

7. Substitution of Form C of the Regulations

The following Form of Schedule 1 is hereby substituted for Form C of the Regulations:

“FORM C

APPLICATION TO AMEND AN INDIVIDUAL LICENCE (Regulation 9)

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

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 relevant 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.*

1. PARTICULARS OF LICENCE	
1.1 Licence number:	006/COMMERCIAL/R/SEPT/08
1.2 Nature of services authorised to be provided in terms of the Licence:	Commercial Sound Broadcasting
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 Appendix 1.3 of FORM C.

2. PARTICULARS OF APPLICANT (LICENSEE)	
2.1 Full name of applicant:	Primedia (Pty) Ltd ("947")
2.2 Designated Contact person:	Nomvuyiso Batyi
2.3 Applicant's street address:	Primedia Place 5 Gwen Lane Sandown Sandton, 2196
2.4 Applicant's principal place of business (if different from street address):	Primedia Place 5 Gwen Lane Sandown Sandton, 2196
2.5 Applicant's postal address:	PO Box 5572 Rivonia 2128
2.6 Applicant's Telephone number/s:	(011) 506 3540
2.7 Applicants mobile number/s	073 111 0033
2.8 Applicant's Telefax number/s:	086 242 1589
2.9 E-mail address of designated contact person:	NomvuyisoB@primedia.co.za

3.	PROPOSED AMENDMENT TO THE LICENCE
3.1	Set out the proposed amendment/s.
	<p>Clause 5 of the licence to be amended to read:</p> <p>"The Licensee shall promote at least eight (8) local music concerts per annum."</p>
3.2	Set out the reasons for the proposed amendment/s to the Licence. If the amendment is with regard to programming, please attach a research undertaken supporting the proposed amendment.
	<p>Refer to Amendment Application Letter attached hereto.</p>
3.3	Explain the implications (if any) of the proposed amendment/s, with specific reference <i>inter alia</i> to the provisions of section 10(1) (a), (b), (c), (d) and (f) of the Act:
	<p>Refer to Amendment Application Letter attached hereto.</p>

4.	RADIO FREQUENCY SPECTRUM
4.1	Indicate whether the applicant holds a radio frequency spectrum Licence. If so, provide details thereof and attach a copy of the radio frequency spectrum Licence marked clearly as Appendix 4.1 of FORM C :
	<p>Yes, Primedia (Pty) Ltd holds a radio Frequency Spectrum Licence in respect of 947.</p> <p>Licence No: 006/COMMERCIAL/FREQ/R/SEPT/08</p> <p>Copy of the licence is attached hereto and marked Appendix 4.1 of Form C.</p>
4.2	In the event that an amendment to the applicant's radio frequency spectrum Licence is necessary, provide details of such an amendment. A separate application to amend the applicant's radio frequency spectrum Licence must be submitted to the Authority in this regard at the same time as this application.

5.	UNDERTAKINGS
5.1	Provide details of undertakings (if any) and other matters which, in the applicant's view, the Authority may need to take into consideration:
	<p>N/A</p>
5.2	Attach a resolution authorising the person (s) not more than two (2) signing this application. The person (s) must liaise with the Authority during the registration process. The resolution must be marked clearly as Appendix 5.2 of FORM C .

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application set aside, should any material statement made herein, at any time, be found to be false.

Signed
(APPLICANT)

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:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

COMMISSIONER OF OATHS
AURELIA ELIA MONTANARI (CA) SA
H.Dip TAX LAW (UJ)
5 GWEN LANE, SANBTON

SIGNED:
DATE: 20/4/2018

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

(...end of substitution)"

Mr. Thabo Ndhlovu
Independent Communications Authority of South Africa (ICASA)
Licensing Department
Block C, Pinmill Farm
164 Kathrine Street
Sandton
2146

19 April 2018

Deliver by Hand

Dear Mr. Ndhlovu

PRIMEDIA (PTY) LTD AMENDMENT APPLICATION: COMMERCIAL SOUND BROADCASTING SERVICE
LICENSEE – NO.006/COMMERCIAL/R/SEPT/08

1. INTRODUCTION

1.1 This is an application by Primedia (Pty) Ltd ("Primedia") to amend one of its broadcasting service licenses namely 947, a commercial music station bearing license no. 006/Commercial/R/Sept/08 ("the service license") dated 19th June 2013; a copy of which is attached hereto and "**Appendix 1.3 of Form C**". As ICASA is aware, Primedia is also licensee in respect of 702 and CapeTalk (commercial talk radio stations broadcasting in Gauteng and the Western Cape respectively), and KFM broadcasting in the Western Cape and which similar to 947, is a commercial music station.

