

FORM C
APPLICATION TO AMEND AN INDIVIDUAL LICENCE
(Regulation 9)
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

- Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*
- (c) Where any information in this Form does not apply to the applicant, the applicant must indicate that the relevant information is not applicable.*

1. PARTICULARS OF LICENCE	
1.1 Licence number:	001/E.TV/MOBILE/SEP/10
1.2 Nature of services authorised to be provided in terms of the Licence:	A Mobile Television Broadcasting Service
1.3 Attach a copy of the Licence that is the subject of this application. The copy of the Licence must be marked clearly as Appendix 1.3 of FORM C .	

2. PARTICULARS OF THE APPLICANT (LICENSEE)	
2.1. Full name of the applicant:	etv (Pty) Ltd
2.2. Designated Contact persons (Maximum of two):	Antonio Sergio Lee
2.3. Applicant's principal place of business:	4 Albury Road, Dunkeld West Johannesburg 2196
2.4. Applicant's postal address:	Private Bag X9944 Sandton

	2146
2.5. Applicant's Telephone number/s:	Antonio Lee 011 537 9321
2.6. Applicant's mobile number/s:	082 884 0269
2.7. Applicant's Telefax number/s:	011 537 9301
2.8. E-mail address of designated contact persons (maximum of two):	<u>Antonio.Lee@etv.co.za</u>

3. PROPOSED AMENDMENT TO THE LICENCE
3.1. Set out the proposed amendment/s (with reference to existing clauses in the licence, including trading name/station name for broadcasting services) to the licence which is/are the subject of this application:
See Appendix 3.1
3.2. Set out the reasons for the proposed amendment/s to the Licence. If the amendment is regarding programming, please attach research undertaken supporting the proposed amendment. Please attach research report as Annexure 3.2. The report must indicate what necessitates the proposed amendment/s.
See Appendix 3.2
3.3. Explain the implications (if any) of the proposed amendment/s, with specific reference inter alia to the provisions of section 10(1) (a), (b),(c), (d) and (f) of the Act:
See Appendix 3.3

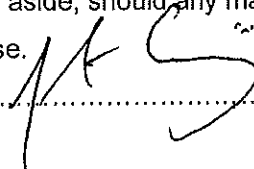
4. RADIO FREQUENCY SPECTRUM
4.1. Indicate whether the applicant holds a radio frequency spectrum Licence. If so, provide details thereof and attach a copy of the radio frequency spectrum Licence marked clearly as Appendix 4.1 of FORM C:
The Licence is a Radio Frequency Spectrum Licence for the provision of a Mobile Television Broadcasting Service (attached as Appendix 1.3).
4.2. If an amendment to the applicant's radio frequency spectrum Licence is necessary, a separate application to amend the applicant's radio frequency spectrum Licence

a separate application to amend the applicant's radio frequency spectrum Licence must be submitted to the Authority in this regard at the same time as this application.

5. UNDERTAKINGS
5.1. Provide details of undertakings (if any) and other matters which, in the applicant's view, the Authority may need to take into consideration:
None
5.2. Attach a resolution signed by the majority of the members of the board of directors authorising the person signing and submitting this application marked clearly as Appendix 5.2 of FORM C.


The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application set aside, should any material statement made herein, at any time, be found to be false.

Signed 
(APPLICANT)

I certify that this declaration was signed and sworn to before me at Johannesburg on the 13th day of JUNE 2023, by the deponent who acknowledged that he/she:

- 1. knows and understands the contents hereof;
- 2. has no objection to taking the prescribed oath or affirmation; and
- 3. considers this oath or affirmation to be truthful and binding on his/her conscience.

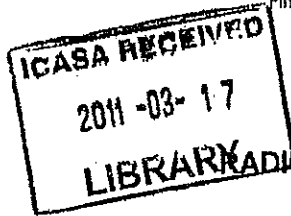

DAVID MARK FEINBERG
COMMISSIONER OF OATHS
45 Jan Smuts Avenue
Block, South Wing
(Gate: The Valley Road)
Westcliff, Johannesburg
Practising Attorney, Commissioner of Oaths
Capacity:
(...end of substitution)"

Appendix 1.3 of FORM C



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146



RADIO FREQUENCY SPECTRUM LICENCE
No.001/E.TV/MOBILE/SEP/10

GRANTED AND ISSUED

TO

e.tv (Pty) Ltd

FOR THE PROVISION OF
A MOBILE TELEVISION BROADCASTING SERVICE

SIGNED FOR AND ON BEHALF OF THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA

AT SANDTON ON THIS 10th DAY OF SEPTEMBER 2010


Dr SS Mncube
Chairperson

**Dr SS Mncube (Chairperson), NA Batyi, TLV Makhakhe, R Nkuna, BB Ntombela, FK Sibanda, Dr MM Socikwa, WF Stucke,
Prof JCW van Rooyen SC (Councillors), ME Mopell (Acting CEO)**

