

GUIDELINE FOR COMPLETING WHOLESALE TRANSMISSION SERVICES QUESTIONNAIRE

1 Purpose of the questionnaire

1.1 Section 4B of the Independent Communications Authority Act, 13 of 2000, as amended, (“ICASA Act”) enjoins the Independent Communications Authority (ICASA, the Authority) to carry out inquiries.

1.2 The Authority may *inter alia* conduct an inquiry into any matter with regard to –

- The achievement of the objects of the ICASA Act or underlying statutes;
- regulations and guidelines made in terms of the Act or underlying statutes;
- and
- the exercise and performance of its powers, functions and duties in terms of the Act or underlying statutes.

1.3 The objective of this questionnaire is to enhance the Authority’s knowledge about the wholesale transmission markets. The information obtained will assist the Authority in defining the market by:

1.3.1 identifying the products and services provided;

1.3.2 the suppliers and customers in the market;

1.3.3 the geographic market and

1.3.4 market size and share of the market.

1.4 The questionnaire will also assist the Authority in conducting an analysis of the effectiveness of competition in the relevant markets.

1.5 The questionnaire furthermore allows stakeholders to provide additional information regarding any potential problems in the market.

2 Format of questionnaire

2.1 This document seeks to assist the respondent to complete the questionnaire by providing definitions of the main indicators that are used. The questionnaire is divided into nine sections and covers the following:

- Part A: General Licensee Information to be completed by all
- Part B: Information to be provided by purchasers of Wholesale Broadcast Signal Distribution Services
- Part C: Information to be completed by suppliers of Wholesale Broadcast Signal Distribution Services
- Part D: Information to be provided by purchasers of Broadcast Transmission Capacity
- Part E: Information to be provided by all licensees that self provide all or parts of their Transmission Capacity requirements
- Part F: Information to be provided by all Broadcast Content Providers
- Part G: Questions for Community Broadcasters in addition to the other information required
- Part H: Additional Information to be provided by all respondents
- Part I: Glossary

2.2 Each respondent is requested to complete only the Part/s of the questionnaire relevant to it. The Part/s that the respondent replies to must be completed in their entirety. As such, where a question within the Part is not applicable to a respondent, "N/A" should be inserted in the relevant space.

2.3 Respondents are required to provide the Authority with copies of certain financial information to enable the Authority to confirm the information provided.

- 2.3.1 Where a company is required by law to prepare audited financial statements, such audited statements for the last 5 years must be submitted along with the questionnaire.
- 2.3.2 Where the company is not required to prepare audited financial statements in terms of company law, it may wish to submit other financial information such as proof of revenue as submitted to the South African Revenue Services (SARS). In the event that a respondent submits SARS returns, and the revenue generated by a company is not equal to income derived from licensed activities, this should be set out in an accompanying explanatory note.
- 2.3.3 The respondent may request that ICASA accept another type of financial statement, and should motivate same should it be requested.
- 2.4 Licensees are welcome to submit additional “explanatory notes” with the questionnaire to clarify any submissions, or to provide detail on the approach used in responding to a question.

3 Provision of information

3.1 ICASA is empowered to request licensees to furnish information in terms of section 4(3)(g) of the ICASA Act. Such information is required for ICASA to execute its functions in terms of section 4B of the ICASA Act to:

3.1.1 Regulate broadcasting in the public interest;

3.1.2 Provide access to broadcasting signal distribution for broadcasting and encourage the development of multi-channel distribution systems in the broadcasting framework

3.2 Furthermore, in terms of the “Standard Terms and Conditions for Individual/Class licences” for Broadcasting Licences, ECS and ECNS Licences, the Authority may request information from Licensees that would enable it to, amongst others to:

3.2.1 Monitor and enforce consumer protection, quality of service, competition and other requirements of the Act and related legislation; and

Compile and aggregate information that would enable sectoral planning and reporting.

4 Confidentiality

4.1 Section 4D of the ICASA Act applies to all information submitted to the Authority. As such, where a licensee is of the view that information that is being submitted is confidential, the requirements contained in section 4D apply.

