



Ms. Pumela Cokie
Independent Communications Authority of South Africa
350 Witch-Hazel Road, Eco- Park; Centurion
By Email: PCokie@icasa.org.za

15 August 2025

Dear Ms Cokie,

Submission on ICASA'S Review of the Digital Migration Regulations 2012

1. Introduction

1.1 Act-SA is the Association of Community Television South Africa, an organisation formed by the community TV sector for the purposes of self-regulation and advocacy in 2013. While the Association was dormant for some years it is now being revived by the sector in order to address the issues and concerns of the sector. It currently comprises four licensed community TV broadcasters, namely Soweto TV, 1KZN TV, Cape Town TV and Platinum North West TV.

1.2 In May 2024 the community stations submitted a Response to ICASA's Notice of intention to conduct an inquiry on the review of the Digital Migrations Regulations, 2012, which dealt extensively with the issues affecting the sector occasioned by these early DTT regulations.

1.3 In July 2025 ICASA published the Draft Digital Terrestrial Television Regulations 2025 in Government Gazette No 52946, Notice 355 of 2025 ("the 2025 Draft DTT Regulations") calling for written comments to be made within 30 working days from the date of publication. Act-SA wishes to thank the ICASA for the opportunity to make these written submissions on the 2025 Draft DTT Regulations and hereby requests the opportunity to make oral submissions if ICASA holds the public hearings on them.

2. Context

2.1 The context in which these regulations are being promulgated challenges the assumptions that the DTT arrangements are based upon. This is because the environment envisaged by the National Frequency Plan and its scheme for seven DTT multiplexes is in some doubt due to developments over the past few years, principally due to the slow progress of the Broadcast Digital Migration (BDM). The migration has been repeatedly delayed with analogue switch-off dates being postponed due to court actions by broadcasters and civil society organisations. These parties have been concerned that too many South Africans will be left behind by a premature ASO which will leave them without the ability to derive information from television; and concomitantly that broadcasters will face a substantially reduced audience with the knock-on effect of diminishing their revenue

potential. The concern arises from the slow uptake of digital TV reception equipment, including the slow pace of the rollout of subsidized set-top boxes (STBs), and the lack of availability of DTT STBs in the retail market.

2.2 Both broadcasters and signal distributors have expressed doubts about the utility of DTT, claiming that it is both an outdated technology and a very expensive one. Sentech has shifted from providing DTT STBs to indigent households to giving them DTH boxes and satellite dishes. The SABC has entered into a dispute with Sentech about the expense of DTT tariffs, eTV has expressed similar dissatisfaction with the business case built on expensive transmission costs vs. low audience numbers on DTT, and the community TV channels have repeatedly warned that there is no way that they can afford the costs of DTT without substantial financial support from a third party. The latter point is significant because the current cost structure of DTT transmission will inevitably exclude community TV from the broadcasting landscape. This is because there is a disconnect between the current licensing regimen which specifies that community channels must broadcast locally, and the design of the single frequency network which according to Sentech dictates that the community channels must be on all of the transmitters in the SFN, extending even to provincial level.

2.3 We recognise that the above factors should not prevent ICASA from passing regulations governing the post-ASO environment, and that this particular set of regulations might not be the appropriate place to deal with the issues listed above, but we must point out that this context is entirely lacking in the vision of DTT transmission spelt out by the draft regulations. This is a regrettable omission given the seriousness of the consequences which will result from an inadequate BDM. The fact is that these regulations are being promulgated in an environment of policy uncertainty, where the technological development of the single frequency network multiplex plan is not congruent with the existing regulations governing the licensing of community TV stations by local or municipal area.

2.4 There have been calls for a national dialogue to discuss and plan the future of television broadcasting in South Africa from forums such as the Digital Content Task Group (DCTAG) and the Joint Spectrum Action Group (JSAG). This conversation should draw in all of the country's television broadcasters, ECNS suppliers, ICASA, relevant civil society organisations and the Department of Communications and Digital Technologies (DCDT). This discussion must centre on questioning the feasibility of the 7-mux plan in view of low audience numbers on DTT, the mooted obsolescence of this technology, the costs involved for broadcasters, the limited bandwidth available for HD channels and the role of DTH in the rollout or licensing of future commercial and subscription TV channels. We cannot see a realistic way forward for ICASA to plan for a post-analogue environment without such a discussion having taken place, a situation which renders the current attempt at regulating it a somewhat futile exercise.

2.5 Furthermore the Minister of Communications and Digital Technologies was instructed by the Pretoria High Court in March 2025 to consult with television stakeholders concerning the timing and appropriateness of the ASO, but to date this consultation has not taken place. With no leadership emerging from the relevant authorities with regard to setting the pace and agenda for the future of television broadcasting in South Africa, from both regulatory and practical points of view, planning mux allocations is just highly speculative and lacking in context.

