



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	08 February 2022	
Time:	08:00	
Venue:	Microsoft Teams	
Present	████████████████████	Chairperson
	██████████	Councillor
	██████████████	Councillor
	██████████	Councillor
	████████████████████	Councillor
By Invitation	██████████████	CEO
	██████████	CFO
	████████████████████	CAE
	██████████████████	Corporate Secretary
	██████████████	Secretariat Officer
	██████████	Secretariat Officer
Partial Attendees	██████████	Executive: Licensing and Compliance
	██████████████	Executive: Human Resources
	██████████	Executive: LRCCC
	██████████████	Manager: Broadcasting Frequency Coordination
	██████████	Manager: Numbering
	██████████	Senior Manager: ICT Licensing Services
	████████████████████	Meta (Facebook) Representative
	██████████████	Meta (Facebook) Representative
Apologies		



No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson opened the meeting at 08:00am and welcomed all present.</p> <p>1.2. Former Councillor [REDACTED] term ended on 31 January 2022.</p> <p>1.3. Parliamentary process for the filling of Council vacancies is underway.</p> <p>1.4. CEO introduced newly appointed Executive: LRCCC, [REDACTED] to Council.</p> <p>1.5. There were no apologies noted.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
3.	<p>Ratification of the Agenda</p> <p>3.1 Item 8.2 was deferred and substituted with “feedback from the meeting with NEHAWU”.</p> <p>3.2 Item D1 was deferred to the last week of February pending the status update of the IMT Spectrum litigation.</p> <p>3.3 Item D2 was deferred.</p> <p>3.4 Item D3 was deferred to the next meeting of Council to allow for the CAP members reflection on their tenure.</p>	All



No.	Action Item	Person Responsible
	<p>3.5 Item D4 was deferred, in light of imminent staff changes in the office of Cllr [REDACTED]</p> <p>3.6 Cllr [REDACTED] requested an update to Council by Alexander Forbes given numerous recent market changes. The presentation by Alexander Forbes to Council will be scheduled in due course.</p> <p>The agenda was adopted with the above changes.</p>	
4.	<p>Minutes Special Meeting of Council: 15 November 2021</p> <p>The minutes were adopted as presented.</p>	Council
4.2	<p>Minutes of Special Council Meeting: 19 November 2021</p> <p>The minutes were adopted as presented.</p>	Council
5.	<p>Matters Arising</p> <p>The Matters Arising document will be updated and tabled at the next meeting of Council.</p>	CEO
6.	<p>International Engagements</p> <p>6.1. Council was updated regarding International Engagements that will be taking place in the month of February 2022.</p> <p>6.2. The Mobile World conference will be taking place at the end of February 2022. The conference to be held in Spain, will be attended by the ICASA Chairperson and the CEO.</p> <p>6.3. The participation of Cllr [REDACTED] at the CRASA meeting as previously nominated by Council may be hindered by the</p>	CEO

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No.	Action Item	Person Responsible
	<p>upcoming IMT spectrum auction as the timelines and the preparatory meetings will have a conflict.</p> <p>6.4. Council resolved to nominate Councillor [REDACTED] alternating with Cllr [REDACTED] to assist with the upcoming CRASA conference from 31 March to 1 April 2022 in Luanda, Angola.</p> <p>6.5. Council nominated Councillor [REDACTED] to attend the WTSA-20 conference in Geneva, Switzerland from 1-9 March 2022.</p> <p>6.6. The formal approvals regarding the afore mentioned, will be circulated to Council and approved by means of Round Robin Resolutions.</p> <p>6.7. Cllr [REDACTED] proposed that in light of limited number of Councillors, Council explores appointing Executives to attend some of the afore mentioned Council engagements. Council maintained that there must be at least one Councillors at those engagements.</p> <p>The update on International Engagements was noted.</p>	
7.	<p>Licensing of IMT ("Standing Item")</p> <p>Council will be given a comprehensive update on the outcome of the pre-qualification of bidders for IMT spectrum, at the next Council meeting.</p> <p>The Committee had a meeting with the auctioneer last week. They will give feedback in a comprehensive report this week, which will be tabled to Council. Council will have to publish list of qualified bidders by 21 February 2022.</p> <p>Confidentiality assessments have been done by the Committee and are now at LRCCC Division. Analysis will be tabled to Council next week. Cllr Zimri also indicated that the Committee is losing members as a result of them being in demand in industry.</p> <p>The update on the Licensing of IMT was noted by Council.</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
8.	<p>Application for amendment of Radio Frequency Spectrum Licence for Public Sound Broadcasting Service: Thobela and Ikwekwezi FM (SABC) shareholders to Telemedia (Pty) Ltd's proposed new shareholders</p> <p>The Executive: Licensing and Compliance presented the item.</p> <p>8.1. The purpose of this submission was to request Council to approve the recommendations for the Radio Frequency ("RF") Spectrum Licence amendment application received from the South Africa Broadcasting Corporation ("SABC").</p> <p>8.2. The Broadcasting Frequency Co-ordination ("BFC") Unit received an application to amend its Radio Frequency Spectrum Licence from the Applicant on 4 May 2021.</p> <p>8.3. On 31 May 2021, the BFC unit requested clarity from the Applicant regarding its proposed effective radiated power ("ERP"). On 30 June 2021, the Applicant submitted an updated Application.</p> <p>8.4. The Applicant seeks to amend its RF Spectrum licences due to the repeated vandalism at its Kwaggafontein transmitter site. The Applicant intends to suspend its Kwaggafontein transmitter site operation and increase the effective radiated power ("ERP") of its Nylstroom and Kwa Mhlanga transmitter sites until a permanent solution to the vandalism has been found.</p> <p>8.5. The changes required are as follows:</p> <p>8.5.1 The increase of ERP from 0.2 kW to 15.8 kW on 89.8 MHz at Nylstroom for Thobela FM;</p> <p>8.5.2 The increase of ERP from 0.2 kW to 15.8 kW on 90.6 at Nylstroom for Ikwekwezi FM;</p> <p>8.5.3 The relocation of 94.0 MHz from Kwaggafontein to Kwa Mhlanga;</p>	CEO / Licensing

