Ghana's technical specifications.

The Authority shall upon publication of the minimum technical specification, define a conformance regime. All STBs and integrated digital TV sets sold in Ghana from the date of issuance of the DTT Network Licenses (see timetable in 3.7) would have to pass a conformance test and be licensed to use the 'digital Ghana thumb' logo.

1.2.10 Broadcasting Infrastructure

In the existing analogue broadcasting market place, broadcasters establish studios for content production and build their own transmission networks. Ghana Broadcasting Corporation (GBC) has about 39 transmission sites nationwide. Most private broadcasters have established their own transmission infrastructure, with very few sharing infrastructure with telecom operators or other broadcasters. As a result of this, there are numerous towers within a very small area in some towns and this has given rise to various concerns by these localities and the general public.

To correct this anomaly in the digital broadcasting domain, DTT Network Licensees would be required to comply with the Guidelines for the Deployment of Communications Infrastructure, 2010. According to these Guidelines:

- ❖ A person who intends to construct a tower must demonstrate that all reasonable steps have been taken to investigate tower sharing before applying to the permitting agencies to construct a new tower within a specified radius of 400m of the proposed site.
- ❖ Where tower heights are shorter, a smaller search radius can be used as follows:
 - Two towers above 46m, a radius of 400m shall apply; and
 - Two towers below 46m towers, a radius of 300m shall apply.

- ❖ Where either of the above is not technically feasible, a written documentation in a form of a co-location statement, which indicates the reason why co-location was not possible, shall be supplied by the site owner within five (5) working days to the applicant. The applicant shall submit the co-location statement to the permitting agencies on application for a new site.

The Guidelines also outline the following requirements for co-location:

- ❖ The Operators shall, and in consultation with the NCA, where necessary:
 - Ensure the use of approved existing sites for the development of new installations.
 - Collaborate in negotiating co-location agreement issues relating to site access, security access, damage insurance and compensation, and fair rate. Where there are disputes, the areas of contention shall be identified and referred to the relevant authorities for resolution in an agreed defined period before a decision is made on a particular application.
 - Co-operate with each other to construct a new tower as per these Guidelines for joint usage.
- ❖ Notwithstanding the above, the following factors may inhibit co-location:
 - Lack of structural capacity to support weights, orientation, heights and wind loads from additional equipment.
 - Lack of ground space to accommodate shelter for base stations and other equipment.

Further to these guidelines, the Authority has licensed some Communications Infrastructure (Towers) Service Providers. These service providers have been authorized to establish and maintain the under listed Communications Infrastructure facilities for lease, rental or sale to Communications Operators Licenced/ registered/authorised by the Authority in strict compliance with this Licence:

- ❖ Passive Infrastructure;
- ❖ Such other Communications Infrastructure services as the Authority may authorize from time to time;

Passive Infrastructure refers to the communications tower, foundations, generators, fuel tanks, gantries, fencing, electricity meters and connections, power equipment, monitoring systems, lightening and surge protection equipment, antenna support structure and/or communications building, including the tower(s) and buildings, shelters, structures, and other property.

DTT Network licensees would be required to transmit from sites approved by the Authority.

1.3 Frequency Planning for Digital Terrestrial Broadcasting

1.3.1 International Frequency Plan

The National Communications Authority began work on planning frequencies for Digital Terrestrial Broadcasting in Ghana when it participated in the first session of the Regional Radiocommunications Conference 2004 (RRC-04). The international frequency planning exercise culminated into the Regional Agreement GE06 relating to the planning of the digital terrestrial broadcasting service in Region 1 (see Figure 1-7) and in the Islamic Republic of Iran, in the frequency bands 174-230 MHz and 470-862 MHz. This Agreement governs the use of these frequency bands by all primary terrestrial services.

