



Independent Communications Authority of South Africa

350 Witch-Hazel Avenue, Eco Point Office Park

Eco Park, Centurion.

Private Bag X10, Highveld Park 0169

Telephone number: (012) 568 3000/1

March 2025



ECS/ECNS ANNUAL COMPLIANCE REPORT

2024/2025

Important notice: The compliance information contained in this report, is for the financial year 2024/2025. However, the financial information of Licensees, is for the 2023/2024 financial year (always reported a year in arrears because it is the latest available information).



INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA

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1. EXECUTIVE SUMMARY

The Independent Communications Authority of South Africa ("Authority") has a mandate set out in the Independent Communications Authority of South Africa, 2000 (ICASA Act) and the Electronic Communications Act, 2005 (ECA), to regulate electronic communications in South Africa in the public interest. Flowing from this mandate, one of the tasks of the Authority, is to ensure compliance by Electronic Communications Services and Electronic Communications Network Services (ECS/ECSN) Licensees with the ICASA Act, the ECA, any other relevant legislation, Regulations, and the Licensees terms conditions of their respective licences.

Based on the above, the ECS/ECNS Compliance Unit in the Licensing and Compliance Division (LCD), has compiled this Annual Compliance Report (ACR), to assess the extent to which sixty-five (65) ECS/ECNS Licensees have complied with the relevant legislation, Regulations and their respective licence terms and conditions. The sixty-five (65) Licensees comprise thirty-seven (37) Individual Licences and twenty - eight (28) Class Licensees. In order to be representative of all Licensees, the Licensees' sample entails a broad range, i.e. major, medium, and small.

2. ACRONYMS

Acronym	Description
CCC	Complaints and Compliance Committee
CPMR	Compliance Procedure Manual Regulations, 2011 as published in <i>Government Gazette</i> No. 34863 dated, 15 December 2011.
DCDT	Department of Communications and Digital Technologies
DTPS	Department of Telecommunications and Postal Services
ECA	Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended.
ECS	Electronic Communications Service
ECNS	Electronic Communications Network Service
E - Rate	A 50% discount rate at which internet services should be provided to public health institutions, public and private schools, colleges, further education and training institutions and higher education institutions, in accordance with section 73 of the ECA.
EUSSCR	End User and Subscriber Services Charter Regulations, 2016 published in <i>Government Gazette</i> No. 39898 dated, 1 April 2016, as amended.
GLFR	General Licence Fees Regulations, 2012 as published in <i>Government Gazette</i> No. 36323 dated, 28 March 2013, as amended.
HDGs	Historically Disadvantaged Groups as defined in section 9 (2) (b) of the ECA
ICASA Act	Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), as amended.
ICT	Information and Communications Technology
IMT	International Mobile Telecommunications
IP	Internet Protocol
ISM	Industrial, Scientific and Medical band
ISP	Internet Service Provider
ITA	Invitation to Apply
LSEN	Learners with Special Educational Needs
MSISDN	Mobile Station International Subscriber Directory Number
UMTS	Universal Mobile Telecommunication System
USAF	Universal Service and Access Fund
USAO	Universal Service and Access Obligation
USO	Universal Service Obligations
PMO	Project Management Office
PTN	Private Telecommunications Network
PSTN	Public Switched Telecommunications Network
QOS	Quality of Service
SIP	Session Initiation Protocol

3. INTRODUCTION

For the year under review, the ECS-ECNS compliance analysis and assessment has taken into account, the compliance submissions received from Licensees in accordance with the prevailing legislation, regulations and the relevant licence terms and conditions.

Table 1 below shows the Licensees that were monitored during the 2024/2025 financial year. The level of compliance per Licensee is demonstrated in the relevant sections of the report.

Table 1: Monitored Licensees

No.	Licensee	Licence Type	Financial Year-end
1.	Amadwala Trading 5 (Pty)Ltd	Class	February
2.	Axxess DSL (Pty) Ltd	Individual	March
3.	Bloomberg Value-Added Network Services (Pty) Ltd	Individual	December
4.	Brilliant Telecommunications (Pty) Ltd	Individual	March
5.	Broadband Infracore SOE	Individual	March
6.	BT Communication (Pty)Ltd	Individual	March
7.	Bundu Networx (Pty) Ltd	Class	February
8.	CELL C Ltd	Individual	December
9.	Cloud IT Support Services	Class	February
10.	CMC Networks Proprietary Ltd	Individual	March
11.	Compatel Africa (Pty) Ltd	Individual	December
12.	Connection Telecom CC	Individual	March
13.	Crazyweb Tech CC	Individual	February
14.	C-Way Computers CC	Individual	February
15.	Digital Dynamix CC	Individual	February
16.	Dimension Data (Pty) Ltd	Individual	February
17.	Dotcoza	Individual	December
18.	Dube Tradeport	Individual	March
19.	Eden Wireless (Pty) Ltd	Class	February
20.	Emid (Pty) Ltd / BSVA Integrated Services (Pty) Ltd	Individual	July
21.	Fliber (Pty) Ltd	Class	February
22.	Gateway Communications (Pty) Ltd	Individual	December
23.	Global Network Systems (Pty) Ltd	Individual	February
24.	Green Flash (Pty) Ltd	Individual	February
25.	GS Telecom (Pty) Ltd	Individual	March
26.	Hymax Talking Solutions (Pty) Ltd	Class	September
27.	ICTGlobe (Pty) Ltd	Individual	February
28.	Info-Gro (Pty) Ltd	Individual	July
29.	IP Dynamics (Pty) Ltd	Class	February
30.	Izak Schalk Willem Van Zyl t/a SWD Connections	Class	February
31.	Jireh Technologies (Pty) Ltd	Class	February
32.	JSDAAV Telecoms (Pty) Ltd	Class	February
33.	Jumbo Technologies (Pty) Ltd	Class	February
34.	Liquid Telecommunications South Africa (Pty) Ltd	Individual	February
35.	Mad Mouse (Pty) Ltd	Class	February
36.	Magnalec (Pty) Ltd	Class	February