1. LICENSEE

The Licence is issued to:

1.1 Name of Company/Entity: e.tv (Pty) Ltd

1.2 Shareholders: Sabido Investments(Pty) Ltd

1.3 Ownership held by persons from historically disadvantaged groups: 100%

2. CONTACT DETAILS

2.1 The contact person for the Licensee shall be:

2.1.1 Name: Zubair Munshi

2.1.2 Tel: (011) 759 6332

2.1.3 Fax: 086 545 1139

2.1.4 Cell: N/A

2.1.5 Email: zubair.munshi@etv.co.za

2.2 Should the Licensee propose to change the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designated person.

3. NOTICES AND ADDRESSES

The Licensee chooses the following addresses as its principal addresses:

3.1 Postal Address:

Private Bag X9944

Sandton

2146

3.2 Physical Address:

5 Summit Road

Dunkeld West

2146



SCHEDULE

1. **Name of Station**
e.tv

2. **Geographic Coverage Area**

The Licensee shall provide national coverage of its broadcasting services provided that any given time the minimum population coverage shall be 77%.

3. **Target Audience**

General Public.

4. **Language(s)**

(1) Subject to the specific language requirements set out below, the Licensee shall ensure in respect of the licensed service, its programme material is provided primarily in English.

(2) The Licensee shall broadcast a minimum of two (2) hours of news and information programming per week during the performance period in a wide range of official languages other than English and shall make provision for sign language translation on screen during the prime time news bulletin. In complying with its obligations in respect of the use of official languages other than English, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of other official languages.

(3) The Licensee shall broadcast four (4) hours of programming other than news and information per week in official languages other than English. Compliance with this sub-clause shall be measured accordingly over the licence year. In complying with the above obligations, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of the other official languages.

(4) During the period of the Licence, the Licensee shall ensure that:

(a) at least ten percent (10%) of the aggregate broadcasting time of South African drama productions transmitted by the Licensee is broadcast in a wide range of official languages other than English, provided that, in meeting this requirement:

(i) the Licensee shall not be required to broadcast entire programmes in official languages other than English;

(ii) the Licensee shall not make excessive use of a single official language, other than English, to the exclusion of other official languages; and

- (iii) the programming in question shall be taken into account in assessing the Licensee's compliance or otherwise with the language requirements set out in sub-clause (3) above;
- (b) at least 20% of the aggregate broadcasting time of South African children's programming transmitted by the Licensee is in a wide range of official languages other than English, provided that, in meeting this requirement
- (i) the Licensee shall not be required to broadcast entire programmes in official languages other than English;
 - (ii) the Licensee shall not make excessive use of a single official language, other than English, to the exclusion of other official languages; and
 - (iii) the programming in question shall be taken into account in assessing the Licensee's compliance or otherwise with the language requirements set out in sub-clause (3) above.
- (5) The Licensee shall endeavour to dub some of the children's programming acquired from abroad and broadcast by the Licensee into official languages other than English.

5. Format

The Licensee shall provide a wide variety of programmes.

6. Local Content Obligations

- (1) In procuring programming produced in South Africa, the Licensee shall commission programming from the different provinces. Such programming shall reflect provincial diversity, cultures and characters.
- (2) The Licensee shall ensure that forty five percent (45%) of broadcast time shall consist of local television content, a maximum of fifteen percent (15%) of which shall be re-broadcast, measured over a year.
- (3) The Licensee shall broadcast animations which reflect African and South African culture and life styles.
- (4) The Licensee shall provide programming which develops and promotes South African culture and talent, especially in the area of music, through locally produced programmes which may be broadcast during time that falls outside the South African television performance period.

- (5) The Licensee shall submit to the Authority on a quarterly basis, a log of local television content broadcast by the Licensee during the preceding quarter.

7. General Programming Obligations

Drama

- (a) The Licensee shall broadcast two (2) hours thirty (30) minutes of South African drama per week of which at least two (2) hours twenty (20) minutes must be broadcast during prime time. Compliance with this requirement shall be measured as a weekly average over the period of a licence year.
- (b) The Licensee shall ensure that no more than fifty percent (50%) of the South African drama referred to in sub-clause (a) above, consists of re-broadcasts.
- (c) The Licensee shall ensure that at least ten percent (10%) of South African drama productions broadcast by it shall comprise a broad range of official languages other than English. In meeting this requirement, the Licensee shall not make excessive use of a single official language other than English, to the exclusion of the other official languages.

8. Information Programming

The Licensee shall broadcast at least nineteen (19) hours of information programming per week, at least two (2) hours of which shall be broadcast during prime time.

9. News and Current Affairs

- (a) The Licensee shall broadcast news and current affairs programming that reflects local, regional and provincial events and developments.
- (b) The Licensee shall broadcast at least two (2) hours of news programming during the performance period, of which at least thirty (30) minutes, packaged as a single programme, shall be broadcast during prime time.
- (c) The Licensee shall exercise full editorial control in respect of the content of its news programming.

