



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	31 March 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present		Chairperson
		Member
		Member
		Member
		Member
		Member
		Member
By Invitation		CEO
		CFO
		Corporate Secretary
		Secretariat Officer
		Secretariat Officer
Partial Attendees		Executive: Licensing
		SM: ICT Services
		Radio Frequency Specialist
		Network Systems Specialist
Apologies		Member



No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>1.1 Cllr [REDACTED]</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. E3.1 Proposed 2019/20 ICASA Merit Increase was deferred to the next Council Meeting.</p> <p>3.2. E3.2 2019/20 Performance Bonus Payment was deferred to the next Council Meeting.</p> <p>The agenda was ratified as indicated above.</p>	All
4.	<p>Minutes of the previous meetings:</p> <p><u>Minutes of a Council Meeting held on 09 March 2021</u></p> <p>Paragraph 4.4 was amended to indicate that on 26 February 2021, a letter was sent to the Minister (DCDT) indicating that the Authority will not participate in the proposed mediation process.</p> <p><u>Minutes of a Council Meeting held on 16 March 2021</u></p> <p>4.1. At the bottom of page 6, an apostrophe was added to the word Applicants.</p>	Council



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	<p>4.2. The words Government Gazette were changed to capital letters.</p> <p>4.3. 8.6 in the second line, "thus" was removed.</p> <p>4.4. The Rate of Return (ROR) from Price Cap needed to be highlighted in the minutes.</p> <p>4.5. Paragraph 10.13 was corrected to reflect that "the Committee informed Council that the IMT/ITA Tier 1 explanation was exactly the same as captured in the Mobile Broadband Inquiry (MBI)".</p> <p>4.6. Paragraph 13.13 the word "Vulindlela" was captured in Capital Letter "V".</p> <p><u>Minutes of a Council Meeting held on 17 March 2021</u></p> <p>The minutes were adopted as presented.</p> <p><u>Minutes of a Council Meeting held on 23 March 2021</u></p> <p>Page 6, the last part of the sentence was deleted, and it was stated that Council approved the Submission.</p> <p><u>Minutes of a Council Meeting held on 24 March 2021</u></p> <p>The minutes were adopted as presented.</p> <p><u>Minutes of a Council Meeting held on 29 March 2021</u></p> <p>4.7. Page 3, paragraph 7.5 there was a need to verify the terminology used of Megabyte and Megabit.</p> <p>The minutes were adopted by Council subject to the above changes.</p>	
5.	<p>Report on the analysis of Tariff Notifications for the Period 01 July 2020 to 31 December 2020</p> <p>The Manager: Retail Services presented the submission:</p> <p>The purpose of the submission was to request Council to note the report on the analysis of Tariff Notifications submitted to ICASA for the period 01 July 2020 to 31 December 2020, which would be published on the Authority's website.</p>	CEO/PRA



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	<p>5.1. The Q4 Bi-Annual report was a follow up to the previous Q2 report which looked into the period between January 2020 to June 2020.</p> <p>5.2. In terms of the Standard Terms and Conditions Regulations of 2010 and End-user and Subscriber Regulations of 2016, as amended, Individual licensees are required to file notifications of tariffs and promotions with the Authority, seven (7) days prior to launching them in the market.</p> <p>5.3. The analysis contained in the report was based on prepaid tariffs that were filed in accordance with Regulations 4(3) and 4(4) of the Information and Communications Technology (ICT) COVID-19 National Disaster Regulations.</p> <p>5.4. The purpose of the report was to provide an update on tariffs that were filed by the different Individual Licensees during the period under review.</p> <p>5.5. The report presented an analysis of the 283 tariff notifications received from individual licensees during the period under review. It entailed the following:</p> <p>5.5.1 An analysis of the five types of prepaid tariff plans that were on offer in the market in the period under review, namely the standard prepaid data tariffs, promotional prepaid data tariffs, standard prepaid voice tariffs, promotional prepaid voice tariffs, and standard prepaid integrated bundles;</p> <p>5.4.1 Brief analysis of month-to-month (MtM) LTE and Wi-Fi tariff plans;</p> <p>5.4.2 Brief analysis MtM FTTH plans and offerings; and</p> <p>5.4.3 A discussion of regulatory interventions underway to address the cost of data and reduction of the cost to communicate.</p> <p>5.6. In terms of the report, the Authority made the following observations:</p> <p>5.6.1 In terms of Mobile Data Services filed in the period under review, the Authority received an amendment notification</p>	