No.	Licensee	Licence Type	Financial Year-end
37.	Maziv (Pty) Ltd	Individual	March
38.	Mdantsane Mobile	Class	March
39.	Mobile Telephone Network (Pty) Ltd	Individual	March
40.	Mopani Wireless	Class	February
41.	Ohren Telecom (Pty) Ltd	Individual	February
42.	Paratus Telecommunications (Pty)Ltd	Class	March
43.	Platformity CC	Individual	March
44.	Radiospoor (Welkom) (Pty) Ltd	Individual	March
45.	Rain (Pty) Ltd	Individual	February
46.	Reflex Communications (Pty)Ltd	Individual	March
47.	RSA Web Internet Services	Individual	March
48.	Seacom Business Solutions (Pty) Ltd	Individual	December
49.	Sentech SOE	Individual	March
50.	Smartcall Technology (Pty) Ltd	Individual	March
51.	SMS Portal (Pty) Ltd	Individual	March
52.	Spearhead Sale (Pty) Ltd	Class	March
53.	Speedstream Communications (Pty) Ltd	Class	February
54.	Syrinx Communications International (Pty) Ltd	Individual	February
55.	Telemedia (Pty) Ltd	Individual	February
56.	Telkom SA Ltd	Individual	March
57.	Telviva (Pty) Ltd/Connection Telecom CC	Individual	March
58.	Tertiary Education and Research Network of South Africa	Individual	March
59.	Trade page (Pty)Ltd	Individual	March
60.	Verizon South Africa (Pty)Ltd	Class	April
61.	Vodacom (Pty) Ltd	Individual	March
62.	Vumatel (Pty) Ltd	Class	March
63.	Web Africa (Pty)Ltd	Individual	March
64.	Work online Communications (Pty) Ltd	Class	March
65.	Xnet Internet services (Pty)Ltd	Individual	March

Figure 1 below illustrates the number of Licensees assessed for compliance over the last thirteen years.

Figure 1: Graph of number of licensees assessed to date.

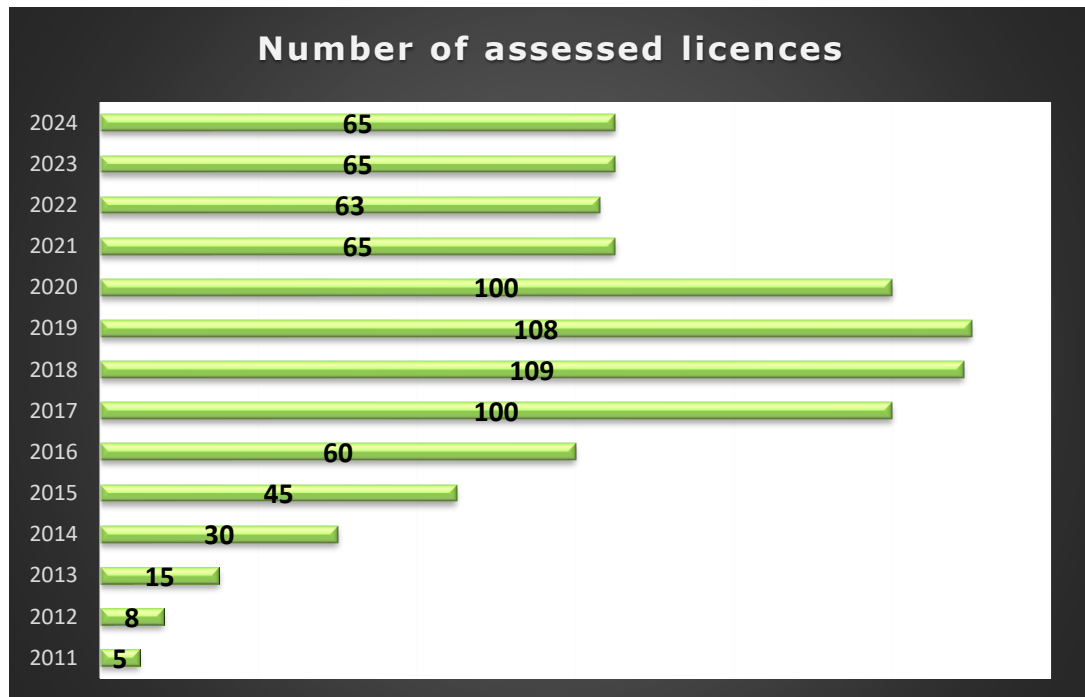


Table 2 below shows the financial year ends of the sixty-five Licensees that were assessed and reported on. It is evident from the table - that most of the Licensees' financial year end is March, followed by February while the least common months are April, July, September and December. A Licensee's financial year end influences the payment of licence fees and USAF contribution to the Authority. According to the General Licence Fee Regulations, 2012, Licensees have up to six months after their financial year end, to pay their licence fees and make their USAF contributions.

