



Independent Communications Authority of South Africa

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Eco Park Centurion

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COUNCIL DECISIONS – 15 December 2020

ITEM NO.	AGENDA ITEM	DECISION
<p>1.</p>	<p>Applications for the transfer of Individual Electronic Communications Services (I-ECS) and Individual Electronic Communications Network Services (I-ECNS) Licences from DOTCOZA (Pty) Ltd to Emalangeni Technologies (Pty) Ltd and the vetted Reasons Document on its Decision.</p> <p>The purpose of the submission was to recommend that Council approves the transfer of I-ECS and I-ECNS licences from DOTCOZA (Pty) Ltd (the Applicant) to Emalangeni Technologies (Pty) Ltd (the Transferee) as well as the vetted Reasons Document for the transfer application.</p> <p>On 09 June 2020 ICASA received applications from the Applicant to transfer its I-ECS and I-ECNS licences to the Transferee</p>	<p>Council approved the licence transfer applications for I-ECS and I-ECNS licences.</p>
<p>2.</p>	<p>ICASA response to the Office of the Public Protector on allegations of lack of assistance regarding Vodacom Signal.</p> <p>The purpose of the submission was to table a draft response letter to a compliant received from the Office of the Public Protector.</p> <p>The Office of the Public Protector (PP) sent a letter of information gathering on a complaint by (Mr Ali Nkadimeng)</p>	<p>Council noted and approved the response letter to be sent to the Office of the Public Protector.</p>

	<p>against MTN and Vodacom in 2013.</p> <p>The complainant was about lack of network coverage in Philip Nel Park area in Pretoria.</p> <p>On 18 July 2013 the complaint was escalated to MTN and Vodacom to comment on the allegations of lack of coverage in the Philip Nel Park area.</p> <p>Both MTN and Vodacom confirmed that there was indeed a signal problem in the complainant's area and indicated their plans to resolve the network problem. Both licensees offered interim solutions in the form of a signal booster to the complainant</p> <p>It was recommended that Council note and approve the response letter to be sent to the Office of the Public Protector</p>	
<p>3.</p>	<p>Recommendation by the Complaints and Compliance Committee (CCC) to Council in the matter Compliance Affairs Division of ICASA and COFIFI FM.</p> <p>The purpose of the supplementary memo was to draw an analysis between the recommendation in the matter between CCA and Cofifi FM and the judgment of the Authority in the matter between CCA and Giyani Community Radio (GCR)</p> <p>On 08 December 2020, Council deliberated on a submission from the CCC in a matter between COFIFI FM and the CCC emanating from a complaint lodged against COFIFI FM to the extent that, on 20 November 2018, between 09H00 and 12H00, a presenter on COFIFI FM made derogatory remarks about Catholic Religion and the complainant alleged that this was a contravention of Regulation 3(2) and 3 (3) of the Regulations relating to the 2009 Code of Conduct for Broadcasting Services</p>	<p>Council approved the recommendations by the CCC which were presented on 08 December 2020, to the extent that a desist order must be issued against COFIFI FM for engaging in similar repeat offences in the future.</p>

	<p>of Licensees.</p> <p>The CCC submitted that Cofifi FM placed mitigating factors which compelled it to deviate from the finding which was made against GCR. Based on the circumstantial evidence before the CCC, Cofifi FM was not negligent in the manner in which the incident happened.</p>	
4.	<p>Notice of Applications received in relation to the Invitation to Apply (ITA)</p> <p>The purpose of the submission was to request Council to approve the notice of applications received in relation to the Invitation to Apply published on the Government Gazette number 43768 (Notice 535) on October 2020.</p> <p>The submission was made pursuant to the council resolution that the IMT Council Committee develops a draft Notice of Applications received in relation to the Invitation to Apply (ITA) for publication on the Government Gazette and ICASA Website, which will be amended to reflect the number of applications received on the closing date of the ITA.</p> <p>ICASA published an ITA on 02 October 2020, on the licensing process for International Mobile Telecommunication (IMT) in respect of the provision of wireless mobile broadband access services for urban and rural areas using the complementary bands, IMT 700, IMT 800, IMT 2600 and IMT 3500 The prescribed closing date for applications indicated in the ITA was 28 December 2020 at 16H00.</p>	Council approved the draft notice of applications.
5.	Council to note the proposed exempted Radio Frequency Spectrum list and remarks made for use in the Karoo Central Astronomy Advantage Areas.	Council noted and approved the proposed exemption list.

	<p>On 08 December 2020, the submission was tabled at Council, regarding a letter from the Minister of the Department of Science and Innovation (DSI), wherein it requested ICASA to concur with the updated list of exempted radio frequency spectrum in the KCAAA.</p> <p>The purpose of the submission was to request Council to note and approve the recommendations put forward by the Astronomy Geographic Advantage (AGA) Council Committee on the proposed remarks to the proposed Radio Frequency Spectrum list to be exempt in the Karoo Central Astronomy Advantage Areas (KCAAA)</p> <p>Council approved and acceded to the request of the Minister regarding the proposed list of frequency exemption for use in the KCAAA. However, during the tabling of the concurrence request, Council was not presented with the proposed list of frequencies to be added to the exemption list.</p> <p>The AGA Committee had consulted with various Divisions within the organisation to ensure that the concurrence to be provided to the DSI was aligned to all regulatory frameworks put in place by the Authority.</p>	
<p>6.</p>	<p>Clarity seeking questions received by the Authority in respect of an Invitation to Apply (ITA) for an Individual Electronic Communications Network Service (I-ECNS) Licence and Radio Frequency Spectrum Licence for the Wireless Open Access Network (WOAN)</p> <p>The purpose of the submission was to recommend that Council approve the document responding to clarity questions received by the Authority in response to the published Invitation to Apply (ITA) for publication in the</p>	<p>Council approved the vetted responses to the clarity seeking questions including those questions received during the public workshops.</p>

<p>Authority's website.</p> <p>On 02 October 2020, the Authority published the ITA, for an I-ECNS and RFS licence for the WOAN. The Authority subsequently received clarity seeking questions from six (6) stakeholders.</p> <p>On 9-11 December 2020, the Committee held public workshops to assist prospective applicants to fully unpack the requirements of the ITA to ensure a successful licensing process.</p> <p>The Committee had compiled a draft response document to the clarity seeking questions as well as some questions posed at the public workshops.</p>	
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Dr Keabetswe Modimoeng

Chairperson

ISSUED BY: Secretariat Office on behalf of Council