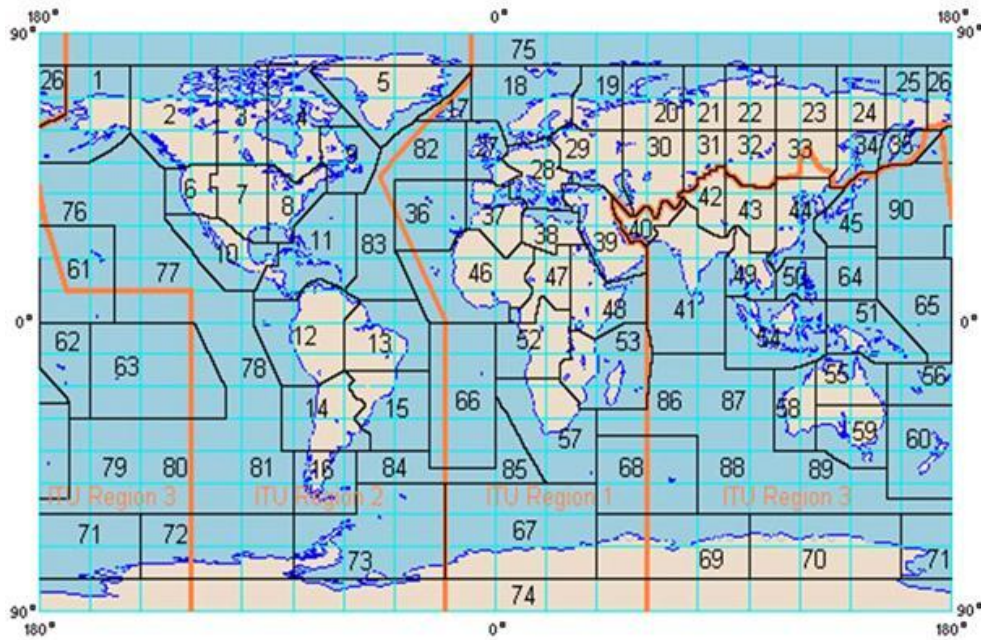


Figure 1-7 ITU Frequency Regions

In the GE06 Agreement, Ghana has twenty (20) Terrestrial Digital Audio Broadcasting (T-DAB) assignments in VHF Band III, sixty two (62) Digital Video Broadcasting (DVB-T) assignments in VHF Band III and one hundred and six (106) DVB-T assignments in UHF Bands IV/V.

1.3.2 National Frequency Plan

Ghana's assignments in the GE-06 Agreement were based on a Multiple Frequency Network (MFN) i.e. a network of transmitting stations using several RF channels. However, the Policy recommendations approved by Cabinet requested a mixture of Single Frequency Networks (SFN) and Multiple Frequency Networks (MFN). SFNs enable optimization of spectrum and bandwidth.

Sky Digital has utilized a single frequency CH40 (622 – 630 MHz) for its transmissions in Takoradi, Cape Coast, Accra, Koforidua and Kumasi. DSTV Mobile Ghana also deployed an SFN on CH 35 (582 – 590 MHz) in its DVB-H deployment over four (4) sites in Accra/Tema Metropolis.

The National Communications Authority has revised the frequency plan for the spectrum band 470 – 862 MHz to achieve the following:

- to introduce SFN allotments in the GE06 Plan after successful coordination with neighbouring countries.

- to ensure the ‘Digital Dividend’, generally defined as “the spectrum over and above the frequencies required to support existing broadcasting services in a fully digital environment, including current public service obligations,” is realised. Therefore the Authority has suppressed all DTT assignments in the band 790 – 862 MHz.

The Authority shall carry out a frequency coordination exercise with its neighbours: Togo, Burkina Fasso, La Cote d’Ivoire, Benin and Mali. The Radiocommunications Bureau (BR) of the ITU is assisting the Authority in this direction.

1.3.3 Transmission Standards

All licensees shall be required to transmit in accordance with standards published by the National Communications Authority.

In general, Licensees shall be required to implement following standards announced by the Ministry of Communications in September 2011:

1. Transmission standard - **ETSI EN 302 755 popularly called DVB-T2**
2. Compression technology – **Advanced Video Coding (AVC)/MPEG-4 (part 10) and High Efficiency Advanced Audio Coding (HE-AAC)**
3. Application Programming Interface (API) for additional and interactive services - **MHEG-5**

The Republic of Ghana has adopted these standards to ensure that the most spectrum efficient DTT standard available that conforms to the GE06 Agreement is employed in Ghana.

