



**Independent Communications Authority of South Africa**

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Centurion

**COUNCIL DECISIONS– 14 DECEMBER 2021**

<b>ITEM NO.</b>	<b>AGENDA ITEM</b>	<b>DECISION</b>
<p><b>1.</b></p>	<p><b>Application for Amendment of Radio Frequency Spectrum Licence for Public Sound Broadcasting Service: TRU FM (SABC)</b></p> <p>The purpose of this submission was to request Council to decline the Radio Frequency ("RF") Spectrum Licence amendment application received from Tru FM ("the Applicant").</p> <p>1.1 The Applicant submitted an application to the Independent Communications Authority of South Africa ("the Authority") on 06 May 2021 for Radio Frequency ("RF") Spectrum License amendment for provision of Public Sound Broadcasting Service in the Eastern Cape Province.</p> <p>1.2 The Applicant is currently licensed to provide Public Sound Broadcasting Services in Bisho, East London, King Williams Town, Queens Town, and surrounding areas in the Eastern Cape Province. The Applicant is currently operating in the FM broadcasting band from nine (9) transmitter sites.</p> <p>1.3 The Applicant seeks to amend its RF Spectrum Licence by relocating its Bisho transmitter site to Port Elizabeth site in Gqeberha in the Eastern Cape Province, which includes all station personnel, broadcast equipment, and other movable assets.</p> <p>1.4 The proposed frequency of 107.5 MHz is currently a spare assignment for community sound broadcasting in Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape</p>	<p><b>The recommendation was approved.</b></p>

	<p>Province. This is evident in the Terrestrial Broadcasting Frequency Plan ("TBFP"), 2013.</p> <p>1.5 On 12 November 2019, 107.5 MHz was published on the list of available frequencies in the Invitation to Pre-register ("ITP-R") for Community Sound Broadcasting Service and Radio Frequency Spectrum Licences in Government Gazette No. 42835, Notice 606 of 2019.</p> <p>1.6 Therefore, the Applicant's proposed frequency is earmarked for new community sound broadcasting services in the Nelson Mandela Bay Metropolitan Municipality. The Authority conducted desktop coverage and interference analysis for the proposed amendment.</p> <p>1.7 The interference analysis revealed that the Applicant would induce and be affected by harmful radio frequency interference ("RFI") from the spare assignment (107.5 MHz) that was advertised in the ITP-R, which is earmarked for new community sound broadcasting services.</p> <p>1.8 The International Telecommunications Union ("ITU") Radio Regulations (RR1.169) defines harmful interference as "interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with Radio Regulations". In controlling, planning, administering, managing, and licensing the use of radio frequency spectrum, the Authority must:</p> <p>1.8.1. Comply with the applicable standards and requirements of the ITU and its Radio Regulations, as agreed to or adopted by the Republic.</p> <p>1.8.2. Take into account modes of transmission and efficient utilisation of the radio frequency spectrum, including allowing shared use of the radio frequency spectrum when interference can be eliminated or reduced to acceptable level as determined by the Authority.</p>	
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	<p><b>Recommendation to Council</b></p> <p>1.9. It was recommended that Council reject the application for amendment of radio frequency spectrum licence based on the following reason:</p> <p>1.9.1. The application is not in line with section 30 (3) and 31 (4) (d) of the ECA because the Applicant will cause harmful RFI to a frequency assignment that is currently a spare assignment, coordinated for community sound broadcasting services, that has been published on the list of available frequencies in the ITP-R which is earmarked for new services.</p>	
<p><b>2.</b></p>	<p><b>Application for the amendment of an Individual Commercial Sound Broadcasting Service and Radio Frequency Spectrum Licences by Cape Town Radio (Pty) Ltd T/A Smile 90.4 Fm</b></p> <p>The purpose of this submission was to provide Council with an analysis of the application submitted by Cape Town Radio (Pty) Ltd t/a Smile 90.4 FM ("the Applicant") to amend its Individual Commercial Sound Broadcasting Service ("I-CSBS") and Radio Frequency Spectrum ("RFS") licences and recommend that Council approves the submission.</p> <p>2.1 The Applicant holds both I-CSBS and RFS licences to provide commercial sound broadcasting services in the City of Cape Town Metropolitan area in the Western Cape province. Both licences were issued on 25 May 2012 and are due to expire on 24 May 2022.</p> <p>2.2 On 26 March 2021, the Applicant applied for the amendment of its I-CSBS and RFS licences. The applications were lodged in terms of section 10 (1)(a), (c) and (f) of the ECA, read with regulation 9 (Form C) of the Processes and Procedure Regulations.</p> <p>2.3 The Applicant advanced that if this information is disclosed, it will likely cause commercial or financial harm. The Authority, as a result, granted confidentiality on the report conducted</p>	<p><b>The recommendation was approved.</b></p>

