



ESWATINI COMMUNICATIONS COMMISSION

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NOTICE No. 04/2023

DECISION IN TERMS OF SECTION 37 OF THE ESWATINI COMMUNICATIONS COMMISSION ACT, 2013:

TO ISSUE A GENERAL LICENCE FOR ELECTRONIC COMMUNICATIONS SERVICES (INTERNET SERVICES PROVIDER) TO STARLINK ESWATINI (PTY) LTD

I. THE COMMISSION

The Eswatini Communications Commission is a regulatory body established in terms of the Eswatini Communications Commission (ESCCOM) Act, 2013 to regulate the electronic communications sector inclusive of electronic communications networks and services, broadcasting services, postal services, the use and allocation of radio frequency spectrum, data protection and e-commerce.

2. POWER TO ISSUE LICENCES

The Commission is mandated in terms of Sections 7(g) and 38(a) of the Eswatini Communications Commissions Act, 2013 to grant any authorization for the carrying out of any operation or activity relating to any matter within the remit of the Commission. The right to licence is further established in the Electronic Communications Act, 2013 and the Electronic Communications (Licensing) Regulations, 2016.

3. RECEIPT OF APPLICATION FOR ISSUANCE OF A GENERAL LICENCE

The Commission received an application for the grant of a General Electronic Communications services license from Starlink Eswatini (PTY) Ltd in terms of Regulation 4(2) of the Electronic Communications (Licensing) Regulations, 2016.

4. STARLINK (PTY) LTD PROFILE

Starlink Eswatini (PTY) Ltd (hereinafter Starlink) is a company incorporated under the Eswatini Companies Act No. 8 of 2009. Since 2018, they have designed and launched a large constellation of satellites to provide a high speed, low latency broadband internet access service that will be available everywhere on earth.

5. STARLINK (PTY) LTD TECHNICAL DETAILS NETWORK/INFRASTRUCTURE ARCHITECTURE

As part of the application, the applicant provided an outline of how the services will be rendered. The applicant submitted that its network infrastructure layout consisted of a low-Earth orbit small satellite constellation to provide low bitrate Internet and Internet of Things services and enable Machine to Machine devices anywhere on Earth utilizing a store and forward design. The system uses small satellites that transmit over the very high frequency (VHF) frequency band in ITU defined Mobile Satellite Service Spectrum.

6. EVALUATION OF APPLICATION

In terms of Regulation 4(4) of the Electronic Communications (Licensing) Regulations, 2016, General Licences are non-exclusive and the Commission may issue any number of licences to an applicant that complies with the requirements of the application and the general licence conditions.

Section 32 of the Eswatini Communications Commission Act provides that where the Commission intends to make a decision which may have a significant impact on a market, the Commission shall make the proposed decision publicly available as a consultation document and shall allow any interested parties the opportunity to comment on the proposed decision with or without the opportunity for oral presentation. The Commission invited interested parties, licensees, stakeholders and the general public to make comments on the application by Starlink, which comments were received.

The Commission evaluated the application, taking into consideration the impact on the market, the comments received and determined that the applicant met the requirements for the grant of such licence for the following reasons:

- 6.1. The service to be availed shall provide fast and reliable internet access to the general public and business, even in locations that are difficult to reach by traditional land-based networks.
- 6.2. The services to be rolled out will stimulate competition in the market and in turn reduce the cost

6.3. The technology to be deployed guarantees around-the-clock service availability.

6.4. The introduction and adoption of cutting-edge technology and innovation in the country will contribute to social and economic growth.

7. DECISION

In light of the foregoing and acting under the provisions of Regulation 10 of the Electronic Communications (Licensing) Regulations, 2016, the Commission hereby issues a general licence for electronic communications services (Internet Services Provider) to Starlink Eswatini (PTY) LTD, which shall be valid for a period of five (5) years.

This Decision shall come into force on the 26 July 2023.

Mvilawemphi Dlamini

Chief Executive

26 June 2023