



Ms. Pumela Cokie

Independent Communications Authority of South Africa

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Dear Ms Cokie

SUPPLEMENTARY SUBMISSION: RESPONSE TO ICASA'S QUESTIONS ON THE SOS ORAL PRESENTATION ON THE DTT REGULATIONS

1. ICASA already undertook a full review of the South African Local Television Content Regulations in 2016, specifically to align them with a multichannel environment. Given that these regulations continue to govern local content obligations across platforms, could you clarify why you consider it necessary for the draft DTT regulations to prescribe local content again? Would this not create unnecessary duplication, effectively regulating the same matter under two different sets of regulations?

SOS does not propose repeating comments we have made in previous submissions regarding compliance with the existing Local Television Content Regulations by licensees and enforcement by ICASA but rather seeks clarity to ensure their continued application in the new digital environment.

The TV Regulations were developed under the analogue terrestrial television regime to single linear TV channels and radio programmes; therefore, it is important to emphasize that these will remain applicable in the digital broadcasting era, post the analogue switch-off.

The Draft DTT Regulations, as they stand, make no reference to how these content obligations apply to licensees operating on the multi-channel DTT platform, which risks creating a regulatory gap post-analogue switch-off. For instance, in reference to the channel authorization procedure, provision 5(5)(c) stipulates requirements which include “a programming plan, including local content, where applicable”. However, there is no reference to which local content obligations must in fact guide the programming plan as per the broadcasting tier or nature of the TV station being established. SOS’s view is that these regulations should explicitly reaffirm that the 2016 TV Regulations remain binding across post ASO. Therefore, we propose that ‘where applicable’ be replaced by ‘in accordance with the Local Television Content Regulations which remain in force in this digital broadcasting era”.

Where necessary, ICASA may undertake a targeted review of these regulations to strengthen the promotion of original South African content across digital broadcasting platforms post ASO. SOS notes for example that the South African Broadcasting Corporation (SABC) has made proposals for ICASA to measure compliance across a bouquet of channels provided by themselves, and by extension other multi-channel operators. They have proposed for example that they are measured as a network and local content obligations are measured across all their channels as a whole rather per channel. SOS supports such an approach to revising local content regulations in the post ASO era.

2. The draft Regulations introduce a Multiplex Operator — Can SOS explain their understanding of a Multiplex Operator and its role? What are the benefits (if any) of having a multiplex operator?

A multiplex is a digital transmission channel which combines programme material and other data into a digital stream for transmission via a frequency channel. The process

of combining the various output signals of a number of broadcasters and applying compression techniques to maximise bandwidth efficiency is called multiplexing.¹

Therefore a terrestrial multiplex operator is “any person who provides the technical infrastructure for the terrestrial dissemination and bundling of digital programs and additional services contained in a digital data stream”². Simply put, this is a network operator for digital terrestrial broadcasting, in particular DVB-T2 (which is the standard adopted by South Africa for digital terrestrial television. A multiplexer may also be a part of an entity that compiles, operates and markets a content offering over a digital multiplex, and this is referred to as a platform operator. It may also be referred to as a service provider of a standardized signal flow for digital broadcasting systems and in addition to television and radio programs, the flow includes additional digital services, electronic communications services and other associated identification signals and data³. In short, a multiplexer may be located on the premises, and operated under the control of a broadcaster; it may be a separate company that provides multiplexing and platform services to several broadcasters, and it is a key component of a signal distributor (I-ECNS operator) which combines (re-multiplexes) the output signals of a range of other operators, either direct from their studios or from other multiplexes.