	<p>by an international consultant and the financial performance comparison report.</p> <p>2.4 On 10 June 2021, the Authority published a notice in the Government Gazette inviting interested persons to submit written representations and responses about the applications within fourteen (14) working days from the date of publication of the notice. The deadline was on 01 July 2021.</p> <p>2.5 By the closing date, the Authority had received written representations from the South African Broadcasting Corporation ("SABC") and KFM ("Primedia"), objecting to the amendment application.</p> <p>2.6 The Applicant seeks approval from the Authority to amend its I-CSBS Licence as follows:</p> <p style="padding-left: 40px;">2.6.1. Programming Format- Clause 4.1.1 of its I-CSBS Licence; and</p> <p style="padding-left: 40px;">2.6.2. Local Content Obligations- Clause 4.1.2.1.1 of its I-CSBS licence;</p> <p>2.7. By the closing date, the Authority had received written representations from the South African Broadcasting Corporation ("SABC") and KFM ("Primedia"), objecting to the amendment application.</p> <p>2.8. The Applicant seeks to amend its RFS licence by adding twelve (12) transmitter sites in the Western Cape province. The Applicant seeks to increase its coverage area from Cape Town metropolis to Western Cape province.</p> <p>2.9. The Licensing and Compliance Division has considered the proposed technical parameters and conducted interference analysis on the proposed frequencies.</p> <p><b>Recommendation to Council</b></p> <p>2.10. It was recommended that Council approves the submission as follows:</p> <p style="padding-left: 40px;">2.10.1. Reject the Proposed amendment to clause 4.1.1;</p>	
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	<p>2.10.2. Proposed amendment to clause 4.1.2.1.1 be as follows "The Licensee shall adhere to the following, namely Broadcast 40% South African music during its daily programming."</p> <p>2.10.3. It was also recommended that Council approves the recommendation to decline the Applicant's RFS Licence amendment based on the analysis done.</p>	
<p><b>3.</b></p>	<p><b>South African Post Office Soc Ltd's Annual tariff application for 2022/2023 Price Control Period</b></p> <p>The purpose of the submission was to recommend that Council approve an average decrease of 7.7% (which amounts to R 135 million) in revenue for reserved postal products and services.</p> <p>3.1. SAPO applied for a decrease of 7.7% in revenue for reserved postal products and services for the 2022/23 price control period, which is acceptable since it is less than the allowable increase of the Consumer Price Index (CPI) which is 5% in terms of the Price Cap Regulations for Reserved Postal Services, 2013 ("Regulations").</p> <p>3.2. The decrease of 7.7% in revenue will result in an average tariff increase of 6% in reserved postal products and services. SAPO is still facing declining volumes, due to a slow response to the rapid and constant technological revolution, changing customer needs and demands.</p> <p>3.3. SAPO lodged its annual tariff application on 29 October 2021 requesting the Authority's approval of a 7.7% decrease in revenue for reserved postal products and services. This means that SAPO's revenue will decrease by R 135.8 million, from R 1 743.6 8 million in the 2021/22 FY to R 1 608.59 million in the 2022/23 FY.</p> <p>3.4. The filed revenue decrease of 7.7% in reserved postal products and services is for the price control period 01 April 2022 to 31 March 2023.</p> <p>3.5. In the 2021/22 price control period, SAPO has had a decrease in mail volumes and will not be able to meet the approved allowable average</p>	<p><b>The recommendation was approved.</b></p>