1.2 Primedia wishes to bring an application to amend the service licence in terms of clause 10 of the Electronic Communications Act 36 of 2005 ("the ECA"), in particular clauses 10(1)(a), (b) and (c) thereof which provides as follows:

"10(1) The Authority may amend an individual licence after consultation with the licensee-

(a) To make the terms and conditions of the individual licence consistent with the terms and conditions being imposed generally in respect of all individual licenses of the same type;
[Underlining own emphasis]

(b) For the purpose of ensuring fair competition between licencees;

(c) To the extent requested by the licensee provided it will not militate against orderly frequency management and will not prejudice the interests of other licensees"

2. PROPOSED AMENDMENT TO THE LICENCE

2.1 The Authority may be aware that in August 2015, Primedia brought an application in terms of clause 10 of the ECA, wherein a request to amend clause 5 of the schedule to this service licence. This particular application was declined by the Authority and no reasons document was published or forwarded to Primedia as to the reasoning behind the decision to decline the application.

2.2 Primedia wishes to resubmit to the Authority an application to amend the second part of clause 5 of 947's schedule to the service licence which provides as follows:

"The Licensee shall promote at least eight (8) local music concerts per annum and allocate airtime for the broadcasting thereof" [underlining own emphasis]

2.3 Primedia wishes for clause 5 of the 947's schedule to the service licence to be amended to read as follows:

"The Licensee shall promote at least eight (8) local music concerts per annum."

3. REASONS FOR THE PROPOSED AMENDMENT

3.1 The proposed amendment is aimed at ensuring that Primedia's obligations relate to activities that are wholly within Primedia's control as this will ensure that Primedia is then able to fully comply with its licence obligations.

3.2 As indicated in our August 2015 amendment application, Primedia has previously tabled the challenges that it faces with regard to compliance with the said provision of clause 5 of the schedule to its service licence, challenges which Primedia respectfully believes the Authority acknowledged in 947's previous annual compliance reports wherein, the Authority's Monitoring Unit recommended that Primedia applies for an amendment to the relevant parts of the clause 5 of its service licence.

3.3 The challenges with regards to broadcasting a minimum of eight local concerts per annum are dealt with in turn below.

3.3.1 Most live events are arranged by third party promoters would have to obtain clearances from event sponsors, record labels, publishers and/or artists to broadcast their performance live on radio. This can be a lengthy legal documentation process and which in most instances is likely to be prohibitive for a number of reasons including the following:

(a) In instances where there are multiple artists and/or publishers and/or record labels in an event's line up; and

(b) Similar to any other broadcaster, 947 is not involved in creating events specifically for the purpose of broadcasting live music but is involved in content creation for purposes of disseminating it on its platform as part of its programming.

3.3.2 outside broadcast bears a huge financial cost which includes hiring experienced personnel and particular equipment, which is a cost that comes with normal straightforward broadcasting. Live music broadcasting on the other hand, requires unique engineering expertise and is therefore more expensive than ordinary outside broadcast. Furthermore, there is a limited number of engineers who have both concert and broadcasting experience to manage this effectively. In this context, it is also important to note the following:

(a) the quality of the audio feed from live music concerts is almost always a challenge and is dependent on the quality of the concert sound, venue acoustics, the size of the venue and mixing of live instruments with vocals – factors that a broadcaster such as 947 has no control over. It is important to note that this will create a noticeable risk to any broadcaster as poor quality sound would in all likelihood negatively affect such a broadcaster’s reputation amongst radio listeners; and

(b) there is always a risk of dropping the live feed from a concert venue and subsequently going off air. This is an unacceptably high risk for a commercial broadcaster. Mostly importantly, it is a risk that the broadcaster has no power over and would not even be in a position to in anyway mitigate against its eventuality.

