



Independent Communications Authority of South Africa

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COUNCIL DECISIONS – 26 January 2021

ITEM NO.	AGENDA ITEM	DECISION
1.	<p>Moratorium on licensing of Radio Frequency Spectrum in Bands identified for International Mobile Telecommunications 2020 (IMT 2020)</p> <p>The purpose of the submission was to request Council to approve the placing of Moratorium on the new Radio Frequency Spectrum (RFS) applications on new and pending applications in:</p> <p>RFS bands identified in the ITU Radio Regulations for use by IMT.</p> <p>RFS band (3600 – 3800 MHz) subjected to sharing and compatibility studies, and earmarked for IMT identification at WRC-23; and;</p> <p>On all pending and new applications for RFS in 3600 – 3800 MHz received by the Authority.</p> <p>Further, in terms of the National Radio Frequency Plan (NRFP) 2018, the RFS bands 24.25 – 27.5 GHz (26 GHz Band), and 37 – 43.5 GHz were currently allocated for Point to Point and Point to Multipoint links, whilst the RFS band 66 – 71 GHz was used for deployment of high capacity links on a coordinated and self-coordinated basis. Several licensees have been issued RFS licences in these bands.</p>	<p>The following was resolved by Council:</p> <p>That a moratorium be imposed on RFS bands identified in the ITU Radio Regulations for use by IMT.</p> <p>As regards RFS bands (3600 – 3800 MHz) subjected to sharing and compatibility studies and earmarked for IMT identification at WRC-23, <u>that a moratorium be imposed with effect from date of publication of Council's decision in the government gazette.</u></p> <p>The basis for the resolution was:</p> <p>It was in line with the precedent of previous moratoriums;</p> <p>It was consistent with the principle that the law should not retrospectively prejudice stakeholders / existing rights.</p>

	<p>Some parts of the RFS band 4800 – 4990 MHz were, as per NRFP 2018, used for security services, radio astronomy, and temporary outside Broadcasting links.</p> <p>The WRC-19 identified the RFS band 4800 – 4990 MHz and some RFS bands between 24.25 and 86 GHz for global implementation of the IMT under WRC-19.</p> <p>Furthermore, the sharing and compatibility studies with primary services were being conducted in the 3600 – 3800 MHz band with the view of identifying the band for IMT services at WRC-23.</p>	
2.	<p>South African Post Office (SAPO) SOC Annual Tariff application for 2021/22 Price control period and discontinuation of surface mail service in Brazil and Canada.</p> <p>The purpose of the submission was to make a recommendation to Council on the approval of an average increase of 0.93% (R 17.8 million) in revenue for reserved postal products and services; and noting of SAPO's discontinuation of the surface mail services destined for Brazil and Canada.</p> <p>SAPO lodged its annual tariff application on 30 October 2020 requesting the Authority's approval of 0.93% (R 17.8 million) increase in revenue for reserved postal products and services from R 1 924.13 million in the 2020/21 FY to R 1 941.93 million in the 2021/22 FY.</p> <p>In addition, the Authority received a notification from SAPO to consider the discontinuation of the surface mail services destined for Brazil and Canada.</p> <p>SAPO applied for an increase of 0.93% in revenue for reserved postal</p>	<p>Council approved an average increase of 0.93% (R 17.8 million) in revenue for reserved postal products and services; and</p> <p>noted SAPO's discontinuation of the surface mail services destined for Brazil and Canada</p>

	<p>products and services for the 2021/22 price control period, which was acceptable according to the division as it was less than the allowable increase in the Consumer Price Index (CPI) which was 3% in terms of the Price Cap Regulations for Reserved Postal Services.</p> <p>The increase of 0.93% in revenue would result in an average tariff increase of 9% in reserved postal product and services</p>	
3.	<p>Submission of Draft Amendment Regulations and Explanatory Memorandum of Customer Care Standards for Postal Service Licensees.</p> <p>The purpose of the submission was to request Council to approve the draft amendment regulations and explanatory memorandum of Customer Care Standards for Postal Service Licensee for publication in the Government Gazette.</p> <p>The Authority had decided to amend the Customer Care Standards Regulations applicable to Postal Service Licensees.</p> <p>The proposed amendment aimed to strengthen the provision of high-quality postal services through setting out minimum standards to protect and promote the interest of customers. The amendment will also enable the Authority to monitor and enforce compliance with Customer Care Standards provided.</p> <p>The proposed amendment was intended to achieve the above by providing clarity and consistency of usage of terms and by aligning the regulations to related customer protection legislations and to current practices, clarifying roles and processes in customer complaints'</p>	<p>Council approved the regulations for publication.</p>

	resolutions	
4.	<p>Recommendation by CCC to Council in the matter between Precious Gomes and Kurara FM.</p> <p>The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee (CCC) in the matter between Precious Gomes and Kurara FM</p> <p>On 3 March 2020, Precious Gomes (Complainant) referred the matter for investigation by the CCC in terms of Section 17B(a) of the ICASA Act.</p> <p>The Complainant alleged that Kurara FM had contravened Regulation 5(3), 5 (6), 5(7) and 5(8) of the 2019 Community Broadcasting Services Regulations, in that the Board of Kurara FM interferes with the daily operations of the station by calling meetings with the Complainant, running events of the station, forging programming and holding community meetings and using the station's bank account for personal use.</p> <p>Furthermore, the Complainant alleged that as Programming Manager, she must be supervised by the Station Manager and not the Board.</p>	<p>The CCC did not uphold the complaint and advanced the following reasons:</p> <p>The meeting which was called by two members of the Board with the complainant did not amount to a contravention of the 2019 Regulations.</p> <p>The letter written by the Station Manager to the complainant also demonstrated that there was an established practice of operational management by the Manager.</p> <p>The impression which was gained from the facts judged as a whole, was that the Board might have been too involved with the operation of the Station.</p> <p>Despite the reasons provided on behalf of the Board when it called the complainant to a meeting and the acceptability thereof for that particular matter, the Board must unless in exceptional circumstances desist from direct contact with the employees.</p> <p>It must apply its legitimate policies via the Station Manager and where relevant, also ensure that communication with personnel was directed via the Manager.</p> <p>The recommendations by the CCC for the board to desist from getting into operational matters was approved by Council</p>

Dr Keabetswe Modimoeng

Chairperson

ISSUED BY: Secretariat Office on behalf of Council