CHAPTER 2

THE LICENCE

2.1 Rationale for the Licenses

The National Telecom Policy 2005 (NTP'05) outlines the objective of the Government that “every citizen and resident of the Republic of Ghana shall have available, high quality, and affordable access to information and communication services, to help transform Ghana into a knowledge-based society and technology-driven economy.” In the area of ensuring access to ‘high quality’ information and communication technologies, digital broadcasting presents a number of benefits including better quality pictures and sound; more interactivity and the opportunity to expand viewers’ choice through the transmission of more programme channels with less frequency compared to analogue broadcasting.

One of the key objectives of the NTP'05 was increasing access to telephony and advanced telecommunications services. The growth of telephony access lines to 79.1% of the Ghanaian population by June 2011 was achieved mainly through the deployment of wireless technologies. Access to broadband data services on the other hand has been growing albeit very slowly. It is expected that new wireless technologies such as Long Term Evolution (LTE) and WiMAX would facilitate a rapid growth in broadband data services in the next few years. All these wireless technologies, however, depend on radio frequency (RF) spectrum. Therefore, the efficient utilization and management of the RF spectrum is essential to the attainment of the national objectives to provide universal access to advanced information and communication services.

Section 4 of the Electronic Communications Act 2008, Act 775 enjoins the National Communications Authority (NCA) to impose conditions on licensees including “a requirement for the effective and efficient use of scarce resources such as radio frequencies, numbers and rights-of-way”. It is in keeping with this mandate that the Authority intends to issue this licence for broadcasting in digital form to promote efficient use of radio frequencies.

Broadcasting, especially public broadcasting is generally considered a public good. With the exception of cable television, all other broadcasting platforms utilize wireless radio frequencies. Television broadcasting is allocated the following frequencies in Ghana:

- Band III: 174 – 230 MHz (56MHz)
- Band IV: 470 – 582 MHz (112 MHz)
- Band V: 582 – 862 MHz (280 MHz)

In the existing analogue format of broadcasting, one frequency channel of either 7MHz or 8 MHz is used to transmit a single programme. However, digital forms of broadcasting emerged that made it possible to combine two (2) or more TV programmes (up to 18 or 20) on one frequency channel. Broadcasting in digital format, therefore, utilizes broadcasting frequency more efficiently than the analogue format. It is expected that the migration from analogue to digital broadcasting would free up at least 72MHz (i.e. 790 – 862 MHz) after analogue switch-off.

In addition to this national objective to use radio frequencies efficiently, there is an international obligation on the country to cease broadcasting in analogue format in the near future. Ghana signed the Geneva 2006 (GE06) Agreement discussed in section 1.3.1. This Agreement set 17 June 2015 for the cessation of international protection for analogue broadcasting transmissions. This licence is therefore intended to help Ghana fulfil its obligations under the GE06 Agreement.

In summary, the selection and award of DTT Network Licences is being undertaken for the following reasons:

- ❖ To comply with and adopt the tenets of the GE-06 Agreement.
- ❖ To rapidly adopt spectrum efficient methods in the management of the scarce RF spectrum to broaden its utility as a resource in the interest and benefit of stakeholders.
- ❖ To enhance the quality and experience of TV viewers in Ghana by improving terrestrial TV transmission and reception.
- ❖ To promote environmental sanity through co-location of broadcast transmission infrastructure.

2.2 Scope of Licenses

2.2.1 The DTT Network Licensee shall be authorized to do the following:

- ❖ Use radio frequencies to establish and operate a digital terrestrial television network
- ❖ Combine or package two or more television and other services for transmission over a DTT network.
- ❖ Provide information on programmes (EPG) and
- ❖ Comply with the laws and rules related to the technical specifications for DTT in Ghana.

2.2.2 As all final international clearances with regards to frequency have not been obtained (as discussed in 1.3.2), the Licensee shall acknowledge that, if it commences broadcasting from one or more stations in advance of the Authority obtaining international clearances, it may (at its own cost and expense) at any time be required by the National Communications Authority to make any change in its transmission arrangements which may be necessary in order to give effect to the international obligations of Ghana (which may, without limitation, include modifying, supplementing or replacing any equipment used in the DTT Network).