Functions of Multiplex Operator

Referencing the TCRA, MACRA, SADIBA and the Commission of the European Communities, the Rwanda Utilities and Regulatory Agency outlined the following core functions of the Multiplex Operator:⁴

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<https://www.rura.rw/index.php?eID=dumpFile&t=f&f=96084&token=4141e5aaab9da174882571714aa66ad2614eda22>

² <https://www.rtr.at/medien/service/verzeichnisse/mux/MUX.en.html>

³ https://personales.upv.es/thinkmind/dl/conferences/icds/icds_2014/icds_2014_3_10_10068.pdf

⁴ <https://www.rura.rw/index.php?eID=dumpFile&t=f&f=96084&token=4141e5aaab9da174882571714aa66ad2614eda22>

1. Establishing, operating and developing a multiplex which in practice encompasses consultations with content service providers (CSPs), the Regulator for licensing and other pre-requisite processes, equipment installation, daily operations, maintenance, and network expansion or upgrades.
2. Provision and management of connections to CSPs, which includes service negotiations, contracting, network integration, and ongoing monitoring of network and billing.
3. Provision and management of delivery of multimedia services to consumers. This function entails activating programmes as per agreements with CSPs, delivering television, radio, and value-added services to end-users. This is inclusive of handling billing, subscriber management and service monitoring to ensure quality delivery.
4. Compliance with regulatory requirements as per licence. This means the MUX operator would need to demonstrate compliance with licence conditions to ICASA, such as operating within the assigned spectrum bands and in protecting the public interest, etc.

Benefits of a Multiplex operator

By combining multiple channels and services into a single digital data stream, a MUX operator ensures efficient use of available bandwidth while optimizing the use of the frequency spectrum. It ensures the maintenance of signal quality and that technical standards are uniformly applied across broadcasters sharing the same multiplex. Moreover, the MUX operator also provides the necessary technical infrastructure to manage, operate, and maintain digital broadcasting networks, including equipment installation, network upgrades, and ongoing operational support. Operationally, it simplifies network management by consolidating multiple signals into a single data stream, reducing routing and switching complexity and enhances reliability. Multiplex operators may add or remove channels easily in response to changing demands, and supporting the delivery of advanced services like interactive content, multiple audio tracks, and real-time data streams, including an engineering channel necessary for updating consumer reception equipment.

We reiterate that SOS understands multiplexing to be a component of the signal distribution process. The bundling can occur either at the broadcaster's premises before transmission or at the facilities of the signal distribution operator (IECNS licensee) or both depending on the size and number of channels originating from various broadcasters.

The revised DTT Regulations seem to introduce a new license category not explicitly supported by the Electronic Communications Act (ECA), unless it is intended to fall under an Individual Electronic Communications Network Service (IECNS) license, either way, this would still require a ministerial policy directive to proceed. SOS requests that ICASA provide further clarity on the rationale for establishing a distinct license category for the Multiplex Operator, if different from the signal distributor. We note that the introduction of a Multiplex Operator would need careful justification to ensure it adds value, promotes competition, and does not burden the sector with redundant licensing requirements.

3. With the introduction of Multiplex Operator, who should hold the Radio Frequency spectrum licence? Please have regard to the relevant provisions of the Electronic Communications Act, including, but not limited to sections 31 and 63.

SOS is of the view that the service licensee should hold the Radio Frequency (RF) spectrum licence as provided for in sections 31 and 63 of the ECA. Unless and until the ECA is amended to make provision for new categories of licensee, the broadcast service licensee should hold the RF spectrum licence and the I-ECNS licensee providing signal distribution services would hold spectrum licences that allow them to provide services to broadcasters and other operators.

4. What is the distinction between the multiplex operator and signal distributor?

A signal distributor is responsible for the physical transmission of broadcast signals over a network infrastructure while a MUX operator manages the process of multiplexing (as explained above they are typically two services offered by the same entity, although broadcasters may also perform multiplexing functions as part of their technical operations). SOS understands multiplexing to be a component of the broader

signal distribution process, rather than a separate function requiring its own licensing category.

Many African countries that have considered the establishment of a MUX operator such as Tanzania, Rwanda, Botswana, Swaziland, etc) , a signal distributor often plays a dual role as a multi-plex operator. Multiplex operators “are regarded simply as infrastructure providers and managers of transmission process. They need hardware to achieve programme transmission and frequency spectrum resource to deliver content services to consumers”⁵. The operator can either own or rent the network infrastructure. Practically, a DTT MUX operator collects and marks the content and sends it as a digital multiplex, and in most cases decides which Conditional Access (CA) and which Subscriber Management System (SMS) will be used.