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	<p>with respect to 30-day standard prepaid data bundles from two Mobile Network Operators (MNO's) namely Vodacom and Telkom Mobile.</p> <p>5.6.2 The report indicated that MTN and Cell C did not file any amendments or introduce any new data bundle offers with respect to their 30-day prepaid data bundles in the period under review.</p> <p>5.6.3 The report reflected that Telkom no longer offers the 100MB data bundle and have replaced it with a 150MB data bundle, and now charges a price that is R 0.25 less than what it was charging for the 100MB data bundle. Telkom now charges R 29 for its 150MB data bundle, making the price equivalent across the MNOs for the same data volume.</p> <p>5.6.4 Telkom reduced the price of their 1GB bundles by R 1 (or 1%), from R 100 to R 99, thus charging the same price as Vodacom and MTN. However, Cell C remains the most affordable bundle priced at R 95, which is R 4 cheaper than the other three MNOs.</p> <p>5.6.5 Table 4 of the report depicts a summary of the salient year-on year changes that the Authority has observed for the standard 30-day prepaid data bundles between the 2019/20 FY and 2020/21 FY period.</p> <p>5.6.6 A positive outlook was depicted by table 4 of how prices have relatively declined for various the 30-day standard prepaid data bundles, over and above the 1GB data bundle which MTN, Vodacom and Cell C signed an agreement with the Competition Commission following the Data Services Market Inquiry.</p> <p>5.6.7 Although operators were sending all their filings in line with the ICT disaster Regulations, some of the filings brought were normal filings where they did not seek to reduce prices, or to increase data packages.</p> <p>5.6.8 There were no updates for standard prepaid voice tariffs, however, there were various voice bundle tariff plans</p>	



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	<p>which were introduced during the period under review such as, the MTN Sunrise Bundle, MTN All-Net and On-Net Voice Bundles and Vodacom's All-net Bundles.</p> <p><u>Imputes and comments</u></p> <p>5.7. Council was of the view that the PowerPoint presentation was more interesting and inquired if the PowerPoint presentation in the submission could be included into the report.</p> <p>5.8. Council stated that there was evidence of lower prices with regards to data cost, but the quality of service was still a challenge especially outside of the bigger cities in the rural areas.</p> <p>5.9. The Executive indicated that there is a format that has been followed over the years and there has been not much deviation from it in terms of the analysis that was completed.</p> <p>5.10. The presentation was something that was thought to be useful to prepare, in order to provide context and a high-level overview of the observations from the period being reported on. Some of the analysis can be extracted from the presentation into the report so that it is not completely lost from the report.</p> <p>Council resolved to note the submission.</p>	
6	<p>Implementation of the Radio Frequency Migration plan 2013 And 2019</p> <p>The Radio Frequency Specialist presented the item.</p> <p>The purpose of the submission was to request Council to note the Project Charter for the development of the Implementation Plan of the Radio Frequency Migration Plan edition 2013 and 2019.</p> <p>6.1. The 2013 Migration Plan identified a number of Radio Frequency bands for a feasibility study, both economically and technically, including the 2019 migration plan.</p>	<p>Cllr</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

