



Public Utilities
Regulatory Authority
Equity in development

**GUIDELINES AND APPLICATION FORM
TO
OBTAIN
A CONTENT PROVIDER
TELEVISION BROADCASTING LICENSE**

18th May 2017

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2. PREAMBLE

In exercise of the powers conferred upon the Authority under Section 14 (1) (g) of the PURA Act 2001 and Section 9 (2) (c) of the Information and Communications Act 2009, the Authority hereby makes the following Guidelines for application to install and operate a Broadcasting Television Station in The Gambia.

Any applicant that wishes to apply for a TV License must follow the procedures set out in these Guidelines. These guidelines shall also be made applicable to all existing stakeholders that currently have TV licenses. All completed TV application forms must be submitted to the Authority for its consideration.

3. SHORT TITLE, EXTENT AND COMMENCEMENT

These Guidelines shall be:

- a. referred to as the Guidelines to obtain a Television Broadcasting Licenses;
- b. applicable to applicants and users of TV Licenses;
- c. come into force with effect from **18th May 2017**.

4. OBJECTIVES OF THE GUIDELINES

A television (TV) broadcasting service is a broadcasting service consisting of the transmission of visual images or other visible signals, with or without accompanying sounds, where the visual images are such that sequences of them are seen as moving pictures. TV services may be transmitted over cable, Internet Protocol, terrestrial wireless or satellite platforms

The objective of these Guidelines is to ensure that TV broadcast Licenses holders/ applicants are well informed of the TV application process in The Gambia. These Guidelines shall ensure that all TV Licensee networks:

- a. are electrically safe for users, subscribers or the employees of the information and communications systems;
- b. are electromagnetically compatible with other equipment to which it is or will be connected or used;
- c. protect radio frequency spectrum licensees from harmful interference;
- d. are fitted with a device which will protect the radio communications/ ICT system of which it is a part or to which it is connected against electrical, electromagnetic or other similar damage;
- e. make efficient use of the radio spectrum where applicable;

5. SUBMISSION OF APPLICATION FORMS

Application form(s) for TV Licenses shall be submitted to PURA. The application form for a license to operate and install a TV is attached as *Annex I* are also available on the Authority's website, www.pura.gm. A completed application form must be submitted to the address below:

**The Director General
The Gambia Public Utilities Regulatory Authority
94 Kairaba Avenue
P.O.Box 4230 Bakau
The Gambia
West Africa**

Phone: + 220 4399601/2

Fax: + 220 4399905

Email: info@pura.gm and Cc: rsr@pura.gm, nic@pura.gm,

Three copies of the completed application shall be submitted to PURA and accompanied with the documents listed in application form attached as *Annex I*. Applicants are to note the following:

- I. Applicant must register a company with an object to provide broadcasting service and provide the following as evidence of registration and incorporation:
 - Certificate of Incorporation
 - Inclusive of the shareholding structure Inclusive of the shareholding structure (NB: The Company should have a minimum of 51% indigenous Gambian ownership)
 - Relevant Experience/Evidence of Ability to perform including agreements drawn up with any principals.
 - Evidence of Tax payment/Tax Clearance Certificate (Not applicable to start-ups).

Applicant must pay the non-refundable requisite application fee by cheque, cash or bank transfer to the Gambia Public Utilities Regulatory Authority (PURA).

Applicant must submit a feasibility report of the venture which should include the following:

I. Project Study

a. *Engineering design system*, (indicate proposed Studio Location, transmission link to the signal distributor's headend, planned coverage area). The Authority encourages applicants to procure equipment that will be compatible with digital television broadcasting considering that globally countries have/are embarking on digital television switchover.

b. *Implementation Plan / Timetable from date of Authorisation*

[Please note that the station must be established within eighteen (18) months from the date of Authorisation]

II. Market Plan

a. Market analysis (Demonstrate an understanding of the market the station would be entering)

b. Marketing plan: (Plan to promote the station and gain market share (audience and business/advertising))

III. Business Plan

a :Organizational Structure (include educational and technical background as well as experience of key personnel such as CEO/General Manager, Engineer/Technical Head, etc)

Required Capital Investment:

This should include –

- i. Estimated cost of equipment
- ii. Estimated cost of real estate
- iii. Estimated cost of initial content acquisition
- iv. Estimated cost of project management and other costs necessary for the establishment of the station

b Forecasted Financial Statements for the first three (3) years of operation, to include:

- i. Income Statement
- ii. Balance Sheet
- iii. Cash flow Statement
- d. Statement on how the company is going to finance its capital investment and its operations during the first ninety (90) days after commencement of service.\

c Station Financing

- i. Bank Guarantee
- ii. Up to date Bank statements of shareholders
- iii. Debt Equity Composition

IV. Programming Philosophy.

Please indicate the nature of programming the station intends to churn out.