Table 2: Financial Year Ends (FYE)

FYE	Number of licensees
February	26
March	28
April	1
July	2
September	5
December	3

At the end of their financial year, Licensees are required to provide financial forecasts of the licence fees and USAF contributions they expect to pay in line with the provisions of the General Licence Fees Regulations, 2012 and the Universal Service and Access Fund Regulations, 2011.

Upon submission, the financial forecasts are reviewed against the finalised/audited financial statements when they become available to the Authority, in accordance with the General Licence Fees Regulations.

4. LEGISLATIVE AND REGULATORY CONSIDERATIONS

In accordance with its mandate of the Authority outlined in chapter 3 of the ECA, the Authority issues and grants ECS and ECNS licences, to eligible applicants. After the granting of the licences, the Authority is responsible for ensuring that Licensees comply with their legislative and regulatory obligations as well as the terms and conditions of their respective licences. The legislative framework also provides for “resellers”¹, entities that provide electronic communications services under an exemption granted by the Authority. This exemption allows them to operate without a licence. Examples of services that are provided by the ECS and ECNS Licensees include voice, data and network infrastructure available at both at wholesale and retail levels.

Table 3 below lists the key legislative and regulatory tools used, for compliance assessment.

Table 3: Terms of reference - legislation and Regulations

No.	Legislation
1.	Independent Communications Authority of South Africa Act, 2000 ‘ICASA Act’ (Act No. 13 of 2000), as amended.
2.	Electronic Communications Act, 2005 ‘ECA’ (Act No. 36 of 2005), as amended.
	Regulations
1.	ICASA General Licence Fees Regulations, 2013
2.	Universal Service and Access Fund Regulations, 2011
3.	Compliance Procedure Manual Regulations, 2011 (CPMR)
4.	Regulations on Standard Terms and Conditions for Individual Licences, 2010

¹ Means “a person who-

- (a) acquires, through lease or other commercial arrangement any electronic communication network service or electronic communications service; and
- (b) makes such electronic communications network service or electronic telecommunications service available to subscribers for a fee, whether such electronic communications network service or electronic communications made available by the reseller-
 - (i) are identical to the electronic communications network service or electronic communications service acquired;
 - (ii) are packed, bundled or otherwise regrouped to form new or varied service offerings;
 - (iii) are combined, linked or used in connection with electronic communications networks or electronic communications facilities owned by the reseller; or

add value to such electronic communications network services or electronic communications services.

5.	Regulations on Standard Terms and Conditions for Class Licences, 2010
6.	Processes and Procedures Regulations for Individual Licences, 2010
7.	Processes and Procedures Regulations for Class Licences, 2010
8.	End User and Subscriber Service Charter Regulations, 2016
9.	Interconnection Regulations, 2010
10.	Electronic Communications Facilities Leasing Regulations, 2010
11.	Regulations on Code on People with Disabilities Applicable to All Licensees, 2007
12.	Code of Conduct for ECS-ECNS Licensees, 2007
13.	Regulations in terms of Section 4 read with Section 73 of ECA in respect of E-Rate 2009
14.	Numbering Plan Regulations, 2016
15.	Call Termination Regulations, 2014

As per the Authority's records, there are currently a total of five thousand one hundred (5,124) Individual and Class licences as reflected in Figure 2 below. Notably, in some instances, Licensees hold more than one licence, particularly Class licences.

Figure 2: Total number of Licences : 5,124

<u>Individual Licences</u>	<u>Class Licences</u>
<u>Total= 969</u>	<u>Total= 4 155</u>
<u>ECS = 479</u>	<u>ECS = 1 927</u>
<u>ECNS = 490</u>	<u>ECNS = 2 228</u>

5. COMPLIANCE FINDINGS

Flowing from the compliance monitoring that was conducted for the financial year 2024/2025, the findings with respect to selected licensees is outlined below. Based on the compliance monitoring conducted for the 2024/2025 financial year, the findings regarding selected Licensees are outlined below

5.1. General Licence Fees Regulations, 2012² (GLF)

The GLF Regulations provide a framework for the payment of licence fees based on applicable percentages detailed on a sliding scale relative to revenue Licensees have generate from their licensed services (the sliding scale is shown on table 4, below)³:

Extract from GLF Regulations⁴

According to the GLF Regulations, the payable licence fees are calculated using the formula below:

"Pa= Payable Annual Licence Fee

R = Revenue from licenced services

B = applicable percentage per table below dependent on license revenue in accordance with this schedule read with regulation 3(1)".

Table 4: Formula - calculation of licence fee

Licensed Revenue	Percentage
R	B
0 – 50 000 000	0.15%
50 000 001 – 100 000 000	0.20%
100 000 001 – 500 000 000	0.25%
500 000 0001 – 1 000 000 000	0.30%
1 000 000 001 and above	0.35%

The GLF Regulations require Licensees to submit their financial statements and make payments to the Authority by no later than six months after their financial year end. Additionally, the GLF mandates that the financials be either audited or signed off by an Accounting Officer⁵.