4.2 The licensee must clearly mark the appropriate sections as confidential and must furthermore provide a written explanation in terms of section 4D(1)(b) explaining why the information is confidential. Hard copies should be clearly marked as confidential and soft copies should be password protected and such password be provided to the Authority at the same time as the information as a separate file. The Authority will respond within 14 days of receiving a request for confidentiality.

5 Submission instructions

5.1 All relevant individual and class Broadcasting Licensees, Electronic Communications Service (ECS) Licensees and Electronic Communications Network Service (ECNS) licensees that either supply or purchase broadcasting distribution facilities and services must complete and submit the questionnaire to the Authority within 30 days of the date of publication.

5.2 All information requested in terms of this questionnaire and all queries regarding the questionnaire are to be submitted to:

Kanyisa Boqwana
Markets and Competition Analysis
ICASA
Private Bag X 10002
Sandton
2146

OR

ICASA
Block A
Pinmill Farm
164 Katherine Street
Sandton 2146

Fax: (011) 566 3692
Tel: (011) 566 3691

Email: kboqwana@icasa.org.za
CC: nmaku@icasa.org.za

5.3 Licensees must provide an electronic version of the submission in Microsoft Excel format. Such submissions should be password protected, with the password provided as a separate file.

5.4 Licensees may submit hard copies if deemed necessary.

5.5 Submissions or sections of submissions are to be clearly marked CONFIDENTIAL if such is requested.

5.6 The Authority requires Regulatory Executive and Chief Financial Officer sign off on the information submitted to ensure accuracy and quality assurance.

6 Terminology

6.1 In this questionnaire where dates are stated in rows information for the half year ending at that date (e.g. ending Jun- 05) must be provided.

6.2 It should be noted that in instances of any contradiction between the Electronic Communications Act, 2005 (Act No. 36 of 2005), ("EC Act) and the Broadcasting Act 1999 (Act 4 of 1999) as amended, ("Broadcasting Act), the EC Act shall prevail.

6.3 In this questionnaire, any word or expression to which a meaning is assigned in the EC Act, the Independent Communications Authority of South Africa Act, 2000

(Act No. 13 of 2000), as amended by the Independent Communications Authority of South Africa Amendment Act, 2006 (Act No. 3 of 2006) or the Broadcasting Act, shall have the meaning assigned to it unless otherwise specified. In addition the following terms are defined hereunder (also included in the questionnaire) -

GENERAL¹		
6.3.1	Broadcasting Contribution Network	The part of the network where broadcast content is carried e.g. between recording/production sites and studio. (Content that is gathered through a contribution network can come from a variety of sources that include satellite connections, leased lines, virtual networks, microwave links, mobile data, public data networks (e.g. Internet) and the use of stored media (tapes and DVDs)).
6.3.2	Broadcasting Feeder Network	The portion of the network that runs from the broadcaster out to the first point of connection in a transmitter network or trunk network (terrestrial antenna, satellite earth station or connection to a cable TV network). Feeder networks deploy a variety of technologies such as fibre or radio relay links. Sometimes referred to as "linking".
6.3.3	Broadcasting Transmission Capacity	Means the aggregate capacity used to transmit Broadcasting content from the broadcaster to the Access Network (all transmission data on the Contribution, Feeder and Trunk networks)
6.3.4	Broadcasting Trunk Network	The portion of the network where signals are carried between the first point of connection with the broadcaster up to the interface with the access networks. The trunk network usually has high capacity and may consist of fibre or a combination of fibre and radio. Sometimes referred to as "linking".
6.3.5	Leased Line	A dedicated data link connecting two or more locations
6.3.6	Wholesale customer	Includes all licensees purchasing services and facilities

¹ For your ease of reference the Broadcasting Act definition: "**broadcasting signal distribution** " means the process whereby the output signal of a broadcasting service is taken from the point of origin, being the point where such signal is made available in its final content format, from where it is conveyed to any broadcast target area by means of a telecommunication process and includes multi-channel distribution.

REVENUE		
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6.3.7	Total Signal Distribution Service Revenue	Refers to the total revenue from Broadcasting Signal Distribution and includes service assistance, repair and maintenance support charges
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