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	<p>6.2. The projects were not undertaken in the 2020/2021 FY due to budget constraints but are planned to be undertaken in the 2021/2022 FY.</p> <p>6.3. The implementation plan is to be undertaken, taking into consideration the Technical and Economic Feasibility Studies prescribed in the Radio Frequency Migration Plan 2013 and 2019 and in accordance with the Radio Frequency Migration Regulations 2013, the Radio Frequency Spectrum Regulations 2015.</p> <p>6.4. The implementation of Radio Frequency Migration Plan is to be undertaken in two (2) phases as follows:</p> <p>6.5.1 Phase 1: The Authority is to conduct Technical and Economic Feasibilities Studies for all the frequency bands identified in the Radio Frequency Migration Plan 2013 and 2019, taking into considering the regulatory framework¹ in so far as managing and assigning the radio frequency spectrum.</p> <p>6.5.2 Phase 2: The Authority, taking into consideration the results of the feasibility studies, develop and or revise the Radio Frequency Spectrum Assignment Plans (RFSAP(s) to give effect of the implementation of the Radio Frequency Migration Plan 2013 and 2019.</p> <p>6.6 It was anticipated that the outcome of the feasibility studies would be the report mapping out different scenarios and including the following recommendations:</p> <p>6.6.1 Detailed cost analysis of the spectrum migration process and the affected users in the bands being migrated;</p> <p>6.6.2 Detailed analysis identifying destination frequency bands for the incumbent services where this is not identified by the frequency migration plan;</p> <p>6.6.3 Detailed project phases for migration of the identified frequency bands;</p>	


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	<p>6.6.4 The best fit in terms of internationally and or regionally harmonised channels arrangements and plans with provision for options for spectrum re-use; and</p> <p>6.6.5 Estimated time frames for the migration to identified destination bands.</p> <p><u>Comments and Inputs</u></p> <p>6.7 Council requested that the submission be revisited in April 2021 in light of what Council decided previously, that all the outcomes of the WRC19, all the correspondence shared with the Minister and how it flows into the work of the committee going forward.</p> <p>6.8 The Committee suggested that the Authority could have a workshop that deals with all the spectrum related matters, and it will be useful to consider the workshop approach.</p> <p>Council resolved to note the submission.</p>	
7	<p>Report on the implementation of the International Mobile Telecommunications Roadmap 2014 and 2019</p> <p>The Radio Frequency Specialist presented the item:</p> <p>The purpose of the submission was a follow-up on the previous item, the (IMT) Road Map, where the Authority looks at the options and recommendations for implementation. The Authority looks at potential scenarios for migration of spectrum users. In band, out of band, the Authority performs and analysis and develops a roadmap on the way forward.</p> <p>7.1. The idea is to align all the frequency bands and to ensure that there is world-wide harmonisation in order to reduce ecosystem fragmentation in several ways. The objective of the IMT roadmap 2014 and 2019 is to present the decision of the Authority in respect of the roadmap for radio frequency spectrum for IMT.</p> <p>7.2. The implementation of the roadmap will result in the development of the assignment plans, which were identified in</p>	Cllr [REDACTED]





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	<p>2014 for the feasibility study as well as the one identified in the 2019 feasibility study.</p> <p>7.3. The frequencies that have been harmonised will be included when the committee develops the IMT roadmap implementation plan? for the 2021/2022 FY.</p> <p>7.4. Therefore, Council was requested to note that:</p> <p>7.4.1 the World Radiocommunications Conference 2019 (WRC-19) identified the frequency bands between 24,25 GHz and 71 GHz for the implementation of the IMT;</p> <p>7.4.2 the International Telecommunications Union's Radiocommunications Sector (ITU-R) is developing harmonised frequency arrangements for the new IMT frequency bands between 24,25 GHz and 71 GHz in order to finalise the revision of the Recommendation 1036-6 November 2020;</p> <p>7.4.3 an African Evaluation Group, led by South Africa, evaluated six (6) proponents of IMT-2020 candidate technologies over the standard development period ending in February 2021; and</p> <p>7.4.4 the results of the three successful Technologies that have qualified, having met the requirements of the IMT2020 Performance specifications, were finalised and published in February 2021 in Recommendation ITU-R M.2150-0, containing the "Detailed specifications of the terrestrial radio interfaces of International Mobile Telecommunications-2020 (IMT-2020)", paving the way for the deployment of Fifth Generation Networks (5G).</p> <p><u>Comments and inputs</u></p> <p>Council indicated that the items which have been presented were dependant on undertaking a procurement process, and further requested the Executive to note that the funds which were meant for the 2020/2021 FY to be rolled over to the incoming financial year, so that the committees do not lose the funds.</p>	