	<p>revenue increase of 0.93% for the 2021/22 control period.</p> <p>3.6. Given SAPO's YTD operating loss decreased by 14.1% from the preceding YTD period, facing declining mail volumes and high operating costs, SAPO's sustainability is still a concern as it continues operating at a loss, with the YTD (as at end August 2021) net loss amount to R1.27 billion. However, PRA believes that the acquisition of the South African Social Security Agency's (SASSA) social grant project in 2019 aided SAPO in its diversification strategy and could potentially offset the financial impact of declining mail volumes over time.</p> <p>3.7. Mail revenues continue to decline as a result of decreasing volumes due to use of electronic communications service and steep competition in non-regulated services.</p> <p>3.8. Therefore, the increase in tariffs for reserved postal services in the 2021/2022 financial period will partly assist SAPO with resolving its financial challenges.</p> <p><b>Recommendations to Council</b></p> <p>3.9. It was recommended that Council:</p> <p>3.9.1. Approves SAPO's application for the decrease in revenue of 7.7% for the reserved postal products and services for the 2022/23 price control period. This would translate to an average tariff increase of 6%. This tariff increase of 6% on the standard letter, would represent a 32c increase from R 5.34 to R 5.66.</p>	
<p><b>4.</b></p>	<p><b>Recommendation by CCC to Council in the matter between Fani Manganye and Madibeng Community Radio</b></p> <p>The purpose of this submission was to request Council to approve the recommendation of the CCC in the matter between Mr. Fani Manganye and Madibeng Community Radio.</p> <p>4.1. On 4 February 2021, Mr. Manganye ("the Complainant") lodged a complaint with the CCC for investigation in terms of section 17B(a) of the ICASA Act.</p>	<p><b>The recommendation was approved.</b></p>

	<p>4.2. Mr. Manganye alleged that Madibeng Community Radio has contravened Regulation 3(1) – 3(3), 11(2) and 12(1) of the Regulations regarding the Code of Conduct for Broadcasting Service Licensees issued in terms of Section 54 of the ECA.</p> <p>4.3. Furthermore, Mr. Manganye alleged that Madibeng Community Radio broadcast Motlounge’s biased and untruthful comment during the radio interview and thereby contravened Regulation 11(2) and 12(1).</p> <p>4.4. Relevant factors to be considered by the Authority when making a decision in terms section 17E of the ICASA Act:</p> <p>4.4.1. The nature and gravity of the non-compliance: The CCC views Madibeng Community Radio’s unlawful conduct as a serious contravention of Regulation 11(2) and 12(1) of the Code of Conduct.</p> <p>4.4.2. The consequences of the non-compliance: The CCC held that Motlounge’s comment that the Complainant was involved in the alleged bribery, referring to a stipend as a bribe is a mischief and cannot be said to be ‘an honest expression of opinion’. An insincere comment by a broadcaster that is not based on fact, is a contravention of the Code.</p> <p>4.4.3. The circumstances under which the non-compliance occurred: Motlounge in his capacity as Station Manager confirmed that he had to host the “Tshaba Re Fete” show. He was standing in for a volunteer presenter who was off duty. It was during such an occasion that some callers from Bakwena village mentioned that Mr. Manganye ought to “excuse himself from the Bakwena Ba Mogopa Tribe matters”.</p> <p>4.4.4. The steps taken by the licensee to remedy the complaint: The CCC noted Madibeng Community Radio’s step to remedy the complaint by affording the Complainant with an opportunity later on the same day to reply to the allegations. The CCC held that Mr. Motlounge as a Station Manager, failed to timeously take steps to protect the Complainant.</p>	
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	<p>4.4.5. The steps taken by the licensee to ensure that similar complaints will not be lodged in the future: No steps were taken by Madibeng Community Radio to ensure that similar complaints will not be lodged in the future. The CCC held that Madibeng Community Radio must desist from further contravention of Code of Conduct, pay a fine and broadcast a public apology.</p> <p><b>Recommendation to Council</b></p> <p>4.5. The CCC recommends that the following order be issued by Council of ICASA to direct Madibeng Community Radio as follows:</p> <p>4.5.1. To desist from further contravening Regulation 11(2) and Regulation 12(1) of the Code of Conduct.</p> <p>4.5.2. To pay a fine (the amount prescribed by the Authority) in respect of the contravention set out above.</p> <p>4.5.3. To take the following remedial action:</p> <p>4.5.3.1. Issue an apology to the Complainant and that such apology be broadcast once during the Tshaba Re Fete programme, within 14 days after ICASA has published its findings and order.</p> <p>4.5.3.2. Issue a statement distancing itself from the conduct of Mr. Motloug and that such statement be broadcast once during the same programme mentioned above, within 14 days after ICASA has published its findings and order.</p>	
<p><b>5.</b></p>	<p><b>Recommendation by CCC to Council in the matter between Primedia (Pty) Ltd And ICASA</b></p> <p>The purpose of this submission was for Council to note the recommendations of the CCC in the matter between Primedia and ICASA.</p>	<p><b>The recommendation was approved.</b></p>