Provision of local content

Any other information that is relevant to demonstrate the viability of the project.. Applicant is to submit a signed letter of commitment stipulating that they will abide by all existing ITU Regulations and communication laws of The Gambia as well as other rules and regulations that may be issued.

Applicants must submit all the above, together with an application letter and address the application to the Director General, PURA

PURA will acknowledge receipt of application and evaluate the application. The outcome of the evaluation will be communicated to the applicant when the evaluation is completed.

6. EVALUATION CRITERIA

When considering an application for the grant of a TV license, the Authority shall have regard to:

- capability, experience and expertise of the applicant(s)
- financial capability and business record of the applicant (s);
- compliance with the prescribed technical standards;

- the allocation of spectrum resources in such a manner as to minimise harmful interference

7. INVOICING

A non-refundable application fee of D50, 000.00 must accompany the application once it is confirmed to be complete. This must be paid in cash or by banker's cheque or such other manner as the Authority may prescribe. Applicants are therefore requested to use the appropriate application forms provided, along with supporting documents and any additional information deemed relevant to their application. Evaluation of the application shall commence upon receipt of an application and confirmation of payment receipt.

8. SCOPE

In order for the Authority to commence processing an application for TV, the applicant must submit all supporting documentation to the Authority which should include but not limited to the following:

- a brief technical description of the TV network and connection points to the Signal Distributor's headend
- photocopies of national identity cards/passports
- name and contact details of the applicant, specifying the full registered name and registered postal address of the business, business registration certificate, name of the contact person responsible, and his/her contact telephone and fax numbers, e-mail address and web site if available;
- where a person submits an application form on behalf of the applicant, a signed and dated letter of authorisation shall accompany it from that applicant;
- Anticipated commencement date of the service.
- any other information that the applicant considers necessary or appropriate to justify the application.

8.1. License categories

The licensing framework for TV networks and links are categorised as follows:

Digital Terrestrial Pay Television (Service Only)- : A Television Broadcasting Service comprising of a bouquet of services provided over an independent/third party wireless digital terrestrial television network and which requires television viewers to pay a subscription fee to watch the television service.

Digital Terrestrial Pay Television (Service and frequency)- A Television Broadcasting Service provided over the service provider's own wireless digital terrestrial television network and which requires television viewers to pay a subscription fee to watch the television service. The service provider obtains a frequency for the rollout of its own DTT transmission network infrastructure which shall be co-located.

Digital Terrestrial Television (Signal Distributor)- a service consisting of the provision of:

1. An electronic communications network utilizing radio frequencies to transmit broadcasting programmes in digital form, for general reception

2. Combining or packaging (i.e. multiplexing) a number of television and other services for transmission over its network.
3. Providing information on all programmes carried on its network (e.g. Electronic Programme Guide [EPG] etc)

Digital Terrestrial Free-to-Air Television Programme Channel- A Television Broadcasting Service in which a single programme channel is broadcast unencrypted or in ‘clear’ over a digital terrestrial television (DTT) network and capable of being received without payment of subscription fees

Digital Terrestrial Radio Service on TV Multiplex- A sound broadcasting service in which content is deployed on the Digital Terrestrial Television Network.

Satellite Television Broadcasting (Pay TV Direct-to-Home Bouquet)- A Television Broadcasting Service comprising of a bouquet of services provided over a satellite transponder and which requires television viewers to pay a subscription fee to watch the television service.

Satellite Television Broadcasting (Free-to-Air Direct-to-Home Bouquet)- A Television Broadcasting Service comprising of a bouquet of services provided over a satellite transponder and which is capable of being received without payment of subscription fees.

Satellite Television Broadcasting (Free-to Air Direct-to-Home Single Channel)- A Television Broadcasting Service in which a single programme channel is broadcast over a satellite transponder and capable of being received without payment of subscription fees.

Digital Terrestrial Television Additional Services - any service provided by any person from their studio by means of a DTT Signal distributor and may or may not require the payment of subscription fees.

Digital Terrestrial Mobile Television Service - A Digital Television Service in which the programme channels are delivered over a terrestrial infrastructure for reception primarily by handheld devices and which may or may not require the payment of subscription fees.

Digital Cable Television (Pay TV) - A Television Broadcasting Service where the distribution of television programs to subscribers is delivered by the means of coaxial cables or light pulses through fiber-optic cables and require the payment of subscription fees.