No.	Action Item	Person Responsible
	Council resolved to note the submission.	
8	<p>5G Project Annual Report for 2020/21 Financial Year</p> <p>Network System Specialist: E&T presented the submission:</p> <p>The purpose of the submission was to request Council to note the Fifth Generation (5G) project annual report for the 2020/21 financial year.</p> <p>8.1. In the 2017/18 financial year ICASA established the South African 5G Forum (Forum). The Forum is an independent advisory body, constituted by stakeholders within the ICT Sector.</p> <p>8.2. During the 2020/21 financial period, the Authority conducted a stakeholder survey on the state of 5G readiness in South Africa. A questionnaire was developed by the Authority's 5G Committee and circulated to the members of the 5G Forum.</p> <p>8.3. The survey consisted of 6 sections, namely, Demographics, 5G Infrastructure Readiness; 5G Use Cases for South Africa; Spectrum Management for 5G; The 5G Forum; and Policy, Regulation and General.</p> <p>8.4. Sixteen (16) responses were received from industry stakeholders. The annual report for 5G project report gives an analysis of the responses from the respondents and provides recommendations. Furthermore, the report highlights the status, readiness, and prospects for 5G in South Africa.</p> <p><u>Key Recommendations of the Report</u></p> <p>8.5. It recommended that the adoption and implementation of Rapid Deployment Guidelines will be a significant stimulus to the deployment of 5G network infrastructure, along with alternative power supply solutions where there are electrification challenges.</p> <p>8.6. The Authority should include the relevant 5G standards in the Official List of Regulated Standards. In respect of policy and regulation, the report recommends that a clear framework for infrastructure deployment be instituted, covering the</p>	Cllr 

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	<p>standardisation of a digitised wayleave and right-of-way approval process, the removal of barriers imposed by state entities and the establishment of a uniform pricing framework for landowners.</p> <p>8.7. The analysis of spectrum management concludes that 5G will be enabled by new radio technologies, stable and secure sources of power, and availability of radio-frequency spectrum.</p> <p>8.8. In respect of policy and regulation, the report recommends that a clear framework for infrastructure deployment be instituted, covering the standardisation of a digitised wayleave and right-of-way approval process, the removal of barriers imposed by state entities and the establishment of a uniform pricing framework for landowners.</p> <p><u>Comments and inputs</u></p> <p>8.9. Council inquired, at what stage would the environmental impact of 5G find an audience in the reports submitted.</p> <p>8.10. The Committee indicated that it noted that the environmental impact of 5G was not covered in the questionnaire as the aim was to keep it manageable, however, the impact was noted as an important issue that sought to be addressed.</p> <p>Council resolved to note the submission.</p>	
9	<p>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>The Executive: Licensing presented the submission:</p> <p>Council previously deliberated on the matter. Council was taken through the essence of the legal opinion on whether there is sufficient grounds and justification, for ICASA to proceed with publishing the Regulations, without fulfilling the conditions which were contained in Annexure E of the submission- a deviation application to the Commissioned of B-BBEE, as Council was of the view that</p>	Cllr 



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	<p>consideration must be had for a consultation with the Minister of Trade Industry and Competition.</p> <p>9.1. The legal opinion sought indicated that there is no insurmountable challenge in respect of the Authority publishing the Regulations as they are, and thereafter submit the deviation application to the B-BBEE Commission.</p> <p>9.2. Senior Counsel had intimated that because of Section 46 of the Constitution and Inter-Governmental Framework Act, it would be prudent if Council were to direct correspondence to the Minister (Trade Industry and Competition) alerting him of the submission to the B-BBEE Commission.</p> <p>Council approved the submission with the clarification provided by the legal opinion provided.</p>	
10	<p>Consumer Advisory Panel (CAP) fourth Quarter report and Annual Advisory Report 2020/ 2021 Financial Year</p> <p>The Chairperson of CAP presented the submission:</p> <p>10.1. In Q4, CAP was able to visit the Northern Cape and engaged with different communities which are mainly rural, as well as stakeholders interested in Community Radio Stations.</p> <p>10.2. CAP was also able to submit written representations into a number of draft Regulations published by ICASA during the year under review. CAP has achieved on average 133% of the work it was tasked to perform.</p> <p>10.3. In terms of advisory:</p> <p>10.3.1 CAP raised an issue that the postal services are a grave concern particularly in the Free State and the Northern Cape postal districts.</p> <p>10.3.2 The issues that came up during the CAP visit emphasised the importance of a functional postal services for rural communities as services were non-existent in those areas.</p>	<p>Cllr</p> <p></p>