10. Programming targeted at Children

- (a) The Licensee shall broadcast sixteen (16) hours of children's programming per week, of which at least twenty percent (20%) shall comply with the local content requirements set out in the applicable regulations. Compliance with this obligation shall be measured as a weekly average over the period of one licence year.



(b) The Licensee shall broadcast the children's programming referred to in sub-clause (a) above, between the hours of 13h00 and 18h00 on weekdays and between 07h00 and 13h00 on weekends, provided that:

- (i) the Licensee shall endeavour to ensure that programming is broadcast at times when large numbers of children are likely to be watching television;
- (ii) in exceptional circumstances and then only to the extent reasonably necessary, the Licensee may broadcast other programming during the above-mentioned time periods ordinarily allocated to children's programming if a particular broadcast event of considerable importance necessitates that the children's programming be interrupted; and
- (iii) the total amount of children's programming to be broadcast by the Licensee, to be calculated as a weekly average over the period of a licence year, shall not be reduced.

(c) The Licensee shall broadcast one (1) hour thirty (30) minutes of South Africa youth drama during prime time. This is to be included in the children's programming quota referred to in sub-clause (a) and shall be measured as a weekly average over the period of a licence year.

11. Ownership and Control Structures Obligations

(1) The Licensee may be assisted by foreign consultants in the operation of its broadcasting service, provided that:

- (a) there is a written agreement with clear terms of reference, a copy of which is to be submitted to the Authority; and
- (b) the broadcasting service operated in terms of this Licences is operated by the Licensee or by bona fide employees of the Licensee.

12. Employment Equity Obligations

(1) At least forty percent (40%) of the License's employees (being staff and management) shall be Africans, that is, Black people excluding Coloureds and Indians.

(2) At least thirty five percent (35%) of the Licensee's employees (being staff and management) shall be women.

(3) At least five percent (5%) of the Licensee employees (being staff and management) shall be disabled people.

(4) The Licensee's management shall consist predominantly of South Africans from

historically disadvantaged groups (i.e. black (African, Coloured and Indian) South Africans, women and disabled people).

13. Skills and Development Obligations

- (1) The Licensee shall adhere to the following human resource training, skills and development practices:
 - (a) an efficient human resources function supported by a competent human resource development function;
 - (b) consultation between management and employees in decision-making processes;
 - (c) fair labour practices;
 - (d) a safe, healthy and accommodating working environment; and
 - (e) a well-resourced training arm with responsibility for the development of the Licensee's core staff and major independent contractors.
- (2) The Licensee shall endeavour to participate in the development of the broadcasting industry by, among other things:
 - (a) supporting independent contractors from historically disadvantaged groups;
 - (b) supporting industry development initiatives; and
 - (c) promoting the development of independent producers.
- (3) All local programming, other than news and current affairs, shall be commissioned out to the independent production sector.
- (4) The Licensee must recruit, train and develop individuals from historically disadvantaged groups and equip such people with appropriate managerial and technical skills relevant to the management and operation of a television station.
- (5) The Licensee must invest 5.5% of its total annual salary cost escalating annually at the rate of inflation, in staff training.

14. Provision of audited financial statements to the Authority

The Licensee shall provide the Authority with the annual financial statements of the licensed service within three (3) months of the end of the Licensee's financial year.

15. Limitations on Advertising and Provision of advertising-related Information

The Licensee may not broadcast:

- (1) more than an average of ten (10) minutes of advertisements per hour on the licensed service during any licence year; and

(2) advertisements in excess of twelve (12) minutes in any one hour.

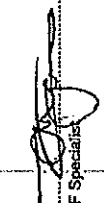
16. Events of national interest

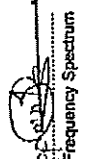
- (1) The Authority may, on written application by the Licensee, grant the Licensee exemption in writing, on such terms and conditions as the Authority deems necessary in the circumstances, from compliance with some or all of the on-air programming obligations set out in the licence, for a specified period, in the event that the Licensee satisfies the Authority that it is unable to comply with such obligations as a result of the broadcast of any event of national interest.
- (2) The Licensee's written application for the exemption contemplated in (1) must be submitted to the Authority before the commencement of the broadcast of the relevant event of national interest, provided that, in exceptional circumstances, the Authority will accept and consider an application for such exemption after the commencement of such broadcast, provided further that the application is submitted to the Authority as soon as is reasonably practicable after such commencement.
- (3) The Licensee's written application for exemption must specify:
 - (a) the nature of the event of national interest concerned;
 - (b) the likely duration of the broadcast;
 - (c) the basis on which the Licensee contends that the event concerned is of national interest;
 - (d) the basis on which the Licensee contends that it will be unable to comply with some or all of its programming obligations if the broadcast were to take place;
 - (e) the extent to which the Licensee will, in its view, be unable to comply with the relevant programming obligations if the broadcast were to take place.
- (4) The Authority may deal with the application in accordance with such procedures as it may consider appropriate.