Television over Internet Protocol (Pay TV)- A Television Broadcasting Service where programs to subscribers are delivered via Internet Protocol (IP) over an electronic communications network (wireless or cable) and which may or may not require the payment of subscription fees.

8.2. TV License market structure

A one off application fee is paid to the Authority whilst the licence and spectrum fees payable by the Licensee shall be in accordance with the Wireless Telegraphy (Regulatory Charges for Communication Facilities and Services) Regulations, 2005 or any subsequent regulation(s) that maybe issued by the relevant authority from time to time.

The annual Licence and Spectrum fees shall be paid each year in Gambian Dalasi.

The Licence and Spectrum Fees chargeable in connection with this Licence shall be subject to review and adjustment by the Minister in accordance with Relevant Law from time to time.

The applicable annual Licence and Spectrum Fees as well as any renewal fees shall be paid to the Gambia Revenue Authority no later than the 31st day of March of each year or as may otherwise be agreed.

9. GENERAL CONDITIONS

The following general conditions, relating to the installation and operation of a TV shall apply:

- a. Companies that wish to establish TV networks and links for their own use need to apply for a TV Licence.
- b. All Licensee should conform with the laws of the Gambia and any other regulations and guidelines issued by the Authority
- c. That the TV equipment complies with the relevant ITU recommendations for ITU Region 1.
- d. That the Setup boxes comply with the relevant ECOWAS member countries agreement signed in Banjul in September 2012.
- e. The Licensee shall be solely liable for any damage / loss resulting from the termination of the TV link(s) due to / from any overseas authority.
- f. The Authority shall ensure there is a limitation in cross-ownership between broadcasters, signal distribution licensees, newspapers, electronic communication licensees and advertising agents as stipulated in **Section 227 (e)** of the IC Act 2009

In connection with any particular assignment, the Authority may lay down further individual terms, as it deems necessary and appropriate.

10. RECOMMENDATIONS OF LICENSES

PURA shall prepare a report setting out its recommendation for the approval or disapproval of each application. This report is submitted to the Ministry of Information and Communications Infrastructure for its consideration.

11. ISSUANCE OF LICENSES

Upon receipt of a recommendation from PURA, , the Minister may either grant the License, refer the recommendation back to PURA for further consideration; or refuse to grant the License with given reasons.

Licenses granted by the Minister, are issued by PURA. PURA shall maintain a register of all applications for Licenses and all Licenses granted pursuant to the Act, in electronic form.

12. DURATION OF A TV LICENSE

A duration of a TV License shall be 5 years

13. RENEWAL OF TV LICENSE

Licensees are required to apply for the renewal their license within three (3) months preceding the last three (3) months before the date of expiry of the existing license.

14. APPLICATION TIME FRAME

The outcome of applications shall be communicated to applicants within four months from the date of application.

15. APPLICATION FORMS

The Application forms to install and operate TV License is attached as *Annex 1*

16. EFFECTIVENESS

These guidelines shall become effective from the date of signature.

Issued By

Public Utilities Regulatory Authority

Dated thisDay of.....

Director General



17. ANNEX 1: Application form for a license to install and operate a TV station

1. MANDATORY REQUIREMENTS FOR AN APPLICANT

This application should be completed in English and any document in foreign language must be translated into English.

The application should be accompanied by an affidavit sworn by one of the Directors submitting the documents listed herein in line with the template attached as Annex 1.

Three copies of the completed application form should be presented at our receptionist on the Ground Floor.

Payments of fees can be made by cheque or cash at the Finance Department on presentation of the Payment Invoice Form.

Applicants **MUST** submit a business plan addressing among others **ALL** issues highlighted in *Section 6*.

2. Requirements for a license to install and operate a TV Station

- a) Application letter addressed to the Director General explaining the purpose(s) for applying to operate a TV station
- b) Business Registration Certificate (for Companies)
- c) Copy of Identity card/passport
- d) Valid tax compliance certificate
- e) Memorandum and Articles of Association of the Company
- f) Detailed technical plan of the network
- g) Roll out plan
- h) Completed application form
- i) Certificate of good character of the shareholders/Directors

3. Licensee Identification

- a) Applicant's Name:
- b) **Physical Address in The Gambia:**
PO Box:
E-Mail: Website:.....
Tel: Cell phone: Fax:

4. Contact Details

Contact Type: Applicant Representative

First Name: Last Name:
National ID/Passport No:
Physical Address:
Mailing Address:
Occupation:
E-Mail:
Tel: Cell Phone: Fax:

5. Technical Information

Technical Information

(Where appropriate the following information should be provided as an attachment to this application)

Type of studio equipment to be used for the broadcasting service.:

Proposed type of studio to transmitter link (microwave, fibre, etc) and bandwidth to be used for the service, if any:

.....

