

## ANNEXURE A

## FORM B

APPLICATION TO ASSIGN, CEDE, TRANSFER OR TRANSFER OF CONTROL OF A RADIO  
FREQUENCY SPECTRUM LICENCE

- Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*
- (d) Annexure E MUST be completed and submitted with this Form B, unless written agreement is received from the Authority not to submit Annexure E, and attached herewith.*

<b>1.</b>	<b>PARTICULARS OF LICENCE</b>	
1.1	Licence number:	
1.2	Nature of services authorised to be provided in terms of the Licence:	
1.3	Attach a copy of the Licence that is the subject of this application. The copy of the Licence must be marked clearly as ANNEXURE A of FORM B 1.	

<b>2.</b>	<b>PARTICULARS OF THE APPLICANT (LICENSEE)</b>	
2.1	Full name of the applicant:	
2.2	Designated contact person:	
2.3	Applicant's street address:	
2.4	Applicant's principal place of business (if	

	different from street address):	
2.5	Applicant's postal address:	
2.6	Designated contact person's telephone number/s:	
2.7	Designated contact person's telefax number/s:	
2.8	E-mail address of designated contact person:	

<b>3. PARTICULARS OF TRANSFEREE</b>		
3.1	Full name of transferee:	
3.2	Designated contact person:	
3.3	Transferee's street address:	
3.4	Transferee's principal place of business (if different from street address):	
3.5	Transferee's postal address:	
3.6	Telephone number/s:	
3.7	Telefax number/s:	
3.8	E-mail address of the designated contact person:	

<b>4. LEGAL FORM OF TRANSFEREE</b>		
4.1	Indicate if the transferee is:	
	(i) a natural person	
	(ii) a partnership	
	(iii) a juristic person	
	(iv) other (specify)	
4.2	If the transferee is a natural person or a partnership:	
4.2.1	Provide the identity number of the transferee or each partner in the transferal:	
4.2.2	Attach a copy of the identity document of the transferee or certified copies of the identity document of each partner in the transferee marked clearly as <b>Annexure A of FORM B 2</b> .	

4.3	If the transferee is a juristic person:
4.3.1	Indicate the legal form of the transferee (e.g. private company incorporated in terms of the Companies Act, 1973):
4.3.2	Registration number of transferee:
4.4	Attach certified copies of the transferee's certificate of incorporation, and memorandum and articles of association or other constitutive and/or other governing documents of the transferee (e.g. memorandum and articles of association, association agreement, constitution) marked clearly as <b>ANNEXURE A</b> of <b>FORM B 3</b> .
4.5	If the transferee is not a juristic person but intends to operate as one if this application is granted:
4.5.1	Provide a written undertaking that the transferee will comply with section 5(8) (b) of the Act marked clearly as <b>ANNEXURE A</b> of <b>FORM B 4</b> .
4.5.2	Indicate when and how the transferee will comply with section 5(8) (b) of the Act:

<b>5.</b>	<b>OWNERSHIP AND MANAGEMENT OF APPLICANT</b>
5.1	Provide details of all ownership interests in the applicant and the identity and address of each holder of an ownership interest in the applicant. Where an applicant is a juristic person, only shareholdings (or equivalent) of 5% or more of the total issued shares (or equivalent) in the applicant are relevant.
5.2	Indicate whether the applicant is listed on any stock exchange, and provide details of any such listing:

5.3 In respect of each holder of any ownership interest in any person holding an ownership interest in the applicant, provide the details required in respect of each such holder:
5.4 Indicate the extent to which any ownership interest referred to above is held by an historically-disadvantaged person:
5.5 Indicate whether the holder of any ownership interest in the applicant is a foreign citizen or an entity registered or incorporated in any country other than South Africa:
5.6 Indicate whether any person holding an ownership interest in the applicant holds a Licence issued in terms of the Act or holds an ownership interest in any other licensee licensed to provide a service similar to that to which this application relates:

5.7. Provide particulars of any interest held by the applicant in another licensee licensed in terms of the Act:
5.8. Provide details (including name, nationality, identification or passport number, position and address) of each member of the applicant's: (i) Board of directors or similar body; and (ii) Senior management.
<b>6. OWNERSHIP AND BUSINESS PLAN</b>
6.1 Indicate details of ownership and control by historically-disadvantaged persons and BEE contribution levels:
6.2 Provide details of the transferee's business plan in respect of the licensed service outlining details as per format in Annexure D (ii-v) marked clearly as <b>ANNEXURE A</b> of <b>FORM C 5</b> :

6.3	Provide details of how the following will be achieved by the licensee as <b>ANNEXURE A</b> of <b>FORM B 6</b> :  (i) Technical efficiency; (ii) Functional efficiency; (iii) promotion of competition and interests of consumers; and (iv) Economic efficiency.
6.4	Provide separately and mark clearly as <b>ANNEXURE A</b> of <b>FORM B 7</b> , copies of the transferee's audited annual financial statements for the previous three (3) years:
<b>7. APPLICANT'S LICENCE OBLIGATIONS</b>	
7.1	Indicate those obligations of the applicant in terms of the Licence which have been discharged and those which will assumed by the transferee, should this application be granted:
7.2	Provide separately and mark clearly as <b>ANNEXURE A</b> of <b>FORM B 8</b> , a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the applicant's Licence obligations in the event of the transfer application being approved by the Authority.
<b>8. REASONS FOR THE TRANSFER</b>	
	Provide reasons for the transfer of the Radio Frequency Spectrum Licence:
<b>9. LICENCE SUBJECT TO TRANSFER</b>	
9.1	Indicate if Transferor obtained Licence through:  First come, first-served <input type="checkbox"/> Auction <input type="checkbox"/> Beauty contest <input type="checkbox"/>  Amount paid: R.....
9.2	Indicate which Radio Frequency Spectrum is currently licensed to the transferor as <b>ANNEXURE A</b> of <b>FORM B 9</b> .
<b>10. UNDERTAKINGS</b>	
	Specify any undertakings which the transferee is prepared to make in order to promote the

objectives of the Act, if the Licence is transferred.
<b>11. SWORN STATEMENT</b>
<p>The persons signing the application on behalf of the applicant and the transferee must acknowledge as follows:</p> <p>I, the applicant, acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application being set aside, should any material statement made herein, at any time, be found to be false.</p> <p>.....</p> <p><b>Applicant</b></p> <p>I certify that this declaration was signed and sworn to before me at ..... on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:</p> <ol style="list-style-type: none"> <li>1. knows and understands the contents herein;</li> <li>2. has no objection to taking the prescribed oath or affirmation; and</li> <li>3. considers this oath or affirmation to be truthful and binding on his/her conscience.</li> </ol> <p>.....</p> <p><b>COMMISSIONER OF OATHS</b></p> <p><b>Name:</b></p> <p><b>Capacity:</b></p> <p><b>Address:</b></p>