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No.	Action Item	Person Responsible
	<p>8.5.4 The increase of ERP from 10 kW to 12 kW on 94 at Kwa Mhlanga for Thobela FM; and</p> <p>8.5.5 The increase of ERP from 0.2 kW to 12 kW on 93.8 at Kwa Mhlanga for Ikwekwezi FM.</p> <p>8.6. The Licensing Division conducted desktop coverage and interference analysis for the proposed amendment. The coverage analysis indicated that the Applicant would cover its intended service area.</p> <p>8.7. The interference analysis revealed that the 93.8 MHz and 94.0 MHz at KwaMhlanga would cause harmful interference to each other. This is in contravention of the minimum required frequency separation of 400 kHz to ensure interference-free operation.</p> <p>8.8. It was recommended that Council approve the following Radio Frequency Spectrum Licence amendments:</p> <p>8.8.1 The increase of ERP from 0.2 kW to 15.8 kW on 89.8 MHz at Nylstroom for Thobela FM; and</p> <p>8.8.2 The increase of ERP from 0.2 kW to 15.8 kW on 90.6 MHz at Nylstroom for Ikwekwezi FM.</p> <p>8.9. It was further recommended that Council decline the following Radio Frequency Spectrum Licence amendments:</p> <p>8.9.1 The relocation of 94.0 MHz from Kwaggafontein to Kwa Mhlanga;</p> <p>8.9.2 The increase of ERP from 10 kW to 12 kW on 94 MHz at KwaMhlanga for Thobela FM; and</p> <p>8.9.3 The increase of ERP from 0.2 kW to 12 kW on 93.8 MHz at KwaMhlanga for Ikwekwezi FM.</p> <p><u>The following comments were made by Council:</u></p> <p>8.10. Council sought clarity on the recommendations for declining as recommended to Council.</p>	

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	<p>8.11. Council inquired about the alternatives that can be proposed if there are any solutions to be proposed.</p> <p>8.12. Management informed Council that the Authority is responding to a specific application that was sent to the Authority.</p> <p>8.13. Management further informed Council that there was a request to relocate the 94.0 MHz from Kwaggafontein to Kwa Mhlanga, and that there was an intention to increase the power at that area. The above intention would cause interference with an already existing assignment. Upon the analysis the division reflected that it will not be possible for the two to co-exist, thus the recommendation made to Council.</p> <p>8.14. Management further explained to Council that the Division has previously received a legal opinion on the issue of making amendments unilaterally or prior to a conclusion of an application. The advice given was that where the Authority receives an application which it is unable to approve, the Authority cannot propose amendments on the application. The application would need to be seen through to the end and once a decision has been made, the Authority would then be able to engage with the Applicant.</p> <p>8.15. Council enquired if the recommended assignments would not have any conflict with the ITU FM sound broadcasting optimisation, or if they would create issues with that plan.</p> <p>8.16. Management informed Council that the site is already coordinated, and SABC submits that this is a temporary arrangement until they find a solution to the Kwaggafontein site. The Authority will see to it that the necessary amendments on the GE84 and Terrestrial Sound Broadcasting Plan are made. It will have an effect to the extent that the recorded assignment is at 0.2 KW and not necessarily at what is being recommended at this point in time. Council was further informed that as this is a temporary measure the update on the register of assignments was not done.</p> <p>The submission was approved by Council.</p>	