Proposed maximum number of hours of operation:.....

The applicant must ensure that broadcasting equipment quoted complies with the relevant ITU recommendations for ITU Region 1. Provide any inconsistencies where they exist:

.....

Proposed date of commencement of the broadcasting service:.....

Proposed station identity for the broadcasting service:

Number of Channels required:

6. Market information

Market Information

(Where appropriate the following information should be provided as an attachment to this application)

Provide the population profile for the area the licence is being sought for:

Attach the market study of the area the licence is being sought (indicate if attached).....

Provide information on other broadcasting services being provided in the area in question and explain how your proposed service differs from them:

Proposed access to transmitters: Abuko: BWIAM:

Mansakonko: Kudang: Bansang: Basse:

Others: Please specify details for this choice:

.....
.....
.....
.....
.....
.....

7. Station Management

Station Management

(Where appropriate the following information should be provided as an attachment to this application)

Provide an organization chart explaining duties and responsibilities of the team managing the station..:

.....

Provide names, address, telephone numbers and attach CVs of key station management staff who shall include among others, Chief executive officer; Program coordinator,

Provide information on other broadcasting services being provided in the area in question and explain how your proposed service differs from them:

8. Station Financing and Business Plan

Station Financing and Business Plan (Please provide separately a business plan and ensure the following details are included in the sequence as per the licence application guidelines)

Provide a business plan and relevant cash flow projections showing a realistic calculation of the expected levels of costs and revenue over a period of the licence term in particular with regard to:

- (a) Costs for capital investment (equipment, building, offices, vehicles etc);
- (b) Recurring costs (staff salaries, royalties, rent energy communications etc);
- (c) Financial investments from the applicant(s);
- (d) Anticipated revenue from advertisements and sponsorships

Attach a financial guarantee equivalent to the required peak funding for the service underwritten by a recognised financial institution registered in The Gambia.

- Where funded solely through equity Financing, Applicant must provide Bank Statements equivalent to the required peak funding for the service. (Statements must be for 6 months)

Where a combination of Debt/Equity is to be utilized, Applicant must provide a detailed breakdown of both components.

Are there any commitments from advertisers or sponsors? If so, show proof.....

Give an accurate estimation of the jobs you anticipate to create from the broadcasting service;

- (a) Full time;
- (b) Part time;
- (c) Freelance.

9. Station Programming

Station Programming

(Where appropriate the following information should be provided as an attachment to this application)

Indicate your proposed hours of broadcasting for each day of the week.

Provide a schedule of programme segment for each day of the week.....

Show how your proposed programming format is unique from the rest and explain how it will add value to the diversity of broadcasting services in the proposed coverage area.....

Provide own produced programmes and their weekly percentage proportion.....

Provide any planned external sources of your programming (local or foreign).....

Indicate if the proposed broadcasting service will provide for regular news services and programmes on matters of public interest and if so how often.....

Provide the principle sources of news and information you plan for your programming in approximate percentage terms.....

List domestic sources, which you intend to use for news and information programming.....

List the foreign news sources you plan to use for news and information programming.....

Attach a draft programme schedule for your intended broadcast services.....

10. Certification of Applicant

Certification of Applicant			
This application is made on	Day	Month	Year
By	Applicants Name:		
or	Or name of Applicants authorised representative:		
Signature			
Application payment receipt No:			
Date	Day	Month	Year

18. SCHEDULE 1

Application and Licence fee

Broadcast Licence Category	Licence Duration (Years)	Application Fee (GMD.) (payable when submitting application form)	Annual Licence Fee (GMD) payable after approval and before issuance of licence	Annual Spectrum Fee (GMD) payable on/or before 31 st March each year	Annual regulatory fees (GMD)
Television Broadcasting (National TV - Free-To-Air)	5	50,000.00	60,000.00	100,000.00	upto to 1.5% of turnover
Television Broadcasting (Pay TV) Terrestrial		50,000.00	70,000.00	100,000.00	upto to 1.5% of turnover
Television Broadcasting (Pay TV) Satellite	5	50,000.00	60,000.00	100,000.00	upto to 1.5% of turnover
Content Provider (Pay TV)	5	50,000.00	70,000.00	100,000.00	upto to 1.5% of turnover
Digital Terrestrial Television (Signal Distributor)	5	50,000.00	70,000.00	100,000.00	upto to 1.5% of turnover