Further, the GLF provides for charging interest if a Licensee fails to make payments within the prescribed time. For the period under review, the highest GLF licence fee paid by a single Licensee was R210,465,665.00 while the lowest was R34.20.

² Published in *Government Gazette* No. 36323 dated, 28 March 2013.

³ Per Schedule 2 of ICASA General Licence Fees Regulations, 2012.

⁴ *Ibid.*

⁵ Per Schedule 3 of ICASA General Licence Fees Regulations, 2012.

In terms of the GLF Regulations all Licensees are required to account in relation to licence fees i.e. submission of financials and payment of licence fees as per the sliding scale on table 4 above or submission of a nil report where no revenue was generated.

5.2. **Universal Service Access Fund (USAF) Regulations, 2011**

The USAF Regulations⁶ require Licensees to make contributions, within six months of their financial year end. If a Licensee fails to pay within the prescribed period, interest will also be charged on the outstanding Amount.

The Regulations also require Licensees to an annual contribution of 0.2% of their annual turnover. This percentage may be reduced for Licensees eligible for certain deductions outlined in the Regulations For the current assessment period, the USAF contributions paid range from R94,360 569.00 as the highest, with R 45.60 as the lowest.

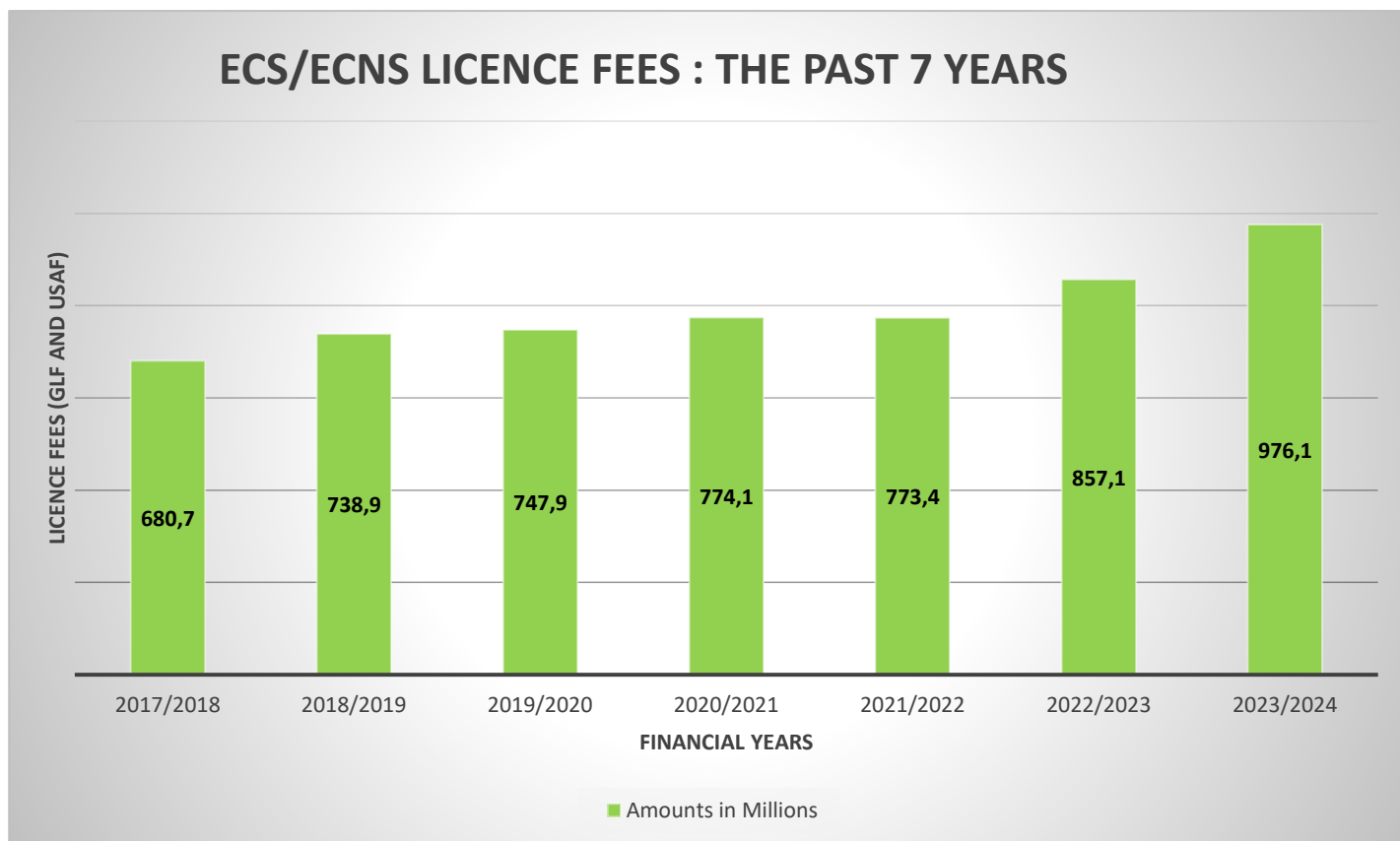
Table 6: Total Licence Fees^[1] Collected for the 2023/2024 Financial Year

Fees	Amount
GLF	R707,625,111.80
USAF	R268,435,457.17
Total Fees Collected	R976,060,568.97

⁶ USAF Regulations, 2011 published in *Government Gazette No. 34010* dated, 10 February 2011.