3.3.3 We wish to reiterate the submission which we have made before the Authority as well as in our annual compliance reports, namely that the challenge is not with Clause 5 of 947’s service licence in its entirety but only with a portion thereof, that which requires that the concerts promoted be broadcast live. We have attempted to state in detail the factors that create the challenge which factors, are outside 947’s control. Therefore, we submit that 947 would still be able to comply with the first part of clause 5, in that the clause provides that “the licensee shall **promote at least 8 (eight) local music concerts per annum** and **allocate airtime to the broadcast thereof**” [underlining own emphasis]. Clause 5 has two parts to it which are connected by the word “and”. The first part of clause 5 puts an obligation on 947 to promote at least eight local music concerts per annum while the second part thereto puts an obligation to allocate airtime to the broadcast of the said music concerts. The purpose of our application as set out, is solely for purposes of deleting the second obligation. We are of the firm view that the deletion of the second obligation “to allocate airtime to the broadcast thereof” will not have any negative impact on 947’s ability to comply with the first obligation as is the case through the stations consistent promotion of local concerts as reflected in our annual compliance reports.

3.4 We therefore submit that this amendment application, if successful, will advance the objectives set out in section 2 (f) and (g) of the ECA, which provide that:

“2. The primary objective of this Act is to provide for the regulation of electronic communications in the Republic in the public interest and for that purpose to-

(f) promote competition within the ICT sector.

(g) promote an environment of open, fair and non-discriminatory access to broadcasting services,...”

3.5 The proposed amendments if successful will ensure an environment of open and fair competition where each broadcaster has licence terms that are in line with the business of broadcasting and within 947’s expertise and in line with what it has been licensed to do.

3.6 Furthermore, we submit that ensuring consistency of licence terms across licences of the same type will also and will also ensure the provisions of section 10(1)(b) are met, namely ensure fair competition between licensees. Therefore, we wish to reiterate in granting 947 its requested amendments, the Authority will in line with the ECA ensure fair competition amongst in ensuring that 947 is not unfairly expected to carry out obligations that fall outside the purview of what it is licensed for and most importantly outside its expertise as a broadcaster.

4. DATES AFTER WHICH PROPOSED AMENDMENTS WILL BECOME VALID

The proposed amendments shall become valid immediately upon granting by the Authority and shall continue to have effect until the expiry of the licence.

5. CONCLUSION

5.1 Section 10 of the ECA deals with amendments to the individual licences and specifically envisages circumstances where licence amendments are requested by a licensee, as is the case with this application.

5.2 Section 10(1)(c) of the ECA clearly indicates the key considerations that will inform the Authority’s discretion on whether or not to refuse an application for an amendment to an

individual licence, namely, circumstances where orderly frequency management would be interfered with or where the interest of other licensees would be prejudiced.

5.3 This application for amendment has no radio frequency spectrum issues and involves only 947 through ensuring that its obligations are in line with its expertise as a broadcaster and therefore ensuring full compliance. Therefore, we submit that interests of other licensees will not be prejudiced by these amendments.

5.4 As already stated, approving the proposed amendment to 947's broadcasting service licence will be in line with the objectives of the ECA in particular sections 2(f), 2(g) and 10(1)(b) thereof, as it will ensure an environment of open and fair competition where each broadcaster has licence terms that are in line with the business of broadcasting and the expertise thereto.

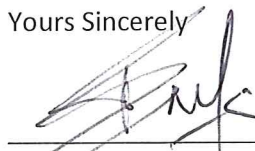
5.5 In respect of the proposed amendment, the Authority's Monitoring Unit in 947's 2013/2014 compliance report recommended that Primedia applies for an amendment to the relevant parts of clause 5 to its broadcasting service licence, in light of the challenges that the clause in question has posed and continue to pose to 947.

5.6 Most importantly, no provision of the ECA would be contravened

5.7 We would as a result of the above, appreciate the Authority's favourable consideration of this application.

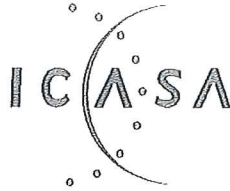
5.8 Should the Authority have any questions or require further information on this application, they may contact: Ms. Nomvuyiso Batyi – Group Human Capital and Regulatory Affairs Executive on office number 011 506 3540 or on email nomvuyisoB@primedia.co.za.

