

DATE OF SUBMISSION: 29 June 2026

SUBMISSION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
(ICASA)

In Regard To:

1. *Draft Amendment of the Radio Frequency Spectrum Regulations, 2015 (Notice 3927 of 2026; Government Gazette No. 54677)*
2. *Draft Amendment of the Radio Frequency Spectrum Fees Regulations, 2010 (Notice 3926 of 2026; Government Gazette No. 54677)*

FOR THE ATTENTION OF: Mr. Mandla Mchunu (Project Manager) **Delivered via Email:** RRamendments@icasa.org.za; cc: mmchunu@icasa.org.za

SUBMITTED BY:

Hughes Network Systems, LLC (“Hughes”)
11717 Exploration Lane, Germantown, MD 20876, USA

1. INTRODUCTION AND INTEREST OF THE PARTY

Hughes Network Systems, LLC (“Hughes”) appreciates the opportunity to provide written representations to the Independent Communications Authority of South Africa (“the Authority”) regarding the published Draft Amendments to the Radio Frequency Spectrum Regulations and Spectrum Fees Regulations.

As a global leader in satellite broadband technology and In-Flight Connectivity (IFC) solutions, Hughes has a direct operational interest in ensuring clear, streamlined, and efficient regulatory pathways for Earth Stations in Motion (ESIMs) operating temporarily within South African territory.

2. COMMENTS ON DRAFT RADIO FREQUENCY SPECTRUM AMENDMENT REGULATIONS (NOTICE 3927)

2.1 Clarification on Local Entity / Joint Venture Requirements for Foreign ESIMs

Hughes strongly welcomes the Authority’s inclusion of **Regulation 28A (6) and (7)**, which exempts foreign-registered ESIMs on board aircraft from local licensing, provided their stay does not exceed 90 calendar days and they comply with relevant international ITU frameworks.

- **Requested Clarity:** While the Draft Regulations appropriately omit any mention of local Electronic Communications Service (ECS) or Electronic Communications Network Service (ECNS) representation for these short-term visiting platforms, Hughes requests explicit confirmation in the final regulations or findings document that **no local entity, subsidiary, local representative, or Joint Venture (JV)** is required in South Africa for foreign aircraft utilizing compliant, license-exempt Foreign ESIMs.

2.2 Compliance with Technical Specifications & Space Segment Registration

- **Regulation 28A (3) - Type Approval:** Hughes notes the requirement for equipment to meet applicable type approval provisions. Hughes confirms that its terminal equipment used for IFC transmissions complies with strict international standards (including ETSI EN 303 978) and will fulfill all necessary technical specifications for operation within South Africa.
- **Regulation 28B (1) - Space Segment Registration:** Hughes supports the streamlined, no-fee registration approach via **Form F** to foster market transparency without administrative burdens. Hughes commits to ensuring that its foreign satellite space segment operators are fully registered with the Authority in accordance with this regulation.

3. COMMENTS ON DRAFT RADIO FREQUENCY SPECTRUM FEES AMENDMENT REGULATIONS (NOTICE 3926)

3.1 Exemption of Foreign-Registered, License-Exempt ESIMs from Terminal Network Fees

The proposed amendment to **Regulation 9 (Item 6.1)** states that the "Terminal Network fee will apply to ESIMs" under a blanket licensing framework.

- **Our Concern:** Per the text of the Explanatory Memo (Section 2.7), the Terminal Network Fee is designed for a blanket license to operate a continuous domestic user terminal network. It states that the approach is intended to ensure accountability where a gateway may not be located in South Africa.
- **Requested Clarity:** Hughes requests explicit clarification that the **Terminal Network Fee does not apply to Foreign ESIMs** that are explicitly exempted from licensing under Regulation 28A (6) and (7). Imposing variable uplink-bandwidth fees on foreign aircraft temporarily transiting through South African airspace (for under 90 days) would counter the stated regulatory objective of "reducing administrative and regulatory complexities, removing deployment barriers, and encouraging competition".
- **Proposed Resolution:** Hughes recommends adding a proviso to Regulation 5(e) or Regulation 9 indicating that: *"The Terminal Network Fee shall not apply to foreign-registered ESIM terminals on aircraft or vessels that qualify for licensing exemptions pursuant to Regulation 28A of the Radio Frequency Spectrum Regulations."*

4. CONCLUSION

Hughes commends ICASA for modernizing its framework to align with international best practices regarding ESIM regulatory exemptions. Fulfilling the minor clarifications requested above will provide international operators with the regulatory certainty needed to drive robust, continuous connectivity to aircraft over South Africa.

For and on behalf of Hughes Network Systems, LLC

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Pat Amodio

Executive Regulatory Lead / Technical Advisor