



Independent Communications Authority of South Africa

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

COUNCIL DECISIONS– 23 NOVEMBER 2021

ITEM NO.	AGENDA ITEM	DECISION
1.	<p>Notice to announce the Implementation date of the Number Portability Regulation, 2018 and Notice for the Amendment of Ordering System Specification</p> <p>The purpose of the submission was to request that Council to approve implementation of the Number Portability Regulations and the amendment of the Ordering System Specification (OSS) published on 29 March 2019, Government Gazette No. 42358.</p> <p>1.1 The Authority published the final Number Portability Regulations (“the Regulations”) on 01 October 2018 in the Government Gazette, after an extensive public consultation process which started in 2016. To support the implementation of the Regulations, the Authority published the ordering system specifications (“the OSS”) on 29 March 2019.</p> <p>1.2 On 29 March 2019, immediately after the publication of the OSS, Cell C filed an application to review the published regulations. The Council Committee on Number Portability decided in a formal meeting to delay the implementation of the Regulation until the pending court review application is finalised.</p> <p>1.3 On 03 November 2020, Cell C, through its attorneys, submitted a letter to the Authority’s External Attorneys withdrawing its Review Application.</p> <p>1.4 The Authority published a draft amendment of the OSS in government gazette 44618 on 27 May 2021 inviting industry participants to</p>	<p>The recommendation was approved.</p>

	<p>comment on the proposed specific amendments to the OSS 2019 by 17 June 2021.</p> <p>1.5 The Authority received submissions from the following five (5) industry participants:</p> <p>1.5.1. Cell C;</p> <p>1.5.2. ISPA;</p> <p>1.5.3. Telkom;</p> <p>1.5.4. Switch Telecoms; and</p> <p>1.5.5. Vodacom.</p> <p>1.6 On 2 October 2021, the Number Portability Company ("the NPC") sent an e-mail to the Council Committee confirming that the OSS test has been completed and that it is now upon the Authority to decide on an implementation date.</p> <p>Recommendation to Council</p> <p>It was recommended that the Council of the Authority approves the implementation of the Number Portability Regulations and the amendment of the Ordering System Specification (OSS).</p>	
2.	<p>Recommendation by CCC to Council in the matter between Compliance and Consumer Affairs Division of ICASA and Accelerit Technologies (Pty) Ltd</p> <p>The purpose of this submission was to table the recommendation of the CCC in the matter between CCA and Accelerit.</p> <p>2.1. On 17 May 2021, Consumer and Compliance Affairs ("CCA") of ICASA referred the aforementioned matter to the CCC for investigation in terms of Section 17B(a) of the ICASA Act.</p> <p>2.2. The charges levelled against Accelerit were as follows: -</p> <p>2.2.1. CCA alleged that Accelerit has contravened the following clauses of the End-User and Subscriber Service Charter ("EUSSC") Regulations, in that:</p>	<p>The recommendation was approved.</p>