Yours Sincerely



Omar Essack

Chief Executive Officer: Primedia Group



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

INDIVIDUAL BROADCASTING SERVICE LICENCE

No 006/COMMERCIAL/R/SEPT/08

GRANTED AND ISSUED

TO

**PRIMEDIA (PTY) LTD
94.7 HIGHVELD STEREO**

FOR THE PROVISION OF

A COMMERCIAL SOUND BROADCASTING SERVICE

**SIGNED FOR AND ON BEHALF OF THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

EFFECTIVE FOR THE 17TH DAY OF DECEMBER 2008

A handwritten signature in black ink, appearing to read 'Mncube', written over a horizontal line.

**DR SS MNCUBE
CHAIRPERSON**

DATE: 19/06/2013

Dr SS Mncube (Chairperson), WH Currie, JM Lebooa, N Ndhlovu, KGS Pillay, Dr MM Socikwa, WF Stucke
(Councillors), TTC Dlamini (CEO)

1. LICENSEE

The Licence is issued to:

- 1.1 Name of Company/Entity: Primedia (Pty) Ltd
- 1.2 Shareholders: Primedia Holdings III Limited
- 1.3 Ownership held by persons from historically disadvantaged groups: 49.1%.

2. CONTACT DETAILS

- 2.1 The contact person for the Licensee shall be:
 - 2.1.1 Name: Khahliso Mochaba
 - 2.1.2 Tel: 011 506 3472 / 011 506 3380
 - 2.1.3 Fax: 086 680 1181
 - 2.1.4 Cell: 082 326 8436
 - 2.1.5 Email: Khahlisom@primedia.co.za
- 2.2 Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designated person.

3 NOTICES AND ADDRESSES

The Licensee chooses the following addresses as its principal addresses:

- 3.1 Postal Address: P.O. Box 5572
Rivonia
2128
- 3.2 Physical Address: Primedia Place
5 Gwen Lane
Sandown
Sandton
2196



SCHEDULE

1. Name of station

94.7 Highveld Stereo.

2. Geographic Coverage Area

Southern Gauteng, as defined in the coverage map attached to the Licensee's radio frequency spectrum licence.

3. Broadcast Language

Principal language: English.

4. Format

The Licensee shall have a programming format of talk and music in an adult contemporary format, providing a mix of music and information (including coverage of community affairs).

5. Local Content Obligations

The Licensee shall promote at least eight (8) local music concerts per annum and allocate airtime for the broadcasting thereof.

6. General Programming Obligations

6.1 The Licensee shall broadcast a minimum of thirty (30) minutes of news per day between 05h00 and 23h00 during weekdays.

6.2 The source(s) of all news material (other than news sourced from the Licensee) shall be disclosed during the news broadcast.

7. Training and Skills Development

The Licensee shall, over its licence period, allocate R350 000,00 (three hundred and fifty thousand Rand) per annum to training and development, particularly of staff from historically disadvantaged groups.



8. Community-related Obligations

8.1 The Licensee shall:

8.1.1. raise at least R 250 000,00 (two hundred and fifty thousand Rand) in cash and goods annually, and

8.1.2 provide airtime worth R250 000,00 (two hundred and fifty thousand Rand) annually towards supporting community organisations such as those benefiting:

- a) people infected or affected by HIV & Aids;
- (b) the terminally ill and/or the elderly;
- (c) schools;
- (d) women;
- (e) children; and/or
- (f) animals welfare.

8.2 The Licensee shall train staff from community sound broadcasting services within its geographic coverage area in the areas of: programme presenting and production, news, sales, marketing and sound engineering through mentoring and on-the-job training that is, having such staff "shadow" 94.7 Highveld Stereo presenters, producers, news reporters, sales representatives, marketing staff and sound engineers while at work.

9. Control Obligations

Directors of the Licensee shall retain control and responsibility for the running of the station notwithstanding the provisions of any management consultancy services engaged by the Licensee.