^[1] Licence fees for all ECS/ECNS Licensees that paid for the period under review.

Figure 3: Licence fees (GLF and USAF) for the past 7 years



5.3. **Connectivity Obligations**

5.3.1 **Universal Service and Access Obligations (USAOs) - Mainstream schools:**

The Universal Service and Access Obligations (USAOs) are mandatory requirements that the Authority may impose on certain Licensees, including but not limited to network roll-out and or the provision of facilities or services to certain identified under-serviced areas or communities.

The obligations “ensure the provision of services to rural, remote and lower-income users who would not be served, in the absence of the intervention by the Authority. Universal service and universal access are both regulated to facilitate full access to modern technologies, to promote economic development and to eliminate current disparities between rural and urban areas”⁷⁷.

⁷⁷ <http://thornton.co.za/resources/telelaw10.pdf> extracted on 2 February 2025

Not all Licensees have USAO obligations imposed on them. The obligations are applicable to some, as elucidated below.

Notably, the rollout for Mainstream schools was completed in previous financial years. The Compliance Unit continues to receive compliance reports indicating the ongoing maintenance of the schools that have been rolled out.

Figure 4 below details the Mainstream Schools where USAOs were rolled out by Cell C, Liquid Telecoms, MTN and Vodacom.

Figure 4: Mainstream schools connected

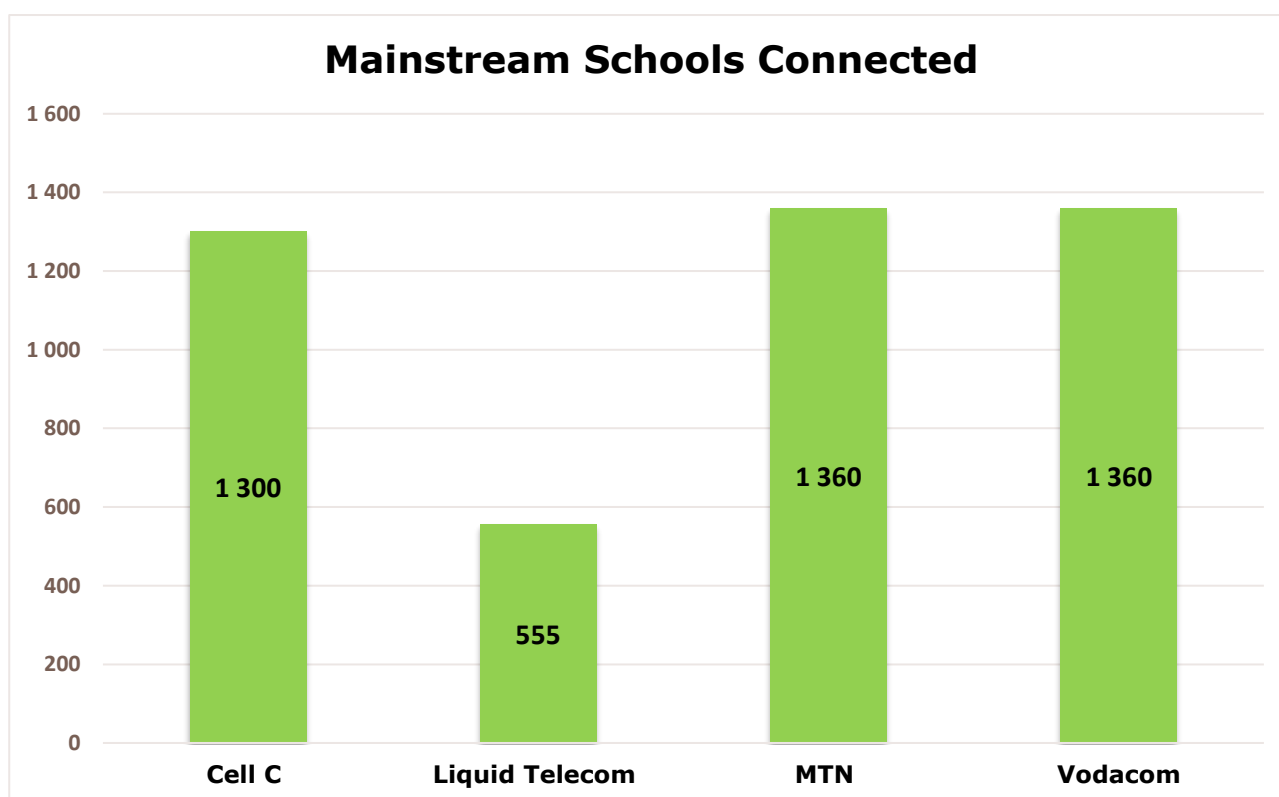
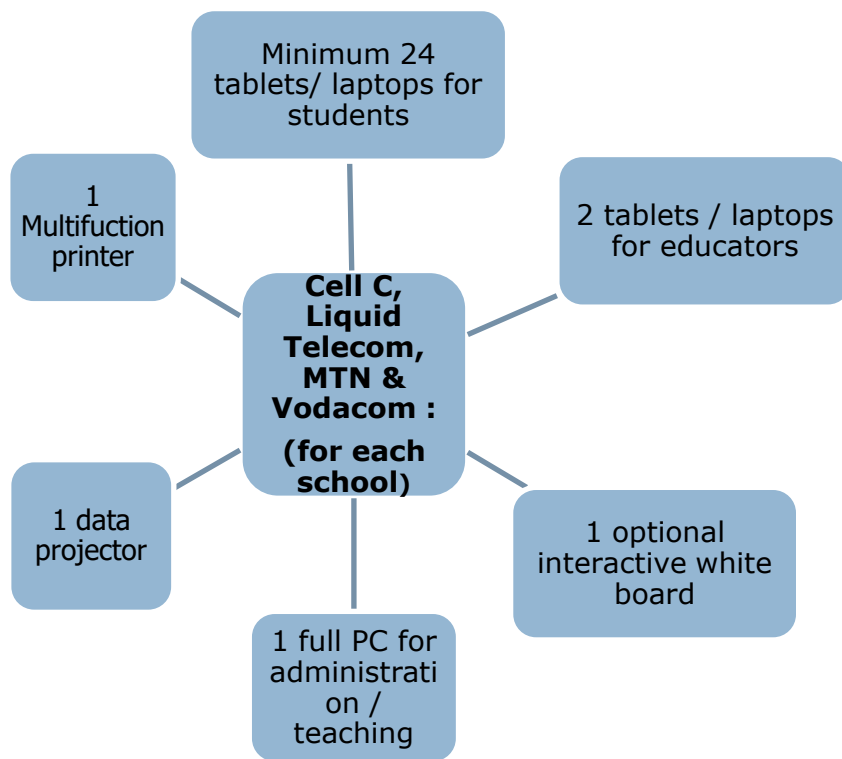