TECHNICAL SPECIFICATIONS
SPECTRUM LICENCE(40% of MUX 1)
ETV

TRANSMITTER NAME	PROVINCE	GEOGRAPHIC COORDINATES		FREQUENCY MHz	CHANNEL	PROGRAMME	ANTENNA INFO		DESIGNATION OF EMISSION	FREQUENCY STABILITY/Hz	SPURIOUS EMISSION	MAX. ERP/AV	ANTENNA	
		LONGITUDE	LATITUDE				MID-ANTENNA (±g.j)	GAIN					AZM	POL.
Linton Grange	EC	025E30 46	33S56 44	530	28	ETV	60	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	21.34	OMNI-DIRECTIONAL	H
Stowell Telkom	EC	025E35 29	33S55 28	530	28	ETV	60	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	5.36	OMNI-DIRECTIONAL	H
The Beaches	EC	025E38 41	33S58 31	530	28	ETV	75	9.3	7M25C3FNN	500 Hz	60 dB/1 mW	10.85	OMNI-DIRECTIONAL	H
Loch Logan	FS	026E12 34	29S06 44	570	33	ETV	50	8	7M25C3FNN	500 Hz	60 dB/1 mW	6.29	OMNI-DIRECTIONAL	H
Bentoni Makuti Flats	GP	028E18 46	26S11 39	586	35	ETV	45	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	22.74	OMNI-DIRECTIONAL	V
Vulcaola	GP	028E23 04	26S17 16	586	35	ETV	80	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	5.50	OMNI-DIRECTIONAL	H
Bryan Park Shopping Ctr	GP	028E00 17	26S09 11	586	35	ETV	13	5	7M25C3FNN	500 Hz	60 dB/1 mW	0.47	OMNI-DIRECTIONAL	H
Carltonville Telkom	GP	027E23 55	26S21 33	586	35	ETV	50	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	6.65	OMNI-DIRECTIONAL	H
Magalies Telmedia	GP	027E53 07	26S42 41	586	35	ETV	20	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	89.71	OMNI-DIRECTIONAL	V
Heidelberg Telkom	GP	027E22 53	26S28 20	586	35	ETV	97	8	7M25C3FNN	500 Hz	60 dB/1 mW	6.36	OMNI-DIRECTIONAL	H
Dswilmar	GP	027E50 04	26S03 40	586	35	ETV	45	5	7M25C3FNN	500 Hz	60 dB/1 mW	0.36	OMNI-DIRECTIONAL	H
Hillrow Tower	GP	028E02 56	26S11 28	586	35	ETV	220	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	83.03	OMNI-DIRECTIONAL	V
Honeydew Telkom	GP	027E55 24	26S04 36	586	35	ETV	45	8	7M25C3FNN	500 Hz	60 dB/1 mW	2.94	OMNI-DIRECTIONAL	H
Pumona Telkom	GP	028E16 53	26S03 07	586	35	ETV	50	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	6.65	OMNI-DIRECTIONAL	H
Sandton City	GP	028E03 14	26S06 29	586	35	ETV	90	8	7M25C3FNN	500 Hz	60 dB/1 mW	5.61	OMNI-DIRECTIONAL	H
Lewisham Krugersdorp	GP	028E07 41	25S58 12	586	35	ETV	8	0	7M25C3FNN	500 Hz	60 dB/1 mW	0.12	OMNI-DIRECTIONAL	V
Vodaworld	GP	027E49 05	26S07 14	586	35	ETV	75	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	53.64	OMNI-DIRECTIONAL	H
Jachthoffrein	GP	027E43 41	26S23 50	586	35	ETV	70	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	5.80	OMNI-DIRECTIONAL	H
Samrand	GP	028E09 55	25S55 18	586	35	ETV	80	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	7.92	OMNI-DIRECTIONAL	V
The Castle	GP	028E03 35	25S59 55	586	35	ETV	12	9.3	7M25C3FNN	500 Hz	60 dB/1 mW	5.57	OMNI-DIRECTIONAL	H
Cable Hill	GP	028E10 02	25S41 29	586	35	ETV	35	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	10.08	OMNI-DIRECTIONAL	H
CSIR	GP	028E16 58	25S45 20	586	35	ETV	62	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	12.61	OMNI-DIRECTIONAL	V
Soshanguve Greenfield	GP	028E06 20	25S03 36	586	35	ETV	55	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	26.26	OMNI-DIRECTIONAL	H
Sunnyvale	GP	028E12 24	25S45 53	586	35	ETV	168	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	19.85	OMNI-DIRECTIONAL	H
MCA Randburg	GP	028E00 08	26S06 02	586	35	ETV	28	12.3	7M25C3FNN	500 Hz	60 dB/1 mW	9.84	OMNI-DIRECTIONAL	V
Wheatlands Telkom	GP	027E38 49	26S10 26	586	35	ETV	50	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	6.65	OMNI-DIRECTIONAL	H
Baragwanath	GP	027E56 13	26S15 35	586	35	ETV	50	8	7M25C3FNN	500 Hz	60 dB/1 mW	3.39	OMNI-DIRECTIONAL	H
Labulant High School	GP	027E51 19	26S14 44	586	35	ETV	40	8	7M25C3FNN	500 Hz	60 dB/1 mW	3.52	OMNI-DIRECTIONAL	H
Hillcrest VC	GP	028E23 53	26S08 39	586	35	ETV	45	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	6.79	OMNI-DIRECTIONAL	H
Van der Bijl Park Telkom	GP	027E50 13	26S42 08	586	35	ETV	50	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	6.39	OMNI-DIRECTIONAL	H
Langerand	GP	027E52 42	26S34 50	586	35	ETV	60	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	6.33	OMNI-DIRECTIONAL	H
Brookhorstfontein	GP	027E59 16	26S21 42	586	35	ETV	27	8	7M25C3FNN	500 Hz	60 dB/1 mW	3.67	OMNI-DIRECTIONAL	H
Stella Maris	GP	030E59 15	30S03 08	570	33	ETV	70	10.53	7M25C3FNN	500 Hz	60 dB/1 mW	13.99	OMNI-DIRECTIONAL	H
Beacon Ridge Primary	KZN	030E52 01	29S55 35	570	33	ETV	30	7.5	7M25C3FNN	500 Hz	60 dB/1 mW	7.13	OMNI-DIRECTIONAL	H
101 Victoria Embankment	KZN	031E01 26	29S51 40	570	33	ETV	98	9.3	7M25C3FNN	500 Hz	60 dB/1 mW	10.79	OMNI-DIRECTIONAL	H