2.2.3 There shall be two categories of licences as described in section 2.3.

2.3 Licence Categories

There shall be two types of DTT Network Licenses as follows:

- Free to Air (FTA) and
- Pay TV

An entity may apply to own a combination of the two licence categories.

2.3.1 Free to Air (FTA) DTT Network

A Free to Air (FTA) DTT Network shall provide services broadcast for general reception without requiring a consumer to pay any form of subscription fees.

The FTA networks are for **national** coverage and licensees shall, in so far as it is reasonably practicable, be capable of transmitting by digital terrestrial means to the

whole country (“the maximum coverage area”) at Analogue Switch-Off (ASO). The Authority requires an applicant to submit coverage prediction proposals and details of the population data applied which demonstrates how the coverage area will be achieved.

To ensure fair competition, an FTA Network licensee, which shall carry programmes and services from other broadcasters other than its own, cannot itself be a television programme service provider unless the entity obtaining the license was created as a consortium of all the services carried on the network.

FTA DTT Network Licensees shall be required to provide fair, reasonable and non-discriminatory access for parties wishing to provide television services to the network platform.

The Digital Broadcasting Migration Committee is in the process of facilitating the establishment of a Public Private Partnership (PPP) between the state broadcaster and the independent private broadcasters to establish and operate DTT Networks. When that entity is created it shall be licensed to operate the Free to Air DTT Networks.

2.3.2 Digital Terrestrial Pay TV Network

A Digital Pay TV Network shall provide services broadcast for general reception which requires a consumer to pay some form of periodic subscription fees.

There shall be no minimum coverage area requirements imposed on a Digital Pay TV Network. However, the licensee shall commence operations not later than two (2) years from the date of the licence.

2.4 Licence Period

The initial licence period for a Digital Terrestrial Pay TV Network Licence shall be fifteen (15) years.

2.5 Licensed Area

The whole of Ghana shall represent the licensed area for each FTA DTT Network.

A Digital Terrestrial Pay TV Network shall indicate its intended area of coverage in its application and the licence shall indicate the coverage area approved by the Authority.

2.6 Fees

2.6.1 The consideration for a Digital Terrestrial Pay TV Network Licence shall be as follows:

(i) There shall be a non-refundable application fee of Ten Thousand United States (\$10,000.00) Dollars.

a. This shall be in the form of a Bankers Draft drawable on a Bank in Ghana.

(ii) The Licence Fee for the **Digital Terrestrial Pay TV Network** shall be Fifty Thousand United States Dollars (US\$50,000.00) plus US\$3000.00 per frequency per transmission site.

(iii) Annual Regulatory fees (subject to periodic review by the Authority) shall be Thirty Five Thousand United States Dollars (US\$35,000.00) plus US\$3000.00 per frequency per transmission site.

Any additional frequencies for network roll-out shall be offered at the prevailing market prices.

CHAPTER 3

LICENCE SELECTION PROCESS

3.0 General Requirements

Applicant(s) shall be disqualified from obtaining a License if any provision listed in sub-clauses (i) to (vii) below, applies to its owner(s) or to any of its director(s) or partner(s) or to the Applicant(s). The provisions are, if the applicant has / or has been:

- i. Declared medically insane;
- ii. Sentenced by a Court under any law to imprisonment for a term of two (2) years or more, and a period of five (5) years has not elapsed since his release from such imprisonment;
- iii. Sentenced by a Court of law for committing any offence and a period of five (5) years has not elapsed since his release from such imprisonment;
- iv. Declared bankrupt by a Court of law and has not been discharged from the liability of bankruptcy;
- v. Identified or declared by a Court of law or by a bank or financial institution as a defaulter loanee of that bank or institution;
- vi. His license cancelled by the Authority at any time during the last 5 (five) years;
- vii. An ongoing prosecution against the applicant(s) or its owner(s) or shareholder(s) or any of its director(s) or partner(s) for any violation of any statutory law and/or license condition(s) or any other illegal activities.

3.1 Eligibility Criteria

3.1.1. All applicants shall be incorporated in Ghana.

3.1.2. The Entity must be registered under the laws of Ghana, and duly certified to

operate in Ghana, by the deadline for submission of applications.

3.1.3. There shall be a minimum of 30% Ghanaian ownership in the applying Entity; be it a company, a joint venture or consortium.