	<p>5.1. On 31 May 2021, Primedia lodged a complaint against ICASA for investigation by the CCC in terms of Section 17B(a) of the ICASA Act.</p> <p>5.2. The charges levelled against ICASA are as follows: -</p> <p>5.2.1. Primedia alleged that ICASA failed to comply with its legal obligations in respect of Pretoria FM and its affiliate stations under section 4(3)(d) of the ICASA Act which provides that, "the Authority must develop, monitor and enforce compliance with licence conditions and regulations consistent with the objects of this Act and the underlying statutes for different categories of licences", in that:</p> <p>(a) Primedia alleged that Pretoria FM and its affiliate radio stations have violated clause 10(2) of the Community broadcasting service regulations which provides that programme syndication or network and programme sharing shall not exceed twenty percent (20%) of the community broadcasting licensee's programming. Pretoria FM is engaging on programme syndication/or network and programme sharing above the twenty percent (20%), from when that limitation came into force until the promulgation of the Information and Communications Technology ("ICT") Covid-19 National Disaster Regulations (the ICT Covid-19 Regulations).</p> <p>(b) Primedia further alleged that Pretoria FM has been programme syndicating or network and programme sharing at hundred percent (100%) since at least 2015. This is above the forty five percent (45%) of its programme syndication or network and programme sharing to its seven affiliate radio stations allowed by the ICT Covid-19 Regulations.</p>	
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This is allegedly a contravention of clause 4(9) of the ICT Covid-19 Regulations provides that "Programme syndication must not exceed forty five percent (45%) per week of a broadcasting service licensee's programming."

5.3. The CCC heard arguments from both parties on 6 September 2021. Primedia argued that section 17B(a)(ii) and (iii) of the ICASA Act clearly state that the CCC is required to investigate, hear if appropriate and make a finding on complaints received by it or allegations of noncompliance with the ICASA or the underlying statutes and that there is no restriction against whom such a complaint or allegation can be made. Section 17B(b) of the ICASA Act, empowers the CCC to make any recommendations necessary or incidental to the performance of the functions of the Authority in terms of the ICASA Act or the underlying statutes or to achieve the objects of the ICASA Act and the underlying statutes. Therefore, Primedia is of the view that the CCC has jurisdiction to investigate and adjudicate a complaint against ICASA.

5.4. ICASA argued that in April 2016, the Authority made a decision and granted permission to Pretoria FM to do hundred percent (100%) of programme syndication or network and programme sharing with its affiliate radio stations. This results in the jurisdiction of the CCC and ICASA itself being ousted, because the Authority has already made a decision on this matter.

