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27 June 2023

Objection to APPLICATION FOR TRANSFER OF AN INDIVIDUAL COMMERCIAL SOUND BROADCASTING LICENCE AND A RADIO FREQUENCY LICENCE AND AMENDMENT OF A RADIO FREQUENCY LICENCE as submitted by MediaDynamix (Pty) Ltd on 12 December 2022 coupled with the APPLICATION FOR THE TRANSFER OF OWNERSHIP OF THE INDIVIDUAL COMMERCIAL SOUND BROADCASTING SERVICE (“I-CSBS”) AND RADIO FREQUENCY SPECTRUM (“RFS”) LICENCES BY EXTRISERVE (PTY) LTD TO MEDIADYNAMIX (PTY) LTD – Government Gazette – No 48774 - 9 June 2023

Eden Radio hereby formally lays objection to:

* The application by MediaDynamix (Pty) Ltd on 12 December 2022 wherein the application “*At the same time as applying to the Authority for approval of the transfer of the licences to MediaDynamix, we are also applying for an amendment to the radio frequency licence to have an* ***FM frequency assigned to it****.”*
* *3.5 We say this despite the fact that the amendment application would require the Authority to re-assign a frequency currently assigned for future community sound broadcasting licensees to this commercial sound broadcasting licensee. We have consulted with Sentech which has confirmed their support for the FM Application.*

This for the following reasons:

1. Eden Radio has since May 2020 for a period of 30 months attempted to obtain an FM frequency and have the 1368 AM licence amended to an FM frequency. This involved numerous meetings and endless correspondence with ICASA, including two FM spectrum analysis by an independent company. All of which we have chronological proof and dates of.
2. The result was that ICASA on numerous occasions stated that there are **no more FM frequencies available in Gauteng**. Therefore, Media Dynamix’s assertion in their 12 December 2022 application “*there is precedent in at least 3 other amendment applications for the amendment of radio frequency licences by the grant of additional frequencies, and in at least 1 other amendment application for the grant of an FM frequency to replace the existing AM frequency”* cannot hold water or be entertained by ICASA.

**Will ICASA entertain this?**

1. With respect to ICSA’s INVITATION TO PRE-REGISTER FOR COMMUNITY SOUND BROADCASTING SERVICE AND RADIO FREQUENCY SPECTRUM LICENCES in Government Gazette No 45650 dated 15 December 2021, Eden
2. Radio was informed by Mr. Khomotso Motsepe from ICASA on 28 February 2022 **“*****The frequency is already published in the Invitation to Pre-Register community radio stations. The frequency became available after***

***Compliance and Service Licensing has informed BFC of the status of Voice of Tembisa”.*** This in relation to Eden Radios attempt to utilize the Voice of Tembisa’s frequency. He stated further: **“*The frequency was***

***licensed at 100 watts at Tembisa, that does not mean that the frequency will work at Edenvale at 1 kW as the spectrum is congested in Gauteng”.*** He stated that due to “***The frequency is already published in the Invitation”*** Eden Radio would not be able to utilise the frequency.

1. **With regards MediaDynamix’s request for a future community radio license we would like to ask if ICASA will entertain this?**

This, as, firstly in the Invitation to apply, of the 5 community frequencies gazette in Gauteng, the most powerful of them is only Max ERP/KW 0.25. MediaDynamix’s application for one FM frequency will not offer them anywhere near the coverage footprint that the 50kW transmitter has.

Secondly Eden Radio is a community radio station, i.e. Non-Profit Company for the benefit of the community, whereas MediaDynamix’s planned new radio station is a commercial radio station purely for profit.

**Will ICASA, if the public broadcaster were to offer one of their unused FM frequencies, entertain this?**

1. **Does ICASA consider MediaDynamix’s surreptitious application to transfer their AM frequency to a FM frequency as normal for a new radio station, without the issuing of an ITA for the FM frequency?**

We as Eden Radio would further like to place on record the following observations:

* MediaDynamix’s assertion in their 12 December 2022 application *“We seek only the necessary frequency to improve our listenership by improving the quality of our broadcast and moving away from a frequency and technology that can no longer be supported”* also does not hold water. This as they provided proof from RAMS listenership that LM Radio’s listenership between Oct 21 – September 22 was 97,000, versus HOT 1027 with a listenership of 82,000 in the same period. HOT 1027 is financially successful, yet LM Radio, a well known and iconic brand according to MediaDynamix is in business rescue?

**We would like to ask ICASA, if MediaDynamix used confidential and proprietary information from LM Radio in their application?**

**Did MediaDynamix provide a detailed modus operandi of their new radio station?**

* This, as MediaDynamix’s planned launch of a totally new radio station under a new name, will be far more onerous and require far more working capital until it becomes self-liquidating than it would to turn LM Radio into a profitable situation. The fact that MediaDynamix asserts that they have a handful of companies to support, with advertising is a smoke screen. This, since as they will be an unknown brand for a minimum period of 24 months or longer before they can even start charging the advertising rates that LM Radio is charging (CPT) with a verifiable listenership as opposed to nil listenership as a new radio station.

**Is it acceptable to ICASA for an entity where the Director is still employed by the company to elicit support from the companies’ advertisers for his new radio station?**

* MediaDynamix’s comparison of Europe in their discontinuing MW transmissions versus South Africa as a rational for their application for an FM frequency is disingenuous to say the least. The African continent still has countless MW radio stations. This coupled with the advent of DRM/AM digital on the horizon, which has been successfully rolled out in India, Asia and Europe further makes this assertion absurd.

Eden Radio would like to conclude by stating:

1. Should ICASA consider, and even grant an FM license to MediaDynamix, that Eden Radio be given the FM frequency before the new radio station be given the FM frequency. This as firstly Eden Radio, as afore mentioned, has tried for 30 months to obtain an FM frequency, with no success. Secondly, surely a community radio station takes precedence over a commercial radio station.
2. Should ICASA for whatever reason manage to award MediaDynamix an FM frequency and not Eden Radio, Eden Radio will pursue our opposition to this with all options available to it.
3. We finally insist that public hearings be held and that we be granted the opportunity to participate.

Nick Megens

GM Operations