3.1.3.1 The said minimum 30% Ghanaian ownership shall be in place by the deadline for submission of applications.

3.1.3.2 A minimum 30% Ghanaian ownership shall be maintained throughout the duration of the Licence.

3.1.4. An Entity may apply for multiple DTT Network licences but a **separate application must be submitted for each licence**.

3.1.4.1 An applicant may make an application conditional on the outcome of its other application(s).

3.1.4.2 The details of any conditions attached to an application must be included in the application, making full and clear reference, where appropriate, to the associated applicant and its application(s).

3.1.4.3 An applicant does not have to repeat the same company information in the subsequent applications. However, the appropriate references to the information (section number and page number) in the previous application should be made.

3.1.4.4 An applicant shall pay the application fee for each licence applied for.

3.2 Selection Process

The Authority shall employ a “beauty contest” to select prospective applicants for the award of a DTT Network License. This procedure requires that successful applicants meet and satisfy a Two Stage process:

- **Stage One: Pre-Qualification (Administrative)**
- **Stage Two: Evaluation of Technical–Operational–Management Competence (“Beauty Contest”)**
 - Evaluation of Strategic, Operational & Technical Submissions
 - Evaluation of Business Presentations

3.3 Stage One: Pre-Qualification (Administrative)

3.3.1 All applicants must be fully compliant with the requirements stated in Standardized Application Guidelines [See ANNEX 3]. There shall absolutely be no consideration for failing to satisfy these requirements.

3.3.2 Proof of Payment of Application Fee.

3.3.3 Compliance with requirements and criteria set forth in Chapter 4.

3.3.4 Subsequent to meeting the said requirements, successful applicants shall be invited to participate in the Stage–Two exercise; that is the Technical-Operational-Managerial Assessment.

3.4 Stage Two: Technical-Operational-Managerial Assessment

3.4.1 This segment is open to only successful Stage One applicants. It is composed of two parts as follows:

- Evaluation of the Strategic, Operational and Technical Submission
- Evaluation of the applicant’s Business Plan Presentation.

3.4.2 Business Plan Applications of successful Stage-One applicants shall be evaluated by a team of competent analysts empanelled by the Authority.

3.4.3 After the evaluation of these applications, applicants shall be required to present their Business Plan. The said presentation shall also be scored by the same analysts in 3.4.2 above. The cumulative score of the Evaluation and Presentation shall constitute the Technical Evaluation Assessment of the applicant.

3.4.4 The results of the Stage Two Exercise shall be communicated to the applicants, prior to the beginning of the Stage-Three proceedings.

3.4.5 Successful applicants shall be eligible for the award of Provisional Authorisations.

3.4.6 Licences shall only be awarded after successful applicants have fulfilled the conditions of the Provisional Authorisation which shall include the payment of the Authorisation fees.

3.5 Further Rules

3.5.1. Applicable Legal Norms. The Selection and Award Process shall be conducted in accordance with, and shall be governed by, the laws of Ghana and this Selection and Process document.

3.5.2. Supremacy of the Laws of Ghana

Where a conflict arises between the laws of Ghana and any provision of this Selection and Award Procedure document and/or the Licence, the law takes precedence.

3.5.3. Calculation of Time Periods. Unless otherwise specified, the time periods provided herein shall be calculated in calendar days.

3.5.4. Submissions. Unless otherwise provided herein, all submissions and receipt of payments should be made to the Director General, National Communications Authority (NCA) and be marked “Application for Digital Terrestrial Pay TV Network Licences”.

3.5.5. Acceptance of Terms and Conditions. The submission implies full knowledge and acceptance of, all the terms and conditions set forth herein and under the applicable laws of Ghana.

3.5.6. Notices. Applicants shall designate in writing a person or entity for receipt of any notices in connection with this Selection Procedure. The contact information: full office/residential address, email address, fax numbers, mobile and fixed telephone numbers shall also be provided in the statement designating the person. All notices from the Authority in connection with the application shall be valid when made to such designated person by hand, post, email or by telefax.

