



Independent Communications Authority of South Africa

350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

COUNCIL DECISIONS– 07 July 2020

ITEM NO.	AGENDA ITEM	DECISION
1.	<p>Application for the transfer of control of Individual Commercial Sound Broadcasting Service licence of Rise FM Broadcast (Pty) Ltd to Lebashe Investment</p> <p>The purpose of the submission was to provide Council with an analysis of an application for the transfer of control of the Individual Commercial Sound Broadcasting Service held by Rise FM Broadcast, for the control of its Individual Commercial Sound Broadcasting Service from Blackstar Holdings Group to Lebashe Investment Group and request that Council approves the recommendation to approve.</p> <p>1.1 The Applicant held an I-CSBS licence to provide commercial sound broadcasting services in Durban, Donnybrook, Eshowe, Glencoe, Kokstad and Newcastle in the Kwa-Zulu Natal Province. The licence was issued on 25 May 2012 and is due to expire on 24 May 2022.</p> <p>1.2 On 18 November 2019, the Applicant applied for the transfer of control of its I-CSBS licence in order to give effect to a sale of shares agreement where the Transferee purchased 100% of the shares from the Applicant. The Applicant did not request</p>	<p>The recommendation was approved.</p>

confidentiality in respect of any sections of the transfer application.

1.3 The Authority Published *Notice 92 of 2020* in *Government Gazette No.43021* inviting all interested persons to make written representations in relation to the application within fourteen (14) working days of the date of the publication and no written representations were received by the closing date of 05 March 2020, and no written representations were received.

1.4 The application complied with the necessary regulations, procedures and processes.

1.5 Section 66 (3) does not cater for online newspaper publications.

Recommendation to Council

1.6 It was recommended that Council approves the application for the transfer of control of the I-CSBS licence from the applicant to the transferee for the following reasons:

1.6.1 The applicant has met all relevant requirements and was in compliance with Regulation 12 of the Process and Procedure Regulations.

1.6.2 The transferee was 100% black owned investment holding company with assets in three core investment silos, financial services, information and communications technology, the complementary sectors; and

1.6.3 The approval of the transfer would promote objects 2 (2) of the Electronics Communications Act, which provide that the Authority

	<p>'must ensure that it promotes stability and competition in the ICT sector.</p>	
<p>2.</p>	<p>Application for the transfer of an Individual Electronic Communications Service Licence from The Web Data and Services (Pty) Ltd to Pantele Communications (Pty) Ltd.</p> <p>The purpose of the submission was to recommend to Council to approve the transfer of an I-ECS licence from the Web Data Services (Pty) Ltd to Pantele Communication (Pty) Ltd.</p> <p>2.1 On 22 July 2019, ICASA received an application from the Web Data and Services to transfer its I-ECS licence to the Pantele Communications.</p> <p>Recommendations to Council:</p> <p>2.2 It was recommended that Council approves the application for the transfer of an I-ECS licence from the applicant to the transferee.</p> <p>2.3 The approval of the transfer would promote objects 2 (2) of the Electronics Communications Act, which provide that the Authority 'must ensure that it promotes stability and competition in the ICT sector.</p>	<p>The recommendation was approved.</p>
<p>3.</p>	<p>South African Post Office (SAPO) request for an extension of the submission of its Regulatory Financial Statements</p> <p>The purpose of the submission was to table recommendations to Council to approve SAPO's request for an extension on the submission of its Regulatory Financial Statements for the period ending</p>	<p>The recommendation to approve SAPO's request was approved in line with the gazetted Accounting Separation Regulations.</p>

	<p>31 March 2020</p> <p>3.1 According to the gazetted Accounting Separation Regulations, section 6 (1) required that the submission of operators' Regulatory Financial Statements (RFS) must be independently audited and submitted to the Authority within six months after the operator's financial year end.</p> <p>3.2 SAPO's financial year end was 31 March 2020, and therefore, the deadline for submission of the RFS was 30 September 2020.</p> <p>3.3 Section 6 (2) of the Accounting Separation Regulations further stated that an operator may request in writing, for an extension of the submission of the RFS three months prior to the scheduled deadline.</p> <p>3.4 On 21 May 2020, SAPO requested a two-month extension to submit its Regulatory Financial Statements in line with the the gazetted Accounting Separation.</p> <p>Recommendation to Council.</p> <p>3.5 It was recommended that Council approve SAPO's request for extension on the submission of its Regulatory Financial Statements for the period ending 31 March 2020.</p>	
<p>4.</p>	<p>Notice to invite interested parties to participate in the qualification process to operate as Secondary Geolocation Service provider</p> <p>The purpose of the submission was to request Council to approve the Notice inviting interested parties to participate in a qualification process to operate as Secondary Geolocation service providers.</p>	<p>The recommendation was approved.</p>

	<p>4.1 On 23 March 2018, the Authority Published Regulations on the use of Television White Space (TVWS) in Government Gazette number 41512 (Notice 147 of 2018). These regulations provide for the implementation of TVWS through a Geo-Location Spectrum Database System.</p> <p>4.2 The Geo-Location Spectrum Database System is comprised of two main parts, the Reference Geolocation Spectrum Database (RGLSD) and the Secondary Geolocation Spectrum Database (SGLSD). The R-GLSD was developed and commissioned in March 2019.</p> <p>4.3 On 05 June 2020, the Authority published a framework for the qualification of S-GLSD providers. The objective of the framework was essentially for the Authority to set a qualifying criterion for organisations to provide S-GLSD services in South Africa</p> <p>4.4 The framework provided details of the phased approach to be used for the qualification assessment. In order to qualify as the S-GLSD, the organisation must meet the set qualification criteria prescribed in the framework.</p> <p>4.5 S-GLSD providers enable Wireless Internet Network operators to provide Television White Spaces based internet service to the public.</p> <p>4.6 The Authority would invite interested entities through a Notice to submit applications to operate as S-GLSD service provider in accordance with the Regulations, read with the Qualification Framework.</p>	
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	<p>Recommendation to Council.</p> <p>It was recommended that Council approves the notice inviting interested parties to participate in a qualification process to operate as secondary geolocation service providers.</p>	
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ISSUED BY: Secretariat Office
on behalf of Council