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

RADIO FREQUENCY SPECTRUM LICENCE

No. 006/COMMERCIAL/FREQ/R/SEPT/08

GRANTED AND ISSUED

TO

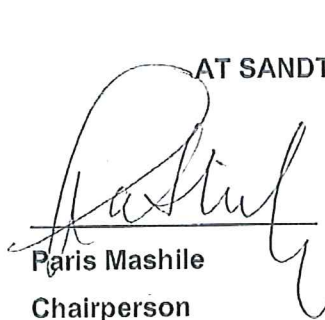
**Primedia (Pty) Ltd
94.7 Highveld Stereo**

FOR THE PROVISION OF

A COMMERCIAL SOUND BROADCASTING SERVICE

**SIGNED FOR AND ON BEHALF OF THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

AT SANDTON ON THIS ^{17th}.....DAY OF DECEMBER 2008


**Paris Mashile
Chairperson**

1. LICENSEE

The Licence is issued to:

1.1 Name of Company/Entity: Primedia (Pty) Ltd

1.2 Shareholders: Mine Workers Investment Company (32%)
 Kirsch Consortium (27.9%)
 Primedia Management (20.1%)
 Brait SA – entities (20%)

1.3 Ownership held by persons from historically disadvantaged groups: 38.6%

2 CONTACT DETAILS

2.1 The contact person for the Licensee shall be:

2.1.1 Name: Khahliso Mochaba
2.1.2 Tel: (011) 506 3472/3380
2.1.3 Fax: 086 680 1181
2.1.4 Cell: 082 326 8436
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 Sandton 2196