Compiled by: 
JM Kgamphe RF Specialist

Approved by: 
P Molefe: SM Frequency Spectrum

TECHNICAL SPECIFICATIONS
SPECTRUM LICENCE(40% of MUX 1)
ETV

Location	Site ID	Frequency (MHz)	Power (mW)	Height (m)	Directionality	Notes
Desmond Clarence Sci	090E58 37	29552 15	570	33	ETV	OMNI-DIRECTIONAL
Hightor	030E59 50	29555 27	570	33	ETV	OMNI-DIRECTIONAL
Kensington	031E00 46	29549 03	570	72	ETV	OMNI-DIRECTIONAL
Mahayazafe Telkom	090E57 25	29542 12	570	35	ETV	OMNI-DIRECTIONAL
Makern Heights	030E55 07	29552 51	570	33	ETV	OMNI-DIRECTIONAL
Kloof Mv	030E48 55	29548 20	570	70	ETV	OMNI-DIRECTIONAL
Mafial Towers Pinetop	030E51 53	29549 11	570	33	ETV	OMNI-DIRECTIONAL
Tongaat MW	031E05 34	29533 34	570	70	ETV	OMNI-DIRECTIONAL
Charwell Centre	031E05 02	29543 39	570	33	ETV	OMNI-DIRECTIONAL
Medical Centre	031E04 09	29543 43	570	72	ETV	OMNI-DIRECTIONAL
Malabar Hills Water Td	030E55 39	29558 06	570	33	ETV	OMNI-DIRECTIONAL
Umlazi Water Tower	030E51 10	29557 49	570	24	ETV	OMNI-DIRECTIONAL
Everest Heights Venula	031E01 49	29538 21	570	20	ETV	OMNI-DIRECTIONAL
Acosta Hotel	030E56 07	29547 50	570	33	ETV	OMNI-DIRECTIONAL
Netbank Building	029E27 14	23554 32	578	34	ETV	OMNI-DIRECTIONAL
ITSC MTN	030E58 35	25527 05	666	45	ETV	OMNI-DIRECTIONAL
Midlety Building	030E58 33	25528 20	666	45	ETV	OMNI-DIRECTIONAL
Rustenburg Telkom	027E15 14	25540 47	698	49	ETV	OMNI-DIRECTIONAL
Besville Telkom	018E27 46	33553 52	530	28	ETV	OMNI-DIRECTIONAL
Kanonkop	018E36 17	33549 32	530	28	ETV	OMNI-DIRECTIONAL
Naspers Building	018E25 46	33555 03	530	28	ETV	OMNI-DIRECTIONAL
Steenberg	018E28 09	34504 33	530	28	ETV	OMNI-DIRECTIONAL
UCT PD Hahn	018E27 38	33557 21	530	28	ETV	OMNI-DIRECTIONAL
Houthey Secondary Sc	018E20 34	34503 10	530	28	ETV	OMNI-DIRECTIONAL
Korrametle Telkom	018E20 14	34508 31	530	28	ETV	OMNI-DIRECTIONAL
Melkbostrand Telkom	018E26 41	33543 32	530	28	ETV	OMNI-DIRECTIONAL
Hawesburg	019E05 22	33504 31	530	28	ETV	OMNI-DIRECTIONAL
Sasko Paarl	018E58 33	33543 56	530	28	ETV	OMNI-DIRECTIONAL
The Towers	018E23 23	33552 46	530	28	ETV	OMNI-DIRECTIONAL
Simonstown Officers	018E26 16	34511 36	530	28	ETV	OMNI-DIRECTIONAL
Heidelberg	018E51 07	34502 33	530	28	ETV	OMNI-DIRECTIONAL
Zumbastus	018E50 06	34502 44	530	28	ETV	OMNI-DIRECTIONAL
Papegaaiberg	018E50 40	33555 60	530	28	ETV	OMNI-DIRECTIONAL
Odeon Apartment	018E49 47	34507 10	530	28	ETV	OMNI-DIRECTIONAL
Vishoek Iburst	018E25 07	34508 21	530	28	ETV	OMNI-DIRECTIONAL
Wellington Telkom	019E90 14	33558 37	530	28	ETV	OMNI-DIRECTIONAL