**Recommendation to Council**

5.5. The CCC makes the following finding:

5.5.1. That the CCC does not have jurisdiction to hear the complaint against ICASA.

5.5.2. The complaint is dismissed; therefore, no order is advised to Council.

<p><b>6.</b></p>	<p><b>Amendment of Universal Service and Access Licence obligations for Rain Networks (Pty) Ltd</b></p> <p>The purpose of the submission was to request Council to note and approve the Amendment of Universal Service and Access Licence Obligations (USAOs) for Rain Networks (Pty) Ltd and publication thereof.</p> <p>6.1. On 17 July 2009, Rain Networks (Pty) Ltd was granted and issued a Radio Frequency Spectrum Licence for use of the 1800MHz. As a condition to its 1800MHz licence, Rain Networks (Pty) Ltd was given USAOs to provide Internet access to not less than 1000 (one thousand) rural and urban schools.</p> <p>6.2. In 2016, The Universal Service and Access Obligations (USAO) Project Committee was constituted to amend the USAOs. Rain Networks (Pty) Ltd was subsequently consulted on the new Universal Service and Access Licence obligations.</p> <p>6.3. In 2018 / 2019 financial year, the USAO Committee consulted both Rain Networks (Pty) Ltd and Department of Higher Education &amp; Training, and the revised Draft Specifications were agreed by stakeholders.</p> <p>6.4. On 13 March 2020, the Authority published the Draft Amendment of USAOs - for Rain Networks (Pty) Ltd in General Notice, Government Gazette No 43095.</p> <p>6.5. Only one submission was received - from MTN (Pty) Ltd. The issues raised in the submission were ventilated with MTN (Pty) Ltd, and the matter was closed.</p> <p>6.6. In consultation with Rain Networks (Pty) Ltd, the USAO Committee made some small changes to the published Draft Specifications in order update them in line with the current data services market.</p> <p>Recommendation to Council</p> <p>6.7. It was recommended that:-</p> <p>6.7.1. Council notes and approves the final amendment of Universal Service and Access Licence Obligations for Rain Networks (Pty) Ltd for publication; and</p>	<p><b>The recommendation was approved.</b></p>
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	<p>6.7.2. The Chairperson signs off the General Notice: Amendment of Universal Service and Access Licence Obligations for Rain Networks (Pty) Ltd for publication.</p>	
<p><b>7.</b></p>	<p><b>Draft Amendment Universal Service and Access Obligations (USAOs) for Sentech SOC Ltd</b></p> <p>The purpose of the submission was request Council to note and approve the draft Amendment of Universal Service and Access Licence Obligations (USAOs) for Sentech SOC Limited, and the publication thereof.</p> <p>7.1. On 30 November 2004, Sentech SOC Ltd ("Sentech") was granted and issued a with a licence to provide Multimedia Services. In terms of its USAOs, Sentech was required to provide Internet access to 1500 (one thousand five hundred) rural public schools.</p> <p>7.2. On 26 January 2017, the Authority published the Amendment of USAO Connectivity of TVETs for Sentech (Pty) Ltd in General Notice 35, Government Gazette No 40575.</p> <p>7.3. Thereafter the Department of Higher Education &amp; Training (the "Department") requested the Authority rather to require connectivity to Community, Education and Training (CET) Colleges and Community Learning Centres (CLCs) - instead of TVETs - because the Department had already provided connectivity to most TVETs through Sector Education Training Authorities (SETAs).</p> <p>7.4. The USAO Committee has now consolidated inputs from all stakeholders and has communicated its decisions on the issues under discussion to Sentech. The USAO Committee is therefore now ready to issue the Draft Specifications for public comment.</p> <p><b>Recommendation to Council</b></p> <p>7.5. Council notes and approves the Draft Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication; and</p> <p>7.6. Chairperson to sign off the General Notice: Draft Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication.</p>	<p><b>The recommendation was approved.</b></p>

<p><b>8.</b></p>	<p><b>Notice to Amend the Radio Frequency Spectrum Regulations, 2015</b></p> <p>The purpose of this submission was request Council to approve the Notice to Amend of the Radio Frequency Spectrum Regulations.</p> <p>8.1. On 23 July 2019, the Authority published a Notice of Intention to Amend Annexure B of the Radio Frequency Spectrum Regulations, 2015 in the Government No 42590 of 2019, for public comments.</p> <p>8.2. By 25 September 2019, the Authority received forty-two (42) representations from interested parties for consideration and incorporation in the final regulations.</p> <p>8.3. The Spectrum Resource Committee has analysed the submission, and adopted the "Notice to Amend the Radio Frequency Spectrum Regulations 2015".</p> <p>Recommendation to Council</p> <p>8.4. It was recommended that the Council approve the Notice to Amend the Radio Frequency Spectrum Regulations 2015.</p>	<p><b>The recommendation was approved.</b></p>
<p><b>9.</b></p>	<p><b>Draft Implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap</b></p> <p>The purpose of this submission was to request Council to approve:</p> <ul style="list-style-type: none"> <li>• The notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019; and</li> <li>• The publication of the notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019 in the Government Gazette and on the Authority's Website.</li> </ul> <p>9.1. The Authority is in the process of developing the implementation plans for the Radio Frequency Migration Plan 2013 and 2019 as</p>	<p><b>The recommendation was approved.</b></p>