SCHEDULE

1. Name of Station

94.7 Highveld Stereo

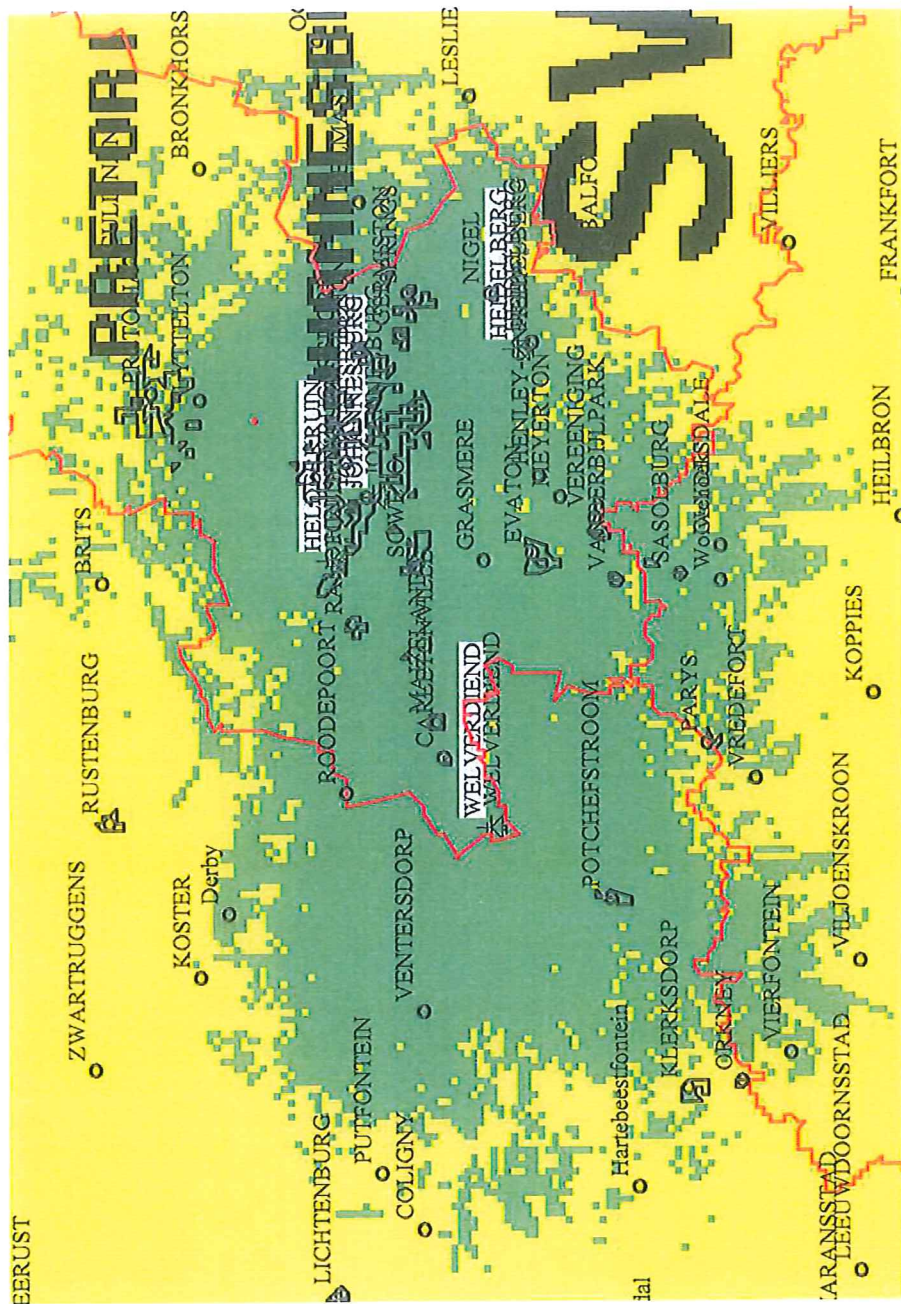
2. Geographic Coverage Area

Gauteng as defined in the coverage map attached to the licensee's radio spectrum licence.

3. General Conditions

The Licensee must at all times observe the provisions of international telecommunications conventions, such as those governing the International Telecommunication Union (ITU) and as they apply to the Republic of South Africa.





SCHEDULE B3 (COVERAGE AREA)

94.7 HIGHVELD STEREO

ICASA

Serame 11/03/2008



COMMERCIAL SOUND BROADCASTING LICENCE

TECHNICAL SPECIFICATIONS

94.7 HIGHVELD STEREO



TRANSMITTER NAME	GEOGRAPHIC		COORDINATES		FREQUENCY	HEIGHTS/m		DESIGNATION OF EMISSION	FREQUENCY STABILITY	SPURIOUS EMISSION	MAX. DEVIATION	MAX. ERP/KW	ANTENNA		SIGNAL DISTRIBUTOR
	LONGITUDE	LATITUDE	MID-ANTENNA (a.g.l.)	SITE (a.s.l.)									AZIM	POL.	
HEIDELBERG	028E20 53	26S29 19	35	1686	94	250KF8EHF	2000 Hz	60 dB/1 mW	75 kHz	0.1	Directional	V	Directional	V	SENTECH
HELDERKRUIJN	027E51 32	26S06 05	90	1738	100.5	250KF8EHF	2000Hz	60 dB/1 mW	75 kHz	0.07	Directional	V	Directional	V	SENTECH
JOHANNESBURG	028E00 26	26S11 31	201.75	1777	94.7	250KF8EHF	2000Hz	60 dB/1 mW	75 kHz	38	Mixed	M	Mixed	M	SENTECH
WELVERDIEND	027E14 55	26S26 47	102	1635	95.2	250KF8EHF	2000Hz	60 dB/1 mW	75 kHz	20	Directional	V	Directional	V	SENTECH

2

PRIMEDIA PROPRIETARY LIMITED
("The company")
Registration No. 2005/044403/07

WRITTEN RESOLUTION OF THE EXECUTIVE COMMITTEE OF PRIMEDIA PROPRIETARY LIMITED PASSED IN TERMS OF THE COMPANY'S MEMORANDUM OF INCORPORATION

WHEREAS

The main Board had, at its meeting on 10 September 2014, approved the group approvals framework and in terms of the framework devolved certain of its responsibilities to various sub-committees, designated officials and divisional operating units.

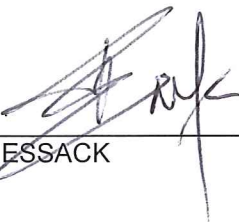
NOTIFICATIONS TO
ICASA

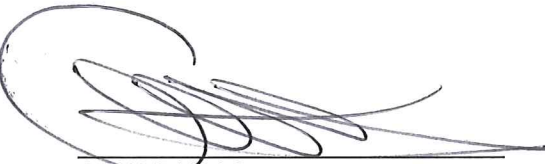
The Company wishes to make a licence amendment application to ICASA in respect of 947's commercial sound broadcasting licence in particular clause 5 of the licence which deals with 947's obligation in respect of the live broadcast of music.

RESOLVED

THAT OMAR ESSACK or failing him any other executive director of the company be and is hereby authorized to make and sign the licence amendment application and any other document as may be necessary to ICASA.

PASSED AT SANDTON AND EFFECTIVE ON THE 19 APRIL 2018


O ESSACK


C PATRICIOS