No.	Action Item	Person Responsible
	<p>10.3.3 The community sector had some specific challenges which relate to the Authority. The geography itself and the cost of signal distribution combined, makes it impossible to cover the targeted areas.</p> <p>10.3.4 CAP made recommendations that the issue of effective broadcasting for community broadcasters be looked at and be taken up with the MDDA.</p> <p>10.3.5 The SMMEs in the areas complained about the inadequacy and unreliability of broadband, mobile broadband is available, but there are very few towers from the operator side.</p> <p><u>Comments and inputs by Council</u></p> <p>10.4 Council congratulated CAP for complying with the APP targets and asked how the Authority can further assist the panel with regards to dealing with the issues raised.</p> <p>10.5 There are instances in the report which depict that it is difficult to find a Post Office in other areas, as there is no signage.</p> <p>The submission was approved by Council.</p>	
11	<p>Received applications in respect of the Invitation to Pre-Register (ITP-R), for Community Sound Broadcasting Service and Radio Frequency Spectrum Licence</p> <p>The SM: ICT Licensing presented the submission</p> <p>The item was presented in the Council meeting held on Monday 29 March 2021 and there was subsequent work done as well as a way forward on how many applicants have qualified to the next round of the licensing process.</p> <p>The submission was taken as previously handled but further information was requested by Council for clarity purposes.</p> <p>11.1. There are no other applicants proceeding to phase two save for the two that the committee has already indicated.</p>	<p>CIlr</p> 

No.	Action Item	Person Responsible
	<p>11.2. The Committee highlighted certain aspects regarding the criteria and what it has done to enable Council to make an informed decision.</p> <p>11.3. The table contained in the submission tried to illustrate how deep the Committee had endeavoured to assist and guide the applicants.</p> <p>11.4. The Committee emphasised that some of the non-compliance matters related to failure to submit tax clearance certificates and failure to declare personal status as Politically Exposed individuals.</p> <p>11.5. In most instances, the 51% quorum for an AGM was not complied with.</p> <p><u>Comments and Inputs</u></p> <p>Council resolved that the Committee proceed to process the successful applicants to the next phase and that the Authority will open another round of applications.</p> <p>Council approved the submission.</p>	
12	<p>Inquiry into Subscription Television Broadcasting Services</p> <p>The Manager: Cyber Security presented the item</p> <p>The purpose of the submission was to appraise Council on the progress of the work of the Subscription Television Broadcasting Market Council Committee and the challenges it faced in producing the Findings Document and draft Regulations for the 2020/21 financial year, in line with its APP Targets.</p> <p>12.1. The Committee held Public Hearings on the Draft Findings Document from the 12-15 January 2021.</p> <p>12.2. In Q2, a Draft Findings Document was developed, but is ought to be updated in line with recent market developments.</p>	Cllr 

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No.	Action Item	Person Responsible
	<p>12.3. The target for Q4 was to develop the final Findings Document and in line with the findings, determine whether there was a need to publish Regulations.</p> <p>12.4. The Committee concluded that in its view, there was a need for Regulations, however, due to the threat of litigation which delayed the work of the Committee and certain disagreements with the Service Provider, it could not meet its Q4 target.</p> <p>12.5. The Committee will revise its project plan in an endeavour to finalise the project.</p> <p>12.6. The scope of work will be extended for the Service Provider to proceed with the finalisation of the work</p> <p>12.7. A supply chain management process will be undertaken to accommodate the extended scope of work for the Service Provider</p> <p>12.8. Frequent meetings will be held to closely monitor the project</p> <p><u>Comments and Inputs</u></p> <p>12.9. Council indicated that it was aware of the challenges that delayed the project and that it was unfortunate that the APP target will be missed.</p> <p>2.10. Council stated that the committee has a full financial year from 2021/2022, to align the Draft Findings Document with markets developments.</p> <p>Council resolved to note the submission.</p>	
13	<p>Tabling of The Budget for 2021/22 Financial Year Budget</p> <p>The Chief Financial Officer presented the item.</p> <p>The purpose of the submission was for Council to note the current budget allocations per division and approve the final 2021/22 budget to be implemented from 1 April 2021.</p>	CEO/CFO