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No.	Action Item	Person Responsible
9.	<p>Change and Update of ICASA licensee information Altius Trading 460 (Pty) Ltd</p> <p>The Executive Licensing and Compliance presented the item.</p> <p>9.1. The purpose of this submission was to advise Council of the notice by Altius Trading 460 (Pty) Ltd trading as Magic 828, requesting the Authority to effect changes to its licence information and to further request Council to note the late filing of the Notice.</p> <p>9.2. On 18 July 2014, the Authority granted and issued Altius Trading 460 (Pty) Ltd with an Individual Broadcasting Service (I-BS) licence and a Radio Frequency Spectrum (RFS) Licence with licence numbers No.021/Commercial/R/Jul/14 and No.021/Commercial/RF/Jul/14, respectively.</p> <p>9.3. On 14 September 2021, the Authority received a notice from Altius Trading 460 (Pty) Ltd advising the Authority of changes with respect to its contact person, contact details and physical address.</p> <p>9.4. Altius Trading 460 (Pty) Ltd submitted its notice to the Authority outside the prescribed period of seven (7) days of the occurrence of the change as stipulated in the Regulations and requested a condonation for late filing of the notice.</p> <p>9.5. The Licensee explained that due to a series of Operational and Structural changes at the Licensee, including moving of studio premises, this key part of the Regulatory Process was held back until completion of the move. The Compliance Department does not consider the oversight serious enough to act and accepts the bona fides of the Licensee in the explanation it has given.</p> <p>9.6. The Licensee applied for condonation for the late filing of the notice. However, there is no clear regulatory basis to condone or decline the late filing of the current notification or any other for that matter. Therefore, the Licensing and Compliance Division will accept the reasons provided for the late filing and proceed to effect the necessary changes.</p>	CEO / Licensing




No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>9.7. It was recommended that Council approves the changes.</p> <p><u>The following comments were made:</u></p> <p>9.8. Council expressed that it was not clear what Council is being asked to approve.</p> <p>9.9. Management informed Council that the recommendation is not an approval but rather for noting.</p> <p>The submission was noted by Council.</p>	
10.	<p>Request for Approval of Final Regulations and Reasons Document on Mobile Broadband Services Inquiry</p> <p>Council resolved to defer the submission.</p>	Cllr [REDACTED]
11.	<p>Amendment – Regulations on Equity Ownership by Historically Disadvantaged Groups and the application of the ICT sector code in the ICT sector in terms of section 4B of the ICASA Act</p> <p>Deferred, pending appointment of a Councillor to the HDI Committee.</p>	Cllr [REDACTED]
12.	<p>Third Quarter CAP Report 2021/2022</p> <p>To be tabled at next Council meeting (1 hour to be allocated at the beginning of the next Council meeting for purposes of the tabling of the CAP Report and CAP Members' reflections given their approaching end of term).</p>	Cllr [REDACTED]
13.	<p>Draft Amendment Regulations on Processes and Procedures in respect of Applications, Amendments, Renewals, Surrender and Transfer of Individual Licences and applications for Special</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>Temporary Authorisations in terms of the Electronic Communications Act, 2005, as amended.</p> <p>The item was deferred.</p>	
14.	<p>Memorandum of understanding with the B-BBEE ICT Sector Council</p> <p>The Executive: Legal, Risk and CCC presented the item.</p> <p>14.1 The purpose of this submission was to request Council to consider and approve the draft memorandum of understanding between the Authority and the B-BBEE ICT Sector Council ("the ICT Council") for signature by the respective parties duly authorised representatives.</p> <p>14.2 On 17 May 2021, the ICT Council sent correspondence to the Authority outlining that:</p> <p>14.2.1 In an effort to align the B-BBEE ICT Sector Code with the Code of Good Practice, the Council establishes strategically valuable collaborations with various industry bodies;</p> <p>14.2.2 The ICT Council recognises the Authority as a key stakeholder in the advancement of the sector's transformation;</p> <p>14.2.3 The ICT Council would like to formalise its collaboration with the Authority through the conclusion of an MoU.</p> <p>14.3 The Authority met with members of the ICT Sector Council to discuss the details of the proposed MoU.</p> <p>14.4 On 12 December 2021, the ICT Council forwarded its final inputs to the draft MoU for the Authority's consideration.</p> <p><u>It was recommended that Council:</u></p>	<p>CEO/ Executive LRCCC</p>