	<p>well the Implementation Plans of the IMT Roadmap 2014 and 2019, and the development of the respective consequential Radio Frequency Spectrum Assignment Plans.</p> <p>9.2. The overall purpose for the implementation Plan, is to identify the various options for the deployment of the priority bands analysed during the previous consultation processes as identified with stakeholders, and to state the Authority's intentions and plan in each case.</p> <p>9.3. The implementation of Radio Frequency Migration Plan and IMT Roadmap is to be undertaken in two (2) phases as follows:</p> <p>9.3.1. Phase 1: The Authority is to conduct Technical and Economic Feasibilities Studies for all the frequency bands identified in the Radio Frequency Migration Plan 2013 and 2019, taking into considering the regulatory framework in so far as managing and assigning the radio frequency spectrum.</p> <p>9.3.2. Phase 2: The Authority, taking into consideration the results of the feasibility studies, will develop and or revise the Radio Frequency Spectrum Assignment Plans (RFSAP(s)) to give effect of the implementation of the Radio Frequency Migration Plan 2013 and 2019 and IMT Roadmap 2014 and 2019.</p> <p>9.4. It is anticipated that the outcome of the draft implementation plan will be an implementation plan mapping out different scenarios and is to include the following recommendations:</p> <p>9.4.1. Detailed cost analysis of the spectrum migration process and the affected users in the bands being migrated.</p> <p>9.4.2. Detailed analysis identifying destination frequency bands for the incumbent services where this is not identified by the frequency migration plan.</p> <p>9.4.3. Detailed project phases for migration of the identified frequency bands.</p> <p>9.4.4. The best fit in terms of internationally and or regionally harmonised channel</p>	
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	<p>arrangements and plans with provision for options for spectrum re-use.</p> <p>9.4.5. Estimated time frames for the migration to identified destination bands.</p> <p><b>Recommendation to Council</b></p> <p>9.5. It was recommended that Council approve:</p> <p>9.5.1. The notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019;</p> <p>9.5.2. The publication of the notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019 in the Government Gazette and on the Authority's Website.</p>	
<p><b>10.</b></p>	<p><b>Invitation to Pre-Register for Community Sound Broadcasting Service and Radio Frequency Spectrum Licences</b></p> <p>The purpose of this submission was to recommend that Council approves the vetted Invitation to Pre-Register (ITP-R) for Community Sound Broadcasting Service ("C-SBS") and Radio Frequency Spectrum ("RFS") Licences for publication in the Government Gazette and on the Authority's website.</p> <p>10.1. On 12 November 2019, the Authority published the ITP-R for CSBS and RFS licences. The closing date for the submission of applications was 31 March 2020, which was extended to 30 June 2020.</p> <p>10.2. In terms of the one hundred and forty (140) applications received and assessed, only two (2) applications complied with the pre-registration requirements of the ITP-R.</p> <p>10.3. Consequently, the Authority has resolved to reopen the licensing process for the 2022/23 financial year by re-issuing the ITP-R in the third quarter of the current financial year to</p>	<p><b>The recommendation was approved.</b></p>

	<p>afford prospective applicants the opportunity to lodge their pre-registration notices.</p> <p>10.4. The Committee has drafted the attached ITP-R which has been duly vetted by the LRCCC.</p> <p>Recommendation to Council</p> <p>10.5. It was recommended that Council approves the attached vetted ITP-R for publication in the Government Gazette and the Authority's website.</p>	
<p><b>11.</b></p>	<p><b>2021 Draft Amendment Regulations and explanatory Memo on the 2010 Regulations governing aspects of the procedures of the Complaints and Compliance Committee of the Independent Communications Authority of South Africa ("CCC Regulations") – Extension Date for Public Comment</b></p> <p>The purpose of this submission was to request Council to approve the Government Notice advising the public on the extension date for public comment on the Draft Amendment Regulations Governing Aspects of the Procedures of the Complaints and Compliance Committee of the ICASA, published on 26 November 2021 (CCC Regulations), attached hereto as Annexure "A" for publication in the Government Gazette and on the ICASA website.</p> <p>11.1. On 3 December 2021, the CCC Regulations review committee received an extension request from Vodacom (Pty) Ltd ("Vodacom") regarding their submission of comments to the CCC Regulations.</p> <p>11.2. Vodacom requested an extension until 12 February 2022 as they close on 10 December 2021 for the December break and return on 10 January 2022. Vodacom's rationale for the aforementioned request for extension is that 18 of the 30 working days would have surpassed, leaving them with a shorter period within which to consider and prepare their written submissions.</p> <p>11.3. On 9 December 2021, the Committee deliberated on Vodacom's extension request for submitting public comment given the December holiday period. The Committee weighed up the project timelines with</p>	<p><b>The recommendation was approved.</b></p>



