

COMMENTS BY ESKOM HOLDINGS SOC LTD. ON BEHALF OF THE ESKOM GROUP

The Independent Communications Authority of South Africa (ICASA), Government Notice 7364 Gazette 54404.

COMMENTS ON DRAFT REGULATIONS ON RAPID DEPLOYMENT OF ELECTRONIC COMMUNICATIONS NETWORKS AND FACILITIES GOVERNMENT GAZETTE NO. 54404 OF 10 APRIL 2026

The draft regulations to which these comments apply are hereinafter referred to as “*the draft Regulation/s*”.

The Electronic Communications Act No 36 of 2005 as amended, is hereinafter referred to as “*ECA*”.

No	Draft	Subject Matter	Comment/Clarification Inquiry/Suggested rephrased statement
1	Definitions	Applicability of "Licensee" and Licensee Obligations	1. The draft Regulations heavily refer to "licensees". In terms of the Definitions on the draft Regulations, a "licensee" is a person issued with an Electronic Communications Network Service licence in terms of section 5(2)(a) of the ECA. Clarification is sought on whether these regulations apply to Service Licence Exempt Private Electronic Communications Networks (PECNs) as well. 2. Furthermore, do fast-tracked rapid deployment rights (such as exemptions from certain municipal bylaws and streamlined dispute resolution) apply equally to Service Licence Exempt PECNs for any reason.
2	(General)	Alignment with Licence Exemption Regulations Infrastructure Sharing Compensation	1. Is a PECN obligated to sell its spare capacity, and at cost-recovery pricing models with respect to these regulations? 2. If a PECN shares its deployed ducting, poles, or masts with licensees, how is "reasonable compensation" and "economic feasibility" determined for exempt operators?
3	(General)	Existing Agreements	1. Are existing access or sharing agreements subject to these changes or do the changes apply to new applications only?
4	(General)	Local Authority Disputes	1. What are the defined mechanisms to enforce the "deemed approval" or expedited dispute resolutions in the draft Regulations when local municipalities enforce highly localized, restrictive planning bylaws

No	Draft	Subject Matter	Comment/Clarification Inquiry/Suggested rephrased statement
5	(General)	Cybercrimes Act Burden	1. Between PECN operators and licensees, where does the responsibility lie regarding cyber-incident logging on shared network infrastructure.
6	(General)	Conflict with CIPA	1. How does the fast-tracked access to land and wayleaves align with the strict security, designation, and risk management requirements under Critical Infrastructure Protection Act (CIPA)
7	Clause 4 (16)	Reasonability	1. In the ECA and Facilities Leasing regulations, “reasonable terms” are subject to safety, technical and economic feasibility. Is economic feasibility excluded on purpose in this Regulation.
8	Clause 7	GIS data requirements vs CIPA and PAIA balance	1. How does the requirement to submit complete geographical information system (GIS) data to the Authority align with CIPA requirement of restrictions in sharing critical infrastructure information, while also aligning to PAIA ?