Figure 5: Tools and equipment each Licensee connected (Mainstream schools)



The diagram above shows the various equipment each Licensee has provided to the relevant schools.

5.3.2 Universal Service and Access Obligations (USAOs): Schools for Learners with Special Educational Needs (LSEN)

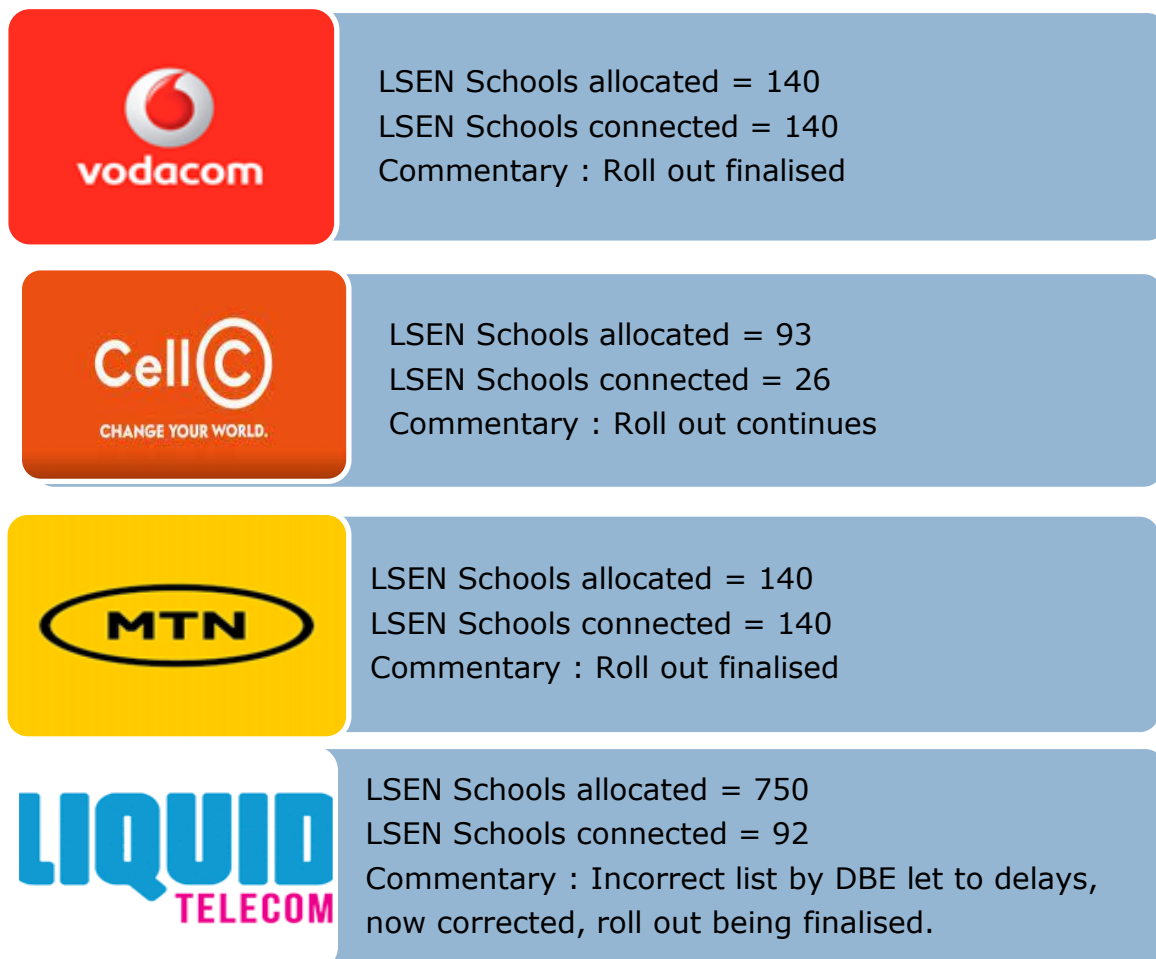
When the LSEN project commenced in 2017, the Authority engaged in consultative discussions with organisations representing people with disabilities as well as government departments, including the Department of Telecommunications and Postal Services (DTPS) at the time and the Department of Education (DoE). These discussions aimed to develop and finalise the draft specifications for LSEN.