Compiled by: JM Kgampet, RF Specialist

Approved by: P. Molefe, SM Frequency Spectrum

Appendix 3.1 of FORM C

PROPOSED AMENDMENT TO THE LICENCE

1 The applicant seeks the following amendments to Schedule of the Licence.

1.1 **Schedule Sub-Clause 4.2 — Languages – News and Information Programming**

By adding the following words at the end of sub-clause 4.2 as follows:

“shall be measured across all channels broadcast in terms of this Licence.”

1.2 **Schedule Sub-Clause 4.3 — Languages – Programming other than News and Information Programming**

By adding the following words at the end of sub-clause 4.3 as follows:

“shall be measured across all channels broadcast in terms of this Licence.”

1.3 **Schedule Clause 8 – Information Programming**

By adding the following words at the end of the existing paragraph 8 :

“The measurement of the obligations set out herein shall be measured across all channels broadcast in terms of this Licence.”

1.4 **Schedule Clause 9 – News and Current Affairs**

By the addition of the following words at the end of **clause 9(b)**:

“The Licensee shall make provision for sign language translation on screen during the prime time news bulletin.”

1.5 **Schedule Clause 10 – Programming Targeted at Children**

1.5.1 An amendment to **subclause 10(b)** of the Licence to read as follows:

“The Licensee shall broadcast children’s programming referred to in sub-clause 10.1 above, at appropriate times for children, provided that:

(i) ...”

1.5.2 By the addition of a new clause after the **existing clause 10(c) to be numbered 10(d)** and to read as follows:

“The measurement of the obligations set out in this clause 10 shall be

measured across all channels broadcast in terms of this Licence.”

1.6 **Schedule Clause 15 – Limitations on Advertising and Provision of Advertising-related Information**

By the deletion of this clause in its entirety.

Appendix 3.2 of FORM C

REASONS FOR THE PROPOSED AMENDMENTS TO THE LICENCE

2 **Schedule Sub-Clause 4.2 – Languages – News and Information Programming**

2.1 e.tv has requested the addition of the words reflecting the need described more fully above, that the measurement of this obligation be measured across all channels broadcast in terms of the Licence.

2.2 e.tv also requests that this clause be amended by deleting the provision that it makes use of sign language translation on screen during the prime-time news bulletin as this provision is misplaced in clause 4.2 This wording should rightly be provided for in clause 9 dealing with news and current affairs as it is this clause which obligates e.tv to broadcast a certain amount of news during prime time. The inclusion of this wording in clause 9 is requested as well as more fully outlined below.

2.3 In this clause e.tv, once again, for the reasons outlined above, requests the addition of wording to reflect the need for compliance with this obligation to be measured across all channels broadcast by it in terms of this Licence.

3 **Schedule Sub-Clause 4.3 – Languages – Programming under the News and Information Programming**

3.1 Clause 4.3 provides for the broadcast of programming other than news and information in official languages other than English. A similar amendment is sought in this clause to align it with the amendment sought in clause 4.2.

4 **Schedule Clause 8 – Information Programming**

4.1 Once again, for the reasons fully outlined above regarding competing and operating in a multi-channel environment, e.tv seeks an amendment to this clause allowing measurements of its obligations in respect of information programming to be measured across all channels broadcast in terms of the e.tv Licence.

5 **Schedule Clause 10 – Programming targeted at Children.**

5.1 Insofar as clause 10 is concerned, e.tv seeks an amendment to the clause by deleting the specific hours during which children's programmes must be broadcast. By setting out specific times, this limits e.tv in the ability to broadcast children's programming at, say, before 13h00 on weekdays; before 07h00 on weekends and after 13h00 on weekends as contained in clause 10(b). It may be appropriate, at certain times, for e.tv to broadcast children's programming prior to 13h00 on weekdays. So, for example, when children are on holiday it may be appropriate to broadcast children's programming prior

to 13h00 to accommodate the needs of this audience. The same applies to the parameters set for weekends. The limitation set out in clause 10(b) is overly restrictive and will impact e.tv's ability to compete fairly in this segment of the market, particularly against channels tailor-made exclusively for children.