	<p>2.2.1.1. Regulation 4(1) states that "A Licensee and its agent must inform an end-user at the point of sale, or prior to contracting of the following where applicable: (a) contract terms and conditions; and (b) complaints handling procedure.</p> <p>2.2.1.2 Mr. Bradley Parker alleged that Accelerit failed to provide him with the essential information at the point of sale. He further alleged that he was supposed to have been given a complementary router with the CPI, and after Mr. Parker's payment for the services, Accelerit did not provide him with the router, and he had to buy his own router. Accelerit only provided him with the router after three (3) months after the inception of his service.</p> <p>2.2.1.3 Regulation 12(6) states that "A licensee must acknowledge receipt of the complaint from an end-user within forty-eight (48) hours by: (a) allocating a reference number to each complaint; and (b) communicate the reference number to the complainant telephonically, via text or email."</p> <p>2.2.1.4 Mr. Parker alleged that Accelerit closed all his service calls without informing him of the resolution. At some point Accelerit took over three (3) months to respond to him,</p>	
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	<p>after he had lodged the complaint to them.</p> <p>2.2.1.5 Regulation 12(7) states that:“ A licensee must resolve all complaints lodged by an end-user within fourteen (14) days of receipt.”</p> <p>2.2.1.6 Mr. Parker alleged that that since 2019, he never received the line speed of 1000Mbps as was advertised and agreed upon by him and Accelerit. Contrary to the agreed speed, the line speed that he received was less than the 1000Mbps and the speed he received ranged between 600Mbps and 14Mbps. He further alleged that Accelerit failed to resolve his complaints since 2019 and on several occasions, he would be left with no access to the services.</p> <p>2.2.1.7 The CCC made the following finding:</p> <p>2.2.1.8 That the Respondent contravened Regulation 4(1) of the EUSSC Regulations, in that it failed to furnish the customer with basic information, concerning contract terms and conditions and its complaints handling procedure.</p> <p>2.2.1.9 That the Respondent contravened Regulation 12(7) of the EUSSC Regulations, in that it failed to resolve all complaints lodged by an end user within fourteen (14) days of receipt.</p> <p>Recommendation to Council</p>	
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	<p>2.3 The CCC recommends Council issues the following order in terms of section 17E (2) of the ICASA Act No. 13 of 2000:</p> <p>2.3.1. Direct Accelerit to desist from any further contravention; and</p> <p>2.3.2. Direct Accelerit to pay as a fine the amount prescribed by the Authority in respect of the noncompliance as set out in paragraphs 9.5.1 and 9.5.2 above.</p>	
3.	<p>Draft Amendment of the Class Licensing Processes and Procedures Regulations, 2021 Regarding the Licence Exemption Services and Networks (Regulation 13)</p> <p>The purpose of the submission was to request Council to approve the explanatory memorandum, and the draft regulations on the amendment of the Class Licensing Processes and Procedures Regulations of 2021 regarding the licence exemption services and networks (Regulation 13).</p> <p>3.1. The Authority has established a Committee of Council ("the Committee") to review the Processes and Procedures Regulations for class licences promulgated in 2010 and 2016, respectively.</p> <p>3.2. Section 4 (4) of the EC Act require the Authority to publish the regulation in the Gazette together with a notice –</p> <p>3.2.1. "a) declaring the Authority's intention to make that regulation; and</p> <p>3.2.2. b) Inviting interested parties to make written representations on the regulation."</p> <p>3.3. The Committee has amended regulation 13 (Form M) of the Processes and Procedures Regulations for Class licences dealing with licence exemption services and networks.</p> <p>3.4. The purpose for amending the regulations is to address the challenges of the Resellers for the submission of commercial agreement as advised by the legal opinion.</p>	<p>The recommendation was approved.</p>

	<p>Recommendation to Council:</p> <p>It was recommended that Council approve the draft Regulations as well as the explanatory memorandum for publication in the Government Gazette, inviting interested parties to submit written comments.</p>	
<p>4.</p>	<p>Report on the licensing process of the received applications in respect of the Invitation to Pre-Register (ITP-R)'S For DTT Community Television Broadcasting Services and Community Sound Broadcasting Services</p> <p>The purpose of the submission was to request Council to approve the establishment of a special Council Committee on the review of the Regulations Governing the Aspects of the Procedures of the Complaints and Compliance Committee, 2010 ("CCC Regulations").</p> <p>4.1. In terms of section 17 (1) of the ICASA Act, the Authority may establish standing or special committees for purposes that Council may deem necessary, with a view to assisting it in the effective exercise and performance of its powers and duties.</p> <p>4.2. The CCC Regulations are aimed at providing details of the procedures to be followed when the CCC executes its mandate in accordance with section 17B of the ICASA Act, which is to investigate, to hear if appropriate, and make findings on:</p> <p>4.2.1. All matters referred to it by the Authority;</p> <p>4.2.2. Complaints received by it; and</p> <p>4.2.3. Allegations of non-compliance with this Act or the underlying statutes received by it.</p> <p>Recommendations to Council</p> <p>4.3. It was recommended that Council:</p> <p>4.3.1. Establishes a special Council Committee on the review of the CCC Regulations;</p>	<p>The recommendation was approved.</p>

	<p>4.3.2. Nominates Councillors who will form part of the Committee; and</p> <p>4.3.3. Approves the resolution.</p>	
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**ISSUED BY: Secretariat Office
on behalf of Council**


 Nicholous Mabilane
 Corporate Secretary