3. Review of the regulations

3.2 We note that under Section 4(3) community TV broadcasters have been shifted from Multiplex 1 to Multiplex 2, and that collectively community channels are allocated only 15% of the available bandwidth on that mux. While this allocation would enable up to three community TV channels per single frequency network (SFN), if they broadcast in standard definition (SD) at 2Mbps, it would not be sufficient to enable community TV to broadcast in high definition (HD).

3.3 The HD standard has become the production standard across the global video industry, which is moving to 4K and even 8K production and transmission. Streaming platforms deliver their content in HD, so SD channels must compete with the higher quality HD channels offered by national broadcasters and national and international streaming channels, creating an unfair advantage.

3.4 The DTT regulations should then allow for at least two community channels per province to broadcast in HD and furthermore they must align with other ICASA policies which may specify the number of community TV channels that the Authority plans to licence in future. This will likely mean a reconfiguration of the mux capacity allocated to community TV.

3.5 Section 8(1) of the regulations demands that broadcasters must ensure that an Electronic Programme Guide (EPG) and Electronic Programme Information (EPI) are made available to consumers for the programming broadcast on a particular channel. However, while broadcasters should provide the information necessary to do this, practical implementation of the EPG is in the hands of the ECNS provider, in this case Sentech. Currently Sentech does not avail EPG information for the community TV broadcasters on the DTT platform, despite our repeated requests for this to be done. Consequently it is not within the power of broadcasters to implement an EPG without the cooperation of the ECNS provider. While there may be an injunction on broadcasters to provide EPG information, there must be a corresponding obligation on the ECNS provider to implement the EPG service so that the information provided can be made available to the public.

3.6 Section 8(2) of the regulations allows television broadcasters to also transmit sound broadcasting services (radio stations) on their DTT signal. It is not clear how this affects the bandwidth capacity of the TV broadcaster's signal, and whether or not the ECNS provider would then charge an additional fee for this added service. The implications for both broadcasters and Sentech of providing this type of dual service should be clearly spelt out.

3.7 While the regulations deal specifically with DTT, the role of DTH is ignored. While it is incumbent on the Authority to regulate the terrestrial transmission space, which involves allocating broadcasters to different multiplexes or parts thereof, we fear that the Authority has neglected to address the question of the feasibility and appropriateness of DTT as a transmission medium in South Africa. The role of DTH transmission in the context of the BDM has previously been seen as providing a 'gap filler' signal to areas that are not reached by DTT. However not only are DTH STBs being provided to indigent households across the country as a means of digital TV reception, but they are also available in certain retail stores,

meaning that anyone, anywhere can purchase one and get the full bouquet of digital TV channels (commercial, free-to-air and community) which are available through satellite transmission.

3.8 While it may not be necessary for ICASA to regulate the DTH space because it does not suffer from the same bandwidth restrictions and transmission limitations as DTT, it nevertheless forms an important component of the digital TV environment, not least as the linking mechanism between Sentech's headend and the terrestrial transmitters. Moreover there are certain constraints on it which hinder South African broadcasters from making full use of it. For example eMedia contends that it is unable to carry community channels on OpenView due to lack of transponder capacity which means that every viewer who opts to migrate to OpenView is lost to the community TV audience.

3.9 We note that ICASA has not responded to the plea which we expressed in our previous submission on the Draft DTT Regulations for a "must carry" provision on commercial TV platform operators to carry community channels. This leaves the channels vulnerable to policy shifts in MultiChoice, now in part controlled by Canal Plus, which might exclude them from DStv. Canal Plus is a foreign, profit-driven entity which may have limited understanding of the importance of maintaining community television in the broadcasting ecosystem. This is particularly so given the role which indigenous languages play in informing our people and advancing our democracy. Should community channels lose their carriage on DStv it would be devastating to the sector, which relies on DStv audience numbers for its sustainability.

4. Conclusion

4.1 Act-SA thanks the Authority for this opportunity to make submissions on the Review and hopes that its concerns will be constructively considered and the appropriate changes made to the final regulations.

4.2 To summarize our submission, Act-SA makes the following recommendations for action by ICASA:

- A. Initiate a formal, inclusive national dialogue to reassess the feasibility of the 7-mux plan, HD rollout, and the role of DTH concurrent with DTT.
- B. Elucidate the arrangements for the carriage of radio channels on the mux space allocated to TV channels.
- C. Align licensing frameworks with SFN realities in setting both broadcast footprints and licensing conditions for community channels.
- D. Address the policy lacunae which have led to the forced regionalisation of community TV.
- E. Clarify bandwidth allocations and potential reconfiguration to enable HD for community channels, including per-province HD slots.
- F. Seriously consider and debate the possibility of imposing "must carry" regulations on commercial TV satellite channels.
- G. Liaise with the Minister of DCDT to establish a timetable for consultation on the ASO and DTT more generally, and publish a concrete roadmap with milestones and accountable parties.