- 5.2 To enable it to complete more efficiently and effectively in this regard, e.tv has launched a specialised children's incentive channel – eToonz which broadcast children's programming daily between 06h00 and 23:59 both on analogue and DTT. This enables children to watch children's programming at times other than those specified in the Licence. Such a specialised channel is advantageous and serves the needs of children beyond the limitations contained in clause 10 of the Licence. e.tv accordingly requests that the amendment, taking the aforesaid into account, permits a broader inclusion as to when children's programming can be broadcast. The wording requested in the amendment is that children's programming be broadcast at appropriate times for children (which would be all day as far as a specialised children's channel is concerned) and that the measurement is measured across all channels broadcast in terms of e.tv's Licence. This may free up certain broadcast time on the traditional linear e.tv channel for the broadcasting of other programming.

6 **Schedule Clause 15 – Limitations on advertising and provision of advertising-related information**

- 6.1 e.tv seeks the deletion of this clause in its entirety.
- 6.2 e.tv has, for some years, made numerous submissions to the Authority concerning the limitations placed on it in terms of clause 15 of the Licence (replicated from its Broadcasting Service Licence). The limitation inhibits its ability to compete competitively in the marketplace in circumstances in which MultiChoice has taken an increasingly large portion of the advertising pie which is now also available to those providing OTT and alternative audio-visual content services. The submissions it has made in this regard, include its submissions into ICASA's *Draft Regulations Regarding Advertising, Infomercials and Programme Sponsorship 2022* as well as its submissions into ICASA's Draft Findings Document in respect of the enquiry into subscription television broadcasting services ("the Submissions").
- 6.3 In its submissions, e.tv argued that:
- 6.3.1 The Authority has on numerous occasions, seen the need to protect and grow free-to-air terrestrial broadcasting services by restricting advertising on subscription broadcasting services.
- 6.3.2 Notwithstanding that, in 2005, MultiChoice submitted to the Authority in response to the *Subscription Broadcasting Service Position Paper (June*

2005) that the impact of subscription television broadcasting services on the advertising revenue of free-to-air terrestrial television broadcasting services had been minimal, this is no longer the case. MultiChoice dominates the advertising pie and is the largest generator of revenue from advertising in the broadcasting sector in circumstances in which e.tv is the only channel which has no additional source of revenue and is solely reliant . This is worsened by the shrinking of the amount of advertising available to traditional broadcasters due to the increasing availability of OTT services.

6.3.3 The Authority has, since the *1999 Advertising Regulations* were promulgated, seen the need to review these Regulations given the rapid evolution of the broadcasting sector.

6.4 As a commercial broadcaster, the determinative factor as to when and how much advertising can be broadcast is what its audiences will tolerate. This may be more or less than the amount of advertising time prescribed in its Licence. So, for example, this would permit e.tv to broadcast a film without advertising breaks and then make up some of this advertising when broadcasting other programmes. Accordingly, there should be no limitation on e.tv's freedom to broadcast any amount of advertising.

6.5 Not to permit this amendment, will inhibit e.tv's ability to compete effectively in the current environment. Multichoice, whose major source of income is derived from subscriptions, has no limitation as to the amount of advertising it is able to broadcast. Given that it has for many years been able to broadcast a multiple of channels, this has enabled it to dominate the advertising spend in the broadcasting market. As both licences are individual commercial broadcasting licences, their terms and conditions should be substantially the same which justifies the amendment sought.

6.6 In its supplementary submission on the *Findings Document and Draft Regulations Regarding Advertising, Infomercials and Programme Sponsorship of 2022*, e.tv stated the following:

"MINUTES OF ADVERTISING

eMedia has previously suggested that there should be no cap on the duration of advertising which any Broadcasting Licensee can broadcast in any hour. Rather, this should be regulated by the broadcaster dependant on the needs and tolerance levels of its audience. This would level the playing fields between free-to-air broadcasters, including e.tv, and subscription television broadcasters such as DSTV."

6.7 Not to align the Licence of e.tv and MultiChoice would be contrary to the provision that the Authority is required in terms of the ECA, to make terms and conditions of individual licences consistent with the terms and conditions imposed generally in respect of all

individual licences of the same type in order to ensure fair competition between Licensees. While MultiChoice's Licence is a Subscription Broadcasting Licence and e.tv's Licence is a free-to-air Licence, they are both providing a commercial television broadcasting service and should be considered as holding licences of the same type.

- 6.8 It is for the aforesaid reasons that e.tv applies for an amendment in terms of which this clause is deleted.
- 6.9 Moreover, as the provision of its service by using mobile spectrum and available to viewers by way of a streaming service, this does not constitute broadcasting and no such limitation should accordingly be licenced.