3.5.7. Inquiries/Circulars. Any inquiries with respect to this Selection Process should be submitted in writing to the Director General, National Communications Authority (NCA) with an electronic copy to dttnetwork@nca.org.gh. The Authority will provide responses to such inquiries and other clarifications through circulars, which shall be sent to the person designated by each Applicant. The circulars shall also be posted on the NCA website, www.nca.org.gh.

3.6 Timetable for the Licensing Process

The Licensing Process shall take place in accordance with the following timetable:

S/N	Activity	Begins	Ends
1.	Press Release to invite applications		1 Business Day
2.	Submission of Application & Proposals to the NCA		30 Business Days
3.	Opening of Proposals by the NCA/ Balloting for Order of Presentation		1 Business Day
4.	Evaluation of Submitted Proposals by Evaluation Committee		15 Business Days
5.	Business Presentations by Qualified Applicants to Evaluation Committee		5 Business Days
6.	Completion of Evaluation Report		5 Business Days
7.	Announcement of Winners		1 Business Day
8.	Payment of License Fees		60 Calendar days

CHAPTER 4

APPLICATION GUIDELINES

4.1 Contents of the Application

The Application Proposal shall contain the following:

4.1.1 Receipt. Evidence of payment of the Application Fee of Ten Thousand United States (\$10,000.00) Dollars.

4.1.2 Letter of Presentation. A letter of presentation, substantially in the form of Annex 2, signed by a duly authorized (in accordance with Section 4.1.5) representative of the Applicant, which sets forth the Applicant's intention to participate in the Pre-Qualification Process and its acceptance of all the terms and conditions of this Selection Procedure.

4.1.3 Certificates. Certificates issued by the relevant governmental authorities, and other competent authorities of the jurisdiction where the Applicant or its principals is incorporated, evidencing that the Applicant is a corporation duly organized, validly existing and in good standing in such jurisdiction. All certificates must be in English. Certificates translated into English must be certified and notarized.

4.1.4 The above notwithstanding, all applicants shall submit certified true copies of their Certificate of Incorporation, Certificate to Commence Business and Company Regulations obtained from the Registrar General of the Republic of Ghana.

4.1.5 Power of Attorney. Each Applicant shall designate a representative for purposes of Sections 4.1.2 and 4.1.6 pursuant to a Power of Attorney issued in accordance with the laws of Ghana.

4.1.6 Sworn Declaration. A Sworn Declaration of the Applicant signed by its duly authorized representative, (in accordance with Section 4.1.5 hereof), with the following information:

- (i) Identification of all the shareholders of the Applicants that control more than 5% of its capital and of the entities that directly or indirectly are the beneficial shareholders thereof. The beneficial shareholders of the Applicant shall mean those who directly or indirectly own the majority of the shares or the voting rights or who otherwise control such Applicant;
- (ii) Identification of all the stock exchanges where the shares of the Applicant are traded;
- (iii) Statement that all the information and documentation submitted in connection with the Application are true, accurate and complete;
- (iv) Statement that the Applicant has not been the subject of any bankruptcy proceedings, reorganizations, or similar proceedings in the last 5 years;
- (v) Statement that, since the date of the Applicant's last audited reports and financial statements submitted pursuant to Section 4.1.7, there has not been any material adverse changes thereto.

4.1.7 Audited Reports and Financial Statements

- (i) The audited reports and financial statements corresponding to the last three fiscal years of the Applicant and (if applicable) the consolidated group to which the Applicant belongs.
- (ii) Financial projections and supporting market data shall be submitted **both** in printed tabular form as part of the main application document and as a series of *Microsoft Excel* worksheets within a single workbook.

4.1.8 Coverage Prediction Parameters

- (i) Applicants shall provide coverage prediction proposals (including the coverage prediction model, clutter attenuation, resolution of the terrain database, height of the receiving antenna above ground level and the consequential minimum signal level).

- (ii) In relation to this criterion, applicants are required to set out their proposals for achieving, this coverage requirement, by providing maps showing computer-predicted coverage plots, together with any supporting information necessary for the correct interpretation of the maps.
- (iii) These maps should indicate predicted transmission coverage at:
 - a) the launch of the service and
 - b) annually thereafter or at other major rollout-phase milestones
- (iv) A table should be provided that sets out the predicted population coverage (as a percentage of the total population in Ghana) at:
 - a) the launch of the service and
 - b) annually thereafter or at other major rollout-phase milestones
- (v) The computer-predicted coverage plots, superimposed on a suitable map, must be provided in the application in an A4 or A3 format and as a high resolution image file on an accompanying CD. These plots should be for noise-limited coverage.