As such, SOS is of the view that Sentech is well positioned to offer multiplexing services given that it already possesses an extensive infrastructure, technical expertise, and universal coverage across the country. This approach is cost effective as it leverages existing resources. However the ECA encourages competition in the market and therefore any entity that is in a position to offer such services, and for which it obtains a licence should be allowed to operate in the country. Where it is feasible and in the interests of growing the sector, establishing another entity for this role, may be in the public interest rather than protecting state monopoly providers.

- 5. Community broadcasters’ submission that the Authority should consider allocating more capacity for community broadcasters for possible HD implementations. Considering the cost to maintain a full Mux is the community, is the community broadcasters having reservations for sharing a MUX? Will community broadcasters be able to carry the operational cost of a Mux, if allocated more capacity? Give suggestions on how broadcasters can carry these costs.**

⁵ https://www.tcra.go.tz/uploads/text-editor/files/2nd%20Consultation%20Document%20on%20Switchover%20from%20Analogue%20to%20Digital%20Broadcasting%20in%20Tanzania_1622728397.pdf

As the government currently subsidizes dual illumination, a similar approach could be extended to support multiplex operation, signal distribution and platform costs for community broadcasters, particularly during the early stages after analogue switch-off (ASO). This would enable broadcasters to build and retain a reasonable audience base and strengthen their sustainability. Tanzania and Kenya took a similar approach where government provided financial subsidy for both community and national broadcasters to promote inclusivity and equitable access to digital broadcasting. Local municipalities could also be encouraged to contribute a certain amount to a subsidy mechanism in advancement of the public interest.

Sentech could also introduce discounted packages where broadcasters receive a cost reduction firstly in the fee itself by virtue of being community broadcasters and secondly for early or advance payments for multiplexing and signal distribution and platform services.

Existing mechanisms such as the Universal Service and Access Fund (USAF) could be leveraged to subsidize MUX operations and signal distribution fees for the extension of community television in under serviced areas. Certain funds within the Media Development and Diversity Agency (MDDA) could be strategically repurposed to support same.

There is room to explore cooperative multiplex management models where several community broadcasters could jointly manage transmission capacity and share infrastructure costs.

In addition to the proposed government subsidy, another mechanism is to impose licence obligations on commercial television to contribute a higher portion of their financial turnover to the community TV signal and MUX operation fees post ASO via the USAF and MDDA.

- 6. Please rationalize the reduction of the “Commencement of Operations” period from 36 months to 24 months, taking into consideration the time that broadcasters need to source content? Are you referring to incumbent licensees or new licensees? Also, seeing that other broadcasters are requesting an increase of this period.**

As stated in our submission, the reduction of the period from 36 months to 24 months will ensure the efficient use of multiplex capacity and to avoid spectrum being held unused for extended periods.

We acknowledge that new entrants often face challenges related to financing, infrastructure setup, and content acquisition and have a higher risk of failing to launch. However, we are of the view that the 24-month period is sufficient to accommodate these realities.

SOS is of the view that the same time-period should be applicable to incumbent broadcasters, as they already have established content pipelines and operational structures. Several of the members of SOS are local content producers and we are of the view that the growth of the local content industry is dependent on the acquisition of new and original content, and this content is vital to attract viewers to the digital multi-channel platforms.

To ensure ICASA can effectively monitor progress, broadcasters should be required to submit progress reports every six months keeping the authority informed throughout the process. We reiterate that 36 months is too long of a waiting period for audiences to receive diverse content (channels). However, to address broadcasters' concerns regarding operational readiness, ICASA could introduce a limited appeal period of up to six months for broadcasters who fail to launch in the allocated 24 months. Broadcasters would need to demonstrate readiness and feasibility to launch within the extended period.

Should ICASA consider the extension broadcasters are requesting, perhaps it would be more prudent for ICASA to adopt a flexible extension approach aligned with the three-tier broadcasting system instead of a uniform approach. This approach would allow consideration of the specific capacities and challenges faced by community, commercial, and public broadcasters, ensuring both fairness and inclusivity. This flexible approach should also consider the number of channels the broadcaster is planning to launch at any given time.