	<p>Vodacom’s extension request and resolved as follows that:</p> <p>11.3.1. The 30-day period for public comment (ending on 10 January 2022) be extended for all stakeholders until close of business, 16h30 on Thursday, 20 January 2022.</p> <p>11.3.2. The Notice be published in the Government Gazette, ICASA’s website and all social media platforms via Corporate Services.</p> <p>11.4. The Committee is satisfied that the extension period until 20 January 2022 is a fair and reasonable timeline in lieu of the 30-day period initially requested and addresses the December holiday period and the project timelines.</p> <p><b>Recommendation to Council</b></p> <p>11.5. It was recommended that Council approves the Government Notice, informing the stakeholders that the date for submission of public comment has been extended to 20 January 2022, for publication in the Government Gazette.</p> <p>11.6. Council sought clarity about how long the period will be extended.</p> <p>11.7. The Committee informed Council that the extension date is being extended by 8 working days.</p> <p>11.8. Council expressed that the Authority should implement finality in the dates that are communicated. Council expressed concern about the Authority being viewed as not working during the December season.</p>	
<p><b>12.</b></p>	<p><b>Draft long term Spectrum Outlook for Public Consultation</b></p> <p>The purpose of this submission was to request Council to:</p>	<p><b>The recommendation was approved.</b></p>

	<ul style="list-style-type: none"> <li>• Approve the Notice regarding the Inquiry regarding the Long-Term Spectrum Outlook for public consultation.</li> <li>• Approve the publication of the Notice in respect of the Inquiry regarding the Long-Term Spectrum Outlook for public consultation in the Government Gazette and on the Authority's Website.</li> </ul> <p>12.1. The Authority initiated the review of the National Radio Frequency Plan with a key focus on the liberalisation of the Spectrum, and defining it as a Commodity leading to the Market Approach System of Spectrum Management for the purpose of ensuring that Spectrum derives value for the public interest and to the benefit of its Citizenry.</p> <p>12.2. To this end, the following programs have been initiated: the process to review and update the National Radio Frequency Plan (NRFP) 2021 which has been approved by Council and currently under consideration by the Minister in terms of section 34(11) of the ECA; The last version of the National Radio Frequency Plan is contained in Government Gazette Number 41650 (Notice 266 of 2018) published 25 May 2018.</p> <p>12.3. Further, the Program includes the development of the long-Term Spectrum Outlook with the National Radio Frequency Plan 2021 as the baseline for the next ten (10) to twenty (20) years in order:</p> <p style="padding-left: 40px;">12.3.1. To ensure that the National Radio Frequency Plan informs the overall process and principles of implementation of frequency migration, identification of specific frequency bands where migration and re-farming will be applied and the migration of specific frequency bands through specific migration programmes.</p> <p style="padding-left: 40px;">12.3.2. To ensure that due process is followed in the review of the National Radio Frequency Plan, taking into consideration the prescripts of the Electronic Communications Acts and Spectrum Policies currently in force,</p>	
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	<p>in support of the broader spectrum management objectives such as, inter alia, ensuring the efficient and effective use of the radio frequency spectrum.</p> <p>12.3.3. To ensure that the National Radio Frequency Plan is the basis upon which the allocation of further spectrum for the purposes of broadband wireless access for the benefit all South Africans is carried out.</p> <p>Recommendation to Council</p> <p>12.4. Approve the Notice regarding the Inquiry in respect of the Long-Term Spectrum Outlook for public consultation.</p> <p>12.5. Approve the publication of the Notice regarding the Inquiry regarding the Long-Term Spectrum Outlook for public consultation in the Government Gazette and on the Authority's Website.</p>	
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**ISSUED BY: Secretariat Office  
on behalf of Council**

  
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Nicholous Mabilane  
Corporate Secretary