



## Independent Communications Authority of South Africa

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### COUNCIL DECISIONS – 23 February 2021

ITEM NO.	AGENDA ITEM	DECISION
1.	<p><b>Application to amend to VUMA 103 FM (PTY) Ltd 'Individual Commercial Broadcasting Service Licence.</b></p> <p>The purpose of the submission was to provide Council with an analysis of the application submitted by Vuma 103FM (Pty) Ltd ("the Applicant") to amend its Individual Commercial Broadcasting Service ("I-CSBS") licence and recommend that the amendment application and the accompanying vetted Reasons Document be approved by Council</p> <p>On 29 July 2020, the Applicant applied for the amendment of its I-CSBS licence. A resolution authorising Ms Nonkanyiso Pearl Nompumelelo Sokhulu to submit the application on behalf of the Applicant accompanied the application.</p> <p>The Applicant held an I-CSBS licence to provide commercial sound broadcasting services in Durban, Donnybrook, Eshowe, Glencoe, Kokstad and Newcastle in the KwaZulu-Natal Province.</p> <p>The licence was issued on 25 May 2012 and is due to expire on 24 May 2022</p>	<p><b>Council resolved to approve the amended application and the vetted Reasons Document.</b></p>
2.	<p><b>Applications for the transfer of an Individual Electronic Communications Services (I-ECS) and Individual Communications</b></p>	<p><b>Council resolved to approve the recommendation.</b></p>

	<p><b>Services(I-ECS) Licenses from Maredi Towers and Infrastructure (Pty) to Kganyapa Trust</b></p> <p>The purpose of the submission was to recommend that Council approves the transfer of I-ECS, I-ECNS licences from Maredi Tower and Infrastructure (Pty) Ltd (“Maredi Tower”) (“the Applicant”) to Kganyapa Trust (“the Transferee”) as well as the vetted Reasons Document.</p> <p>On 07 October 2020, 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 all the relevant regulations.</p>	
<b>3</b>	<p><b>Application for the amendment of Individual Commercial Sound Broadcasting Service (“I-CSBS”) Licence by Classic FM South Africa (Pty) Ltd.</b></p> <p>The purpose of the submission was to provide Council with an analysis of the application to amend an Individual Commercial Sound Broadcasting Service (“I-CSBS”) Licence submitted by Classic 1027 and recommend that Council approves the submission.</p> <p>On 09 April 2020, the Authority received the application from the Applicant to amend its I-CSBS licence</p> <p>The application was lodged in terms of relevant Regulations.</p> <p>A resolution authorising Advocate Hildegard Barnard-Bender to bring that application was duly submitted and the proof of payment of an application fee in the amount of R63 804.00 was attached to the application.</p>	<p><b>Council rejected the 100% format change as proposed by Classic FM</b></p> <p><b>Council imposed a 50% format change to be staggered overtime</b></p> <p><b>The 50% change should be done on air, not on the social media as proposed by Classic FM.</b></p> <p><b>Council may increase the percentage of format change when enough research was available</b></p> <p><b>The licensee should communicate the proposed changes to its listeners.</b></p>
<b>4.</b>	<b>Recommendation by Complaints and Compliance Committee (CCC)</b>	<b>The CCC came to the conclusion that the complaint could not be</b>

<p><b>in the matter between Mimi Nombeu and Telkom SA SOC Limited Telkom.</b></p> <p>The purpose of that submission was to table the recommendation of the CCC to Council in the matter between Mimi Nombeu and Telkom.</p> <p>On 2 October 2019, Ms Mimi Nombeu lodged a complaint against Telkom, to the CCC for investigation in terms of section 17 B(a) of the Independent Communications Authority of South Africa (“ICASA”) of 2000.</p> <p>The complainant alleged the following:</p> <p>That MTN initiated port out request to Telkom of the Complainant’s Mobile number without her knowledge.</p> <p>That on 10 July 2019, she received a notification through an “SMS” from Telkom alerting her of the port-out request for her of the port-out of her mobile number and she managed to decline the first port out request by replying with a “STOP”</p> <p>On 2 August 2019, the Complainant realised that her Telkom number was ported and changed to MTN.</p> <p>The Complainant engaged Telkom on that matter and she was assisted, instead she was referred to MTN.</p> <p>The Complainant contacted MTN and reported the matter and the port was reversed.</p> <p>The complainant further received numerous port out requests, which were initiated without her knowledge and approval and on some occasions ,she managed to decline the port out request and some she was assisted by MTN to stop the porting from going through.</p>	<p><b>upheld.</b></p> <p><b>It held that there had been no contravention of any applicable legislation and thus there were no circumstances under which non-compliance occurred.</b></p> <p><b>The CCC ’s finding was that the Complaint against Telkom was not upheld.</b></p> <p><b>Council accepted the CCC recommendations.</b></p>
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	<p>The parties appeared before the CCC on 26 November 2020 and the Respondent (Telkom) argued that it had acted within the law in line with Regulation 4(9) of 2005 Number Portability Regulations which provides for grounds under which a donor may reject a request for port.</p> <p>MTN stated that their investigation on the matter revealed that there was a defect in their Wireless Interface(WIG) which enabled RICA Agents appointed by MTN to RICA customers, to initiate port-in request and by pass the caller line validation process.</p>	
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**Dr Keabetswe Modimoeng**

**Chairperson**

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