4.1.9 Appendices

Applicants are strongly encouraged to include all key information within the main body of the application and to place only supplementary information in appendices. **Appendices should be clearly numbered, cross-referenced from the main application document and bound, preferably, in a single volume.**

4.1.10 Additional Qualification Criteria:

- (i) Information regarding the technical qualifications of the Applicant, which demonstrate its ability to undertake the DTT service rollout to improve the quality and enhance the efficiency of broadcasting and communication services in Ghana. Applicants should refer to networks and businesses where such experiences have been gained, and in the case of Digital Pay TV networks, indicate the number of subscribers in services operated by such networks and businesses.

(ii) Information regarding the operational credentials of the Applicant, indicating the services that it is currently operating and demonstrating its ability to manage the business in an increasingly competitive market.

(iii) Detailed résumé of the proposed management of the Entity.

4.2 Submission of Proposals

4.2.2 Location and Deadline for Submissions

Proposals may be submitted during business days to the Director General, National Communications Authority (NCA), 1st Rangoon Close, Cantonments, Accra and be marked “Application for Digital Terrestrial Pay TV Network Licences”, between the hours of 9.00 am to 5.00 pm. The deadline for submission shall be 5.00pm on **<date>**.

4.2.3 Originals and Copies.

- (i) All documents submitted by the Applicant shall be either originals or certified copies. The copies may be certified by the authorized officer of the Applicant unless otherwise specified herein or by the Evaluation Committee.
- (ii) The documentation of the Proposal shall be submitted in one (1) original hard copy and nine (9) certified hard copies including ten (10) copies of any appendices and/or demonstration material and one (1) electronic copy, clearly marking each as such. In the event of any discrepancies, the original shall prevail.
- (iii) The electronic copy shall be in PDF format, along with the completed *Microsoft Excel* worksheets and transmission coverage plots on one or more, virus-free CDs (labelled with the applicant’s name and a cross-reference to the main application document and numbered “1 of N”, “2 of N” etc where N represents the number of CDs).
- (iv) Every page of the Proposal shall be numbered (as a fraction of total number of pages e.g. 1 of 30, etc.)
- (v) Proposals shall include a table of contents and a page setting forth the Applicant’s name and legal domicile as well as the postal and e-mail address,

telephone and facsimile numbers of a person designated to receive notices in accordance with Section 3.7.5.

(vi) Proposals shall be submitted in a sealed envelope/box.

4.3 Updating

Each Applicant shall maintain current, the facts and information supplied in the Proposal, and shall communicate to the Evaluation Committee all material changes that arise with regards thereto.

4.4 Modification

This Selection Procedure does not constitute an offer to contract on the part of the NCA and the Evaluation Committee has the right to modify or amend any provision or condition hereof; provided however, that any such modification or amendment shall be valid only if it is in writing.

4.5 Disclaimer

The NCA shall not incur any liability whatsoever in exercising its rights in 4.4 above or any other rights granted in this Process.

4.6 Additional Information

The Evaluation Committee reserves the right to request, at any time, additional information or documentation from Applicants.

Annex 1

INTERPRETATIONS AND DEFINITIONS

When used in this paper, the following terms shall have the meanings ascribed herein:

1. “Applicant” means any entity that has submitted a Proposal.
2. “Government” means the Government of Ghana.
3. “Ministry” means the Ministry of Communications (MoC).
4. “NCA” means National Communications Authority.
5. “Pre-Qualification” means the qualification of an Applicant in the Pre-Qualification Process, thereby permitting the Applicant to participate in the second stage of the Process.
6. “Pre-Qualified Applicant” means an Applicant that has been selected in the Pre-Qualification Process to participate in the second stage of the Selection Process in accordance with the rules set forth in this Selection Process.
7. “Proposal” means the submission made by an Applicant to the Director General in accordance with Section 4.1 herein.
8. “Application Fee” means the sum of Ten Thousand United States (\$10,000.00) Dollars which must be paid by an Applicant to the National Communications Authority at the time that it submits a Proposal. Such sum is non-refundable and grants the Applicant the right to participate in the “Selection Process”.
9. “Analogue Switch-Off” refers to the date on which the final transmitter broadcasting analogue terrestrial television signals in Ghana is switched off.
10. Digital Terrestrial Television or “DTT” refers to a means of digitally broadcasting signals over the air to television sets equipped with a DTT receiver (either integrated into the TV or in a separate set-top box).