On 01 September 2017, the Authority sent the draft specifications to four (4) relevant Licensees (Vodacom, MTN, Cell C and Liquid Telecom) and gave each licensee one (1) LSEN school to connect for pilot purposes. The Licensees then began preparatory pilot groundwork for the actual roll-out. After connecting the pilot schools each Licensee provided the Authority with feedback on their experiences, which helped shape the project's implementation going forward.

Based on lessons learned from the pilot, the Authority gave the go ahead for the full roll-out by the Licensees. All other Licensees have since completed the roll-out except for Cell C, with which the Authority is actively working, to ensure the

finalisation of its roll-out.

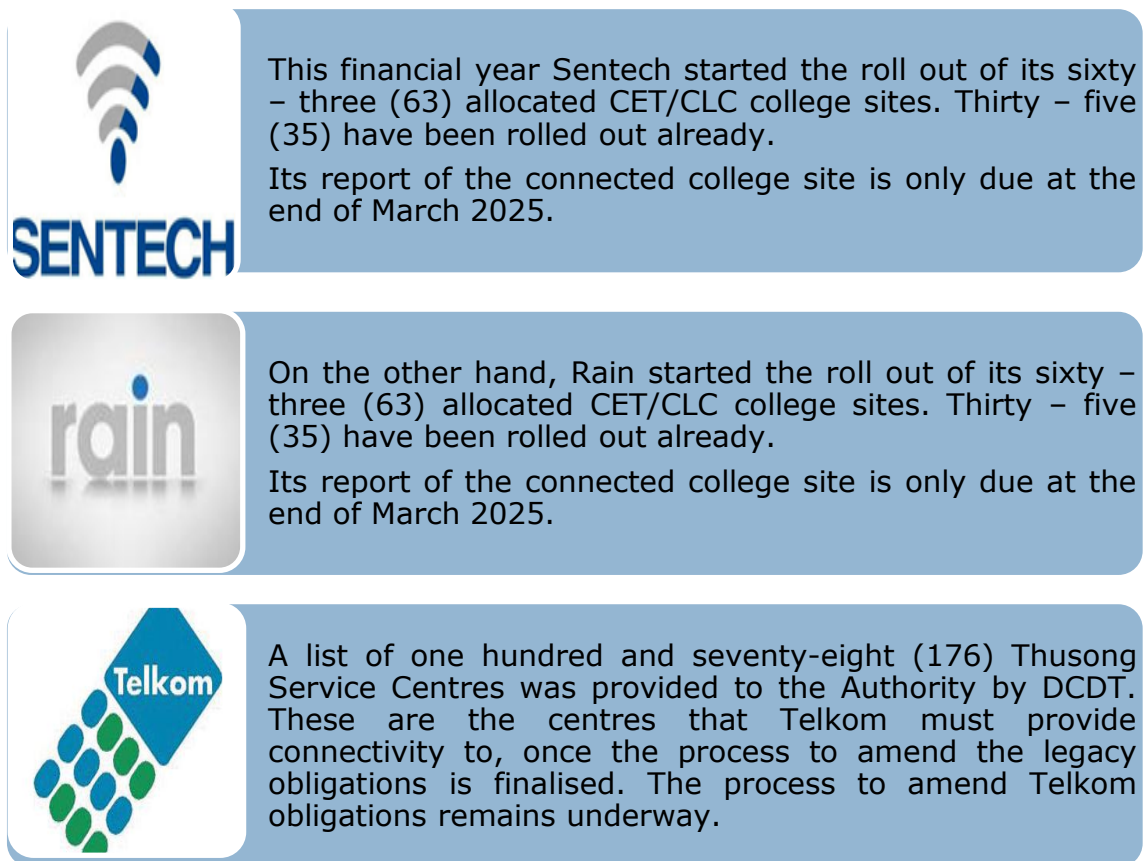
Figure 6: Connectivity obligations: Schools for Learners with Special Educational Needs (LSEN)



5.3.3 Connectivity Obligations: Other Licensees - Sentech, Rain and Telkom

In 2016 the Authority constituted a Council Committee with the objective of amending the connectivity obligations of Telkom, Sentech and Rain.