Appendix 3.3 of FORM C

IMPLICATIONS (IF ANY) OF THE PROPOSED AMENDMENTS, WITH SPECIFIC REFERENCE TO THE PROVISIONS OF SECTION 10(1)(a), (b), (c), (d) AND (f) OF THE ELECTRONIC COMMUNICATIONS ACT (“ECA”)

- 1 Section 10 of the ECA deals with amendments to Individual Licences and permits the Authority to amend an Individual Licence for the reasons set out in sections 10(1)(a) to (h) of the ECA.
- 2 The principles set out in section 10(1) and its subclauses give direction to the Authority as to when it can amend a Licence (e.g. to make terms and conditions of a Licence consistent with those employed generally with respect to Individual Licence of the same type; ensuring fair competition between Licensees etc.).
- 3 Various of the amendments sought (e.g. those relating to training and advertising) seek to make terms and conditions of e.tv's Individual Licence consistent with the terms and conditions imposed generally in respect of other Individual Licences of the same type as provided for in section 10(1)(a) of the ECA.
- 4 Similarly, most of the amendments sought are for purposes of ensuring that e.tv can compete fairly with other licensees (and, in the changing world of technology) with the providers of other audio-visual / OTT services as provided for in section 10(1)(b) of the ECA.
- 5 Insofar as section 10(1)(c) is concerned, the amendments as requested by e.tv would not militate against orderly frequency management and will not prejudice the interests of other licensees in this regard. e.tv does not seek an amendment of its Radio Frequency Spectrum Licence.
- 6 Insofar as section 10(1)(d) is concerned, the amendments sought are, for amongst other things, necessitated by technological change including the transition to DTT and the entrance of OTT services (both South African and international) who able to compete with e.tv not only insofar as content is concerned, but also insofar as advertising is concerned.
- 7 Insofar as section 10(1)(f) of the ECA is concerned, for the reasons set out in the application, e.tv submits that the amendment will ensure the achievements contained in the ECA as it will enable the promotion and development of commercial broadcasting services which are responsible to the needs of the public (as e.tv will be able to focus on obtaining and commissioning additional content); will ensure that broadcasting services are diverse providing for greater entertainment and information in the multi-

channel environment; will encourage greater investment and innovation in the communication sector due to the fact that a greater number of programmes can be commissioned to the independent production sector with the growth in the multi-channel environment; and will enable e.tv to compete more effectively within the broadcasting / ICT sector.

Appendix 5.2 of FORM C.

E.TV (PROPRIETARY) LIMITED
(REGISTRATION NUMBER: 1997/012816/07)
incorporated in the Republic of South Africa
("the Company")

e.tv 2024-04

**WRITTEN RESOLUTION PASSED BY THE DIRECTORS OF THE COMPANY IN TERMS
OF THE COMPANIES ACT NO. 71 OF 2008, AS AMENDED (the "Act") on 09 JUNE 2023**

RECORDAL:

The resolutions below are adopted by way of "*round robin resolutions*" in accordance with section 74 of the Companies Act, 71 of 2008 (as amended).

IT WAS RESOLVED THAT:

- 1 The Company apply to ICASA for the renewal of its :
 - 1.1 Individual Broadcasting Service Licence No. 001/COMMERCIAL / TV/SEPT/08;
 - 1.2 Radio Frequency Spectrum Licence for the provision of a commercial free-to-air television broadcasting service No. 001/COMMERCIAL/TV/SEPT/08; and
 - 1.3 Radio Frequency Spectrum Licence for the provision of a mobile television broadcasting service No. 001/E.TV/MOBILE/SEP/10(collectively "**the Licences**").

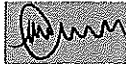
- 2 The Company apply for certain amendments to its Radio Frequency Spectrum Licence for the provision of a mobile television broadcasting service and its Individual Broadcasting Service Licence for the provision of a commercial television broadcasting service.

- 3 The Company submit to ICASA a Notice of Change of Information in Respect of the Licences as well as its Individual Electronic Communications Network Service Licence (No. 0439/IECNS/NOVEMBER/09) for the provision of an Electronic communications Network Service as contained in Form O of the Regulations on Process and Procedures in Terms of the Electronic Communications Act, 2005.

- 4 Mr Antonio Lee be authorised to complete and sign any document necessary to carry out the aforesaid resolutions.

Signed by Directors

Signed by: Marlon Davids
Signed at: 2023-06-09 10:57:00 +02:00
Reason: Witnessing Marlon Davids



M.V. DAVIDS

Signed by: Jayesh Bhagoo Dayaljee
Signed at: 2023-06-09 15:03:57 +02:00
Reason: Witnessing Jayesh Bhagoo Daya



J.B. DAYALJEE

Signed by: Antonio Lee
Signed at: 2023-06-09 10:57:17 +02:00
Reason: Witnessing Antonio Lee



A.S. LEE



M.K.I. SHERRIF