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No.	Action Item	Person Responsible
	<p>14.5 Considers and approves the attached MoU between the Authority and the ICT Council; and</p> <p>14.6 Resolves that the CEO may sign the MoU as the Authority's representative.</p> <p>The submission was approved by Council.</p>	
15.	General	Chairperson
15.1	<p>Presentation by Meta (Previously Facebook) – “Accelerating the roll-out and use of High-Speed Connectivity in South Africa”</p> <p>15.1.1 The purpose of the presentation was to share the views of Meta, on the challenges in terms of connectivity on the Continent, and what Meta believes should be done to address the access challenges across the Continent.</p> <p>15.1.2 The internet has become a crucial tool for improving livelihood, and the pandemic has proved that the future for improving livelihoods will be heavily reliant on connectivity. 2G and 3G connections are still dominant in Africa.</p> <p>15.1.3 Meta requires innovation in policy and regulation, business models, and technology to ensure all Africans have access to high-speed connectivity.</p> <p>15.1.4 Policy and regulation innovation will attract more investment in connectivity infrastructure. Business model innovation will enable service providers to share resources and bring down the costs of deploying and operating networks.</p> <p>15.1.5 Technology innovation will transform the traditional ways of rolling out networks to a more open disaggregated network.</p> <p>15.1.6 Spectrum policy is the key to high-speed connectivity growth. Facebook encourages African Administrations to open the 57-71 GHz band to license-exempt devices and align its technical conditions with those in categories 75, 75a or 75b</p>	



No.	Action Item	Person Responsible
	<p>of Commission Implementing Decision (EU) 2019/1345 cases, including IMT in 66-71 GHz, in line with decisions of other regulators.</p> <p>15.1.7 Meta further recommended that should African Regulators favour another regulatory approach in 66-71 GHz, they should at least open 57-66 GHz to license-exempt devices, in line with ATU-R Recommendation 005-0.</p> <p><u>The comments made by Council:</u></p> <p>15.1.8 Council requested the views of Meta on the spectrum outlook that has recently been published by the Authority, having in mind a long-term spectrum outlook.</p> <p>15.1.9 Meta informed Council that it has seen the consultation and that the entity is currently busy formulating its written response to and that the response will be submitted on time before the closing date.</p> <p>15.1.10 Council commended Meta on the presentation. Council expressed that given the rural nature of Africa, it would be interesting to see the type of technology Meta plans to deploy. Council further expressed that it is important that the technology being deployed should be practical and be considerate of the current state of the Continent.</p> <p>15.1.11 Meta thanked Council for the remarks, and acknowledged the divide between the connected and the unconnected. The representatives of Meta expressed that the entity is of the view that high-speed technology connectivity can be rolled out. Meta further expressed that the rural areas should not be left out, and 3G and 4G should be rolled-out in the rural areas.</p> <p>The presentation was noted by Council.</p>	
15.2	<p>Cost of Living Adjustment (COLA) (Deferred)</p> <p><u>Feedback to Council following meeting with NEHAWU held on 7 February 2022</u></p>	<p>CEO / Exec: HR</p>



No.	Action Item	Person Responsible
	<p>15.2.1 The purpose of the presentation was to provide Council feedback about the meeting between NEHAWU and management on the 07th of February 2022.</p> <p>15.2.2 During the meeting the union cited both the Remunerations policy of 2018 regarding COLA, and the Remunerations policy of 2021.</p> <p>15.2.3 Management informed the union that the 2018 policy was no longer in effect and further that reference would be made to the 2021 Remunerations policy provisions.</p> <p>15.2.4 The union [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.2.5 Management [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.2.6 The [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.2.7 Once [REDACTED] [REDACTED] [REDACTED]</p> <p>15.2.8 The Authority [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	

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No.	Action Item	Person Responsible
	The update was noted by Council.	
15.3	Appointment of Councillor(s) to HDI Committee Council resolved to appoint Councillor Yolisa Kedama as the Chairperson of the HDI Committee.	Council
16.	Date of next meeting: TBA	Secretariat
17.	Closure The Chairperson thanked all who were present at the meeting and closed the meeting at 10:35 am.	Chairperson

Signed: _____

Dr. Keabetswe Modimoeng
Chairperson

Date: _____

26/04/2022