



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

COUNCIL DECISIONS– 08 FEBRUARY 2022

NO.	AGENDA ITEM	COUNCIL DECISION
1.	<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>1.1. 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>1.2. 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>1.3. 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>1.4. 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>The recommendation was approved by Council.</p>



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	<p>1.5. The changes required were as follows:</p> <p>1.5.1 The increase of ERP from 0.2 kW to 15.8 kW on 89.8 MHz at Nylstroom for Thobela FM;</p> <p>1.5.2 The increase of ERP from 0.2 kW to 15.8 kW on 90.6 at Nylstroom for Ikwekwezi FM;</p> <p>1.5.3 The relocation of 94.0 MHz from Kwaggafontein to Kwa Mhlanga;</p> <p>1.5.4 The increase of ERP from 10 kW to 12 kW on 94 at Kwa Mhlanga for Thobela FM; and</p> <p>1.5.5 The increase of ERP from 0.2 kW to 12 kW on 93.8 at Kwa Mhlanga for Ikwekwezi FM.</p> <p>1.6. 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>1.7. 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>1.8. It was recommended that Council approve the following Radio Frequency Spectrum Licence amendments:</p> <p>1.8.1 The increase of ERP from 0.2 kW to 15.8 kW on 89.8 MHz at Nylstroom for Thobela FM; and</p>	



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	<p>1.8.2 The increase of ERP from 0.2 kW to 15.8 kW on 90.6 MHz at Nylstroom for Ikwekwezi FM.</p> <p>1.9. It was further recommended that Council decline the following Radio Frequency Spectrum Licence amendments:</p> <p>1.9.1 The relocation of 94.0 MHz from Kwaggafontein to Kwa Mhlanga;</p> <p>1.9.2 The increase of ERP from 10 kW to 12 kW on 94 MHz at KwaMhlanga for Thobela FM; and</p> <p>1.9.3 The increase of ERP from 0.2 kW to 12 kW on 93.8 MHz at KwaMhlanga for Ikwekwezi FM.</p>	
2.	<p>Change and Update of ICASA licensee information Altius Trading 460 (Pty) Ltd</p> <p>2.1. 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>2.2. 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>2.3. On 14 September 2021, the Authority received a notice from Altius Trading 460 (Pty) Ltd advising the Authority of changes with respect to its</p>	<p>The recommendation was approved by Council.</p>



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	<p>contact person, contact details and physical address.</p> <p>2.4. 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>2.5. 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>2.6. 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> <p><u>Recommendation to Council:</u></p> <p>2.7. It was recommended that Council approves the changes.</p>	
3.	<p>Memorandum of understanding with the B-BBEE ICT Sector Council</p> <p>3.1 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</p>	<p>The recommendation was approved by Council.</p>



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	<p>(“the ICT Council”) for signature by the respective parties duly authorised representatives.</p> <p>3.2 On 17 May 2021, the ICT Council sent correspondence to the Authority outlining that:</p> <p>3.2.1 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>3.2.2 The ICT Council recognises the Authority as a key stakeholder in the advancement of the sector’s transformation;</p> <p>3.2.3 The ICT Council would like to formalise its collaboration with the Authority through the conclusion of an MoU.</p> <p>3.3 The Authority met with members of the ICT Sector Council to discuss the details of the proposed MoU.</p> <p>3.4 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>3.5 Considers and approves the attached MoU between the Authority and the ICT Council; and</p> <p>3.6 Resolves that the CEO may sign the MoU as the Authority’s representative.</p>	

**ISSUED BY: Secretariat Office
on behalf of Council**