11. "Multiplex" means an electronic system which combines programme material and related and other data in a digital form for transmission.

ANNEX 2

SAMPLE LETTER OF PRESENTATION

Date:

The Director General
National Communications Authority
1st Rangoon Close
P. O. Box CT1568
Cantonments
Accra

Dear Sir,

Re: Selection Procedure for Digital Terrestrial Pay TV Network Licence

Enclosed herewith are the documents required by the Selection Procedure for Pre-qualification with respect to the above-captioned Process.

We hereby declare our full knowledge and acceptance of and submission to, all the terms and conditions set forth in the above-mentioned Selection Procedure and the applicable Laws of the Republic of Ghana.

Yours faithfully,

(SIGNATURE OF REPRESENTATIVE)

(NAME OF REPRESENTATIVE)

ANNEX 3

STANDARDIZED APPLICATION GUIDELINES

General Information

1. Applicant

- a. Name
- b. Title
- c. Citizenship
- d. Address
- e. Contact numbers

2. Management

- a. Name
- b. Title
- c. Citizenship
- d. Address
- e. Contact numbers

3. Directors

- a. Name
- b. Address
- c. Contact numbers
- d. Citizenship
- e. Shareholding %
- f. Other Broadcasting/Telecommunication Interests
 - i. Name of Company
 - ii. Address
 - iii. Contact Numbers
 - iv. Shareholding %
 - v. Licence/Authorization Status
 - vi. Credit/Default Status

4. Shareholders (with at least 5% holding)

- a. Name
- b. Address
- c. Contact numbers
- d. Proof of Citizenship
- e. Shareholding %
- f. Other Broadcasting/Telecommunication Interests
 - i. Name of Company
 - ii. Address
 - iii. Contact Numbers
 - iv. Shareholding %
 - v. Licence/Authorization Status
 - vi. Credit/Default Status

5. Applying Entity Information

- a. Name of Entity/ Company/Partnership /Trust etc, please define

- b. Certificate of Incorporation in Ghana (Company Registration Number & Date of Registration)
- c. Certificate to Commence Business in Ghana; Number & Date

6. Exhibits and Other Certified Documents to Support the Following:

- a. Financial Capacity
 - i. Equity Contributions of Shareholders
 - ii. Commitments from Banks and Financial Institutions
 - iii. Detailed Five Year Financial Statements
 - iv. Income, Balance Sheet, Cash flow Statements
- b. Technical and/or Operational Capacity

Certified commitment letters from:

- i. Established and experienced operating concerns
- ii. Equipment vendor relationships and a showing of readiness to provide sustained technical & operation partnering and support.

7. Bank(s) & Financial Institutional Support

- a. Name of Bank
- b. Address
- c. Contact Person
- d. Contact Number
- e. Certification from Bank

8. Applicant Status

List any NCA regulated entity or applicant for an NCA Licence in which:

- i. the applicant
- ii. any party, has more than 5% or greater interest in the applicant; or a Controlling interest or more than 10% of the applicant or more of any class of stock, warrants, options or debt securities of the applicant. This list must include a description of each such entity's relationship to the applicant.

9. Agreements with Other Parties

Applicants must submit an exhibit identifying all parties with which they have entered into any agreements, arrangements or understandings which relate in any way to the licence being allocated.

10. Defaults & Delinquencies

Information required of all applicants regarding defaults and delinquencies. Each applicant must include in Exhibit A certification whether the applicant, its affiliates, its controlling interests, and the affiliates of its controlling interests are in default of any NCA licenses and are delinquent on any non-tax debt owed to any National agency.

11. Miscellaneous Information

Applicants wishing to submit a statement of verifiable reasons sufficient to justify, and or enhance their chances may do so if they so wish.