



**Independent Communications Authority of South Africa**

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**COUNCIL DECISIONS – 01 December 2020**

<b>ITEM NO.</b>	<b>AGENDA ITEM</b>	<b>DECISION</b>
<p><b>1.</b></p>	<p><b>Application for the Transfer of Desmond Bailey Ramsay’s Individual Electronic Communications Network Service (I-ECNS) and Individual Electronic Communications Service Licences to Blue Shadow Investments (Pty) Ltd and accompanying vetted Reasons Document.</b></p> <p>The purpose of the submission was to recommend that Council approves the transfer applications of I-ECS and I-ECNS licences from Desmond Bailey Ramsay (the Applicant) to Blue Shadow Investments (Pty) Ltd (“the Transferee”) as well the attached accompanying Reasons Document.</p> <p>On 31 January 2020, the Authority received applications for the transfer of I-ECS and I-ECNS licences from Desmond Bayley Ramsay to Blue Shadow Investments (Pty) Ltd.</p> <p>The applicant had not been found guilty of any contravention by the CCC.</p> <p>The applicant had paid licence fees due and payable at the date of the applications.</p> <p>The transferee had 50% interest held by HDIs.</p>	<p><b>Council approved the application.</b></p> <p><b>Council also approved the vetted Reasons Document that were tabled with the applications.</b></p>

<p><b>2.</b></p>	<p><b>Applications for the transfer of control of and Individual Electronic Communications Service Licence and Individual Electronic Communications Network Service Licence from LPD Consulting (Pty) to Paratus Telecommunications (Pty) Ltd.</b></p> <p>The purpose of the submission was to recommend that Council approves the transfer of control of I-ECS and I-ECNS licences from LPD Consulting (Pty) Ltd (the Applicant) to Paratus Telecommunications (Pty) Ltd (“the Transferee”) and the vetted Reasons Document on its decision</p> <p>On 20 September 2019, the Authority received applications from the Applicant to transfer its I-ECS and I-ECNS licences to the Transferee</p> <p>The application complied with statutory and regulatory requirements.</p>	<p><b>The Applications for the transfer was approved.</b></p> <p><b>Council also approved the Reasons Document.</b></p>
<p><b>3.</b></p>	<p><b>Request for approval of the Reasons Document and the publication of the non-confidential version thereof relating to the Invitation to Apply for licensing process for International Mobile Telecommunications</b></p> <p>The purpose of the submission was to recommend that Council:</p> <p>Consider and approve Reasons Document relating to the Invitation to Apply (the ITA) on the licensing process for International Mobile Telecommunications in respect of the provision of mobile broadband wireless access services for urban and rural areas using the complementary bands, IMT700, IMT800, IMT2600 and IMT3500(Reasons Document); and</p> <p>To publish the non-confidential</p>	<p><b>Council resolved to approve the Reasons Document.</b></p> <p><b>And that the non -confidential parts of the Reasons Document for publication in the Government Gazette.</b></p>

	Reasons Document in the Government Gazette and the Authority website.	
4.	<p><b>Application Filed by Telkom at the Competition Tribunal in relation to Vodacom -Rain Transaction.</b></p> <p>The purpose of the submission was to obtain Council approval for the Authority to abide by the decision of the Competition Tribunal on that matter.</p> <p>On 14 October, the Authority received a notice of an application filed by Telkom SOC Ltd in the Competition Tribunal in terms of which Telkom sought the following relief:</p> <p>That the arrangements/transaction concluded by Vodacom (Pty) and Wireless Business Solutions (Pty) Ltd (RAIN) or about 13 September 2016, in terms of which Vodacom acquired at least joint control over Rain's frequency spectrum and radio access network, together with the subsequent arrangements/transaction concluded between Vodacom and Rain in February 2020 (collectively, the Vodacom-Rain transaction) constitutes a notifiable merger in terms of section 12 (2)(g) of the Competition Act 89 of 1998 as amended.</p> <p>That Vodacom and Rain must notify the Vodacom -Rain transaction to the Competition Commission in the prescribed manner and form.</p> <p>That Vodacom and Rain were in terms of section 13A (3) of the Competition Act, prohibited from taking any steps to further implement the Vodacom-Rain transaction until such time as the merger has been approved by the Competition Commission, Competition Tribunal or Competition Appeal Court, as the case may be; and</p>	<p><b>Council resolved that the Authority will abide by the decision of the Competition Tribunal on that matter</b></p>

	<p>That in terms of sections 59(1)(d)(i) and /or 59 (1)(d) iv) of the Competition Act, Vodacom and Rain must pay an administrative penalty equal to 10% of their respective annual turnovers in their respective preceding financial years, for implementing the Vodacom - Rain transaction without obtaining the approval of the Competition authorities.</p> <p>The Authority had been cited in the application but there was no relief was sought against it.</p> <p>On 12 November 2020, the Authority received correspondence from the Competition Tribunal requesting the Authority to indicate ICASA's position on that matter and whether ICASA would want to make any submissions or abide by the decision of the Competition Tribunal</p>	
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**Dr Keabetswe Modimoeng**

**Chairperson**

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