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	<p>13.1. The draft budget was submitted in terms of sections 38 (1) (c) (ii) and 40 (1) of the Public Finance Management Act (PFMA) and the approved Budget Policy.</p> <p>13.2. The presentation detailed the total amount of Revenue estimated for the 2021-22 financial year and the actual expenditure budget allocated per division.</p> <p>13.3. The current allocation is based on the Grant received from the Department of Communications and Digital Technologies (DCDT).</p> <p>13.4. Declaration of Surpluses for 2019/20 Financial Year indicated a [REDACTED] [REDACTED] [REDACTED]</p> <p>13.5. The Authority also received an additional budget allocation of [REDACTED] [REDACTED]</p> <p>13.6. An additional amount of [REDACTED] [REDACTED]</p> <p>13.7. The Authority's budget [REDACTED] [REDACTED]</p> <p>13.8. The proposed [REDACTED] [REDACTED]</p> <p>13.9. On 29 March 2021, [REDACTED] [REDACTED] [REDACTED] 2021. [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Recommendation</u></p>	

No.	Action Item	Person Responsible
	<p>It was recommended that Council provide inputs where necessary and approve the proposed budget and mitigating measures as follows:</p> <p>3.10. Approve the [REDACTED] and</p> <p>3.11. Approve [REDACTED]</p> <p><u>Comments and Inputs</u></p> <p>3.12. Council requested clarity [REDACTED]</p> <p>3.13. Council was [REDACTED]</p> <p>3.14. The Executive indicated [REDACTED]</p> <p>Council approved the submission.</p>	
14	<p>ICASA's Projected Year-End Performance 2020/21FY</p> <p>The SM: Strategy and Programme Management presented the item</p> <p>The purpose of the submission was to present a projected year-end organisational performance report for the 2020/21FY.</p> <p>14.1. Forty-eight (48) project annual targets were planned across all ICASA Programmes and Sub-Programmes at the beginning of the financial year based on the approved APP 2020/21.</p>	CEO



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	<p>14.2. Thirty-three (33) annual targets have already been achieved. Nine (9) annual targets will be achieved. Six (6) annual targets will not be achieved. The projected annual performance for the organisation is forty-two (42) annual targets achieved out of forty-eight (48).</p> <p>14.3. Four Programmes, namely; Finance, Human Resources and Legal Risk & CCC and Regions have already achieved their year-end annual targets. As a result, their Projected Year-end Performance percentage figure is the same as their Already Achieved percentage figure at 100%. It means the four are not carrying any workload (annual targets) between now and end of the financial year.</p> <p>14.4. Three Programmes, namely; Corporate Services, Internal Audit and Compliance and Consumer Affairs are still carrying annual targets that they are confident to achieve by the end of the financial year.</p> <p>14.5. Three Programmes, namely; Licensing, Policy Research and Analysis and Engineering & Technology are the only three Programmes which are carrying annual targets that they will not be achieved by the end of the financial year.</p> <p>14.6. Based on the findings, if all the targets which have been reported as "Will be achieved" by certain Programmes, get achieved, the Authority will end the year at $(42/48) = 87.5\%$.</p> <p><u>Comments and Inputs</u></p> <p>Council commended the Executive for the achievement, and further expressed that in (the Covid-19 year of lockdown), the achievement is not to be taken lightly and should be applauded.</p> <p>The submission was noted by Council.</p>	
15	GENERAL	Chairperson

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No.	Action Item	Person Responsible
16	Closure The Chairperson thanked all who were present at the meeting and closed the meeting at 12:23 pm.	Chairperson
17	Date of next meeting: TBA	Secretariat

Chairperson

30 April 2021