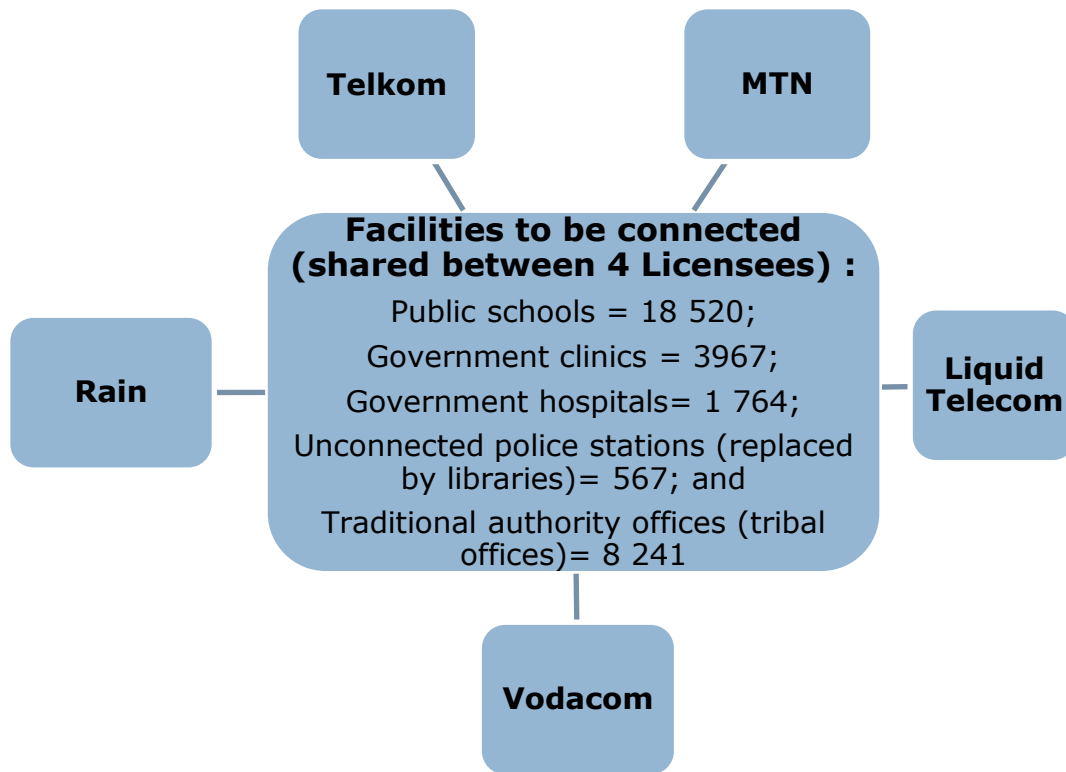
Figure 7 : Other Connectivity Obligations – Sentech, Rain and Telkom



5.3.4 Connectivity Obligations : IMT Auction Licensees

Following the International Mobile Telecommunications (IMT) spectrum auction that was held by the Authority, in May 2022, five Licensees were awarded the spectrum. In order to further connectivity objective, certain obligations made part of the licence conditions. The relevant Licensees are MTN, Telkom, Rain and Vodacom. The connectivity obligations that these Licensees are required to connect are elucidated in figure 8 below.

Figure 8: Connectivity Obligations : IMT Auction Licensees



Although though the relevant Licensees send updates to the Authority with respect to the implementation of the obligations, it is noteworthy that the first connectivity compliance deadline is, 31 March 2025. The Authority is currently part of the stakeholders roll out preparatory working group, namely the Project Management Office (PMO) that was formed by the Department of Communications and Digital Technologies. The PMO is intended to afford all affected parties an opportunity to raise whatever concerns in relation to the roll out of the obligations and to find solutions to enable the intended roll out. In the PMO, the entities that part of it are as follows:

- 1) Department of Communications and Digital Technologies.
- 2) Independent Communications Authority of South Africa.
- 3) Association of Communications and Technology (ACT) which is a forum representing Vodacom, Rain, MTN, Liquid Telecom and Telkom.
- 4) Department of Basic Education (DBE).
- 5) Department of Sports art and Culture (DSAC).
- 6) Department of Cooperative Governance and Traditional Affairs (COGTA).
- 7) Department of Health (DoH).
- 8) Western Cape Provincial Government.

5.4 Compliance Procedure Manual Regulations (CPMR)⁸

The Compliance Procedure Manual Regulations (CPMR) were published to streamline the submission of compliance information periodically, to the Authority. These submissions reflect Licensee's adherence with various legislative and regulatory requirements.

Below is an indication of compliance per the relevant Forms in the CPMR.

5.5 Form 1: Shareholding and Staff component

Form 1 requires Licensees to provide basic company ownership, staff information and its structure. This enables the Authority to have a better picture of the ICT sector with respect to employment/staff and shareholding distribution by race, gender, historically disadvantaged groups (HDGs), youth, people with disabilities and women. The HDGs information received pursuant to this Form provides the Authority with information in terms of the extent of transformation in the ICT sector.

In accordance with the Regulations in respect of the Limitations of Control and Equity Ownership by HDGs, 2021⁹, bigger Licensees are required ensure an attainment of the minimum 30% equity shareholding stake in line with the requirements of section 9 (2) (b) of the ECA. The other individual Licensees are also required to ensure compliance with these Regulations by the 31 March 2025.

5.5.1 Historically disadvantaged groups (HDGs) Shareholding

The HDG shareholding percentage of five major Licensees shows they comply with the 30% minimum requirement as illustrated below.

⁸ Published in *Government Gazette* No. 34863 dated, 15 December 2011.

⁹ Published in *Government Gazette* No. 44382 dated, 31 March 2021.

Figure 9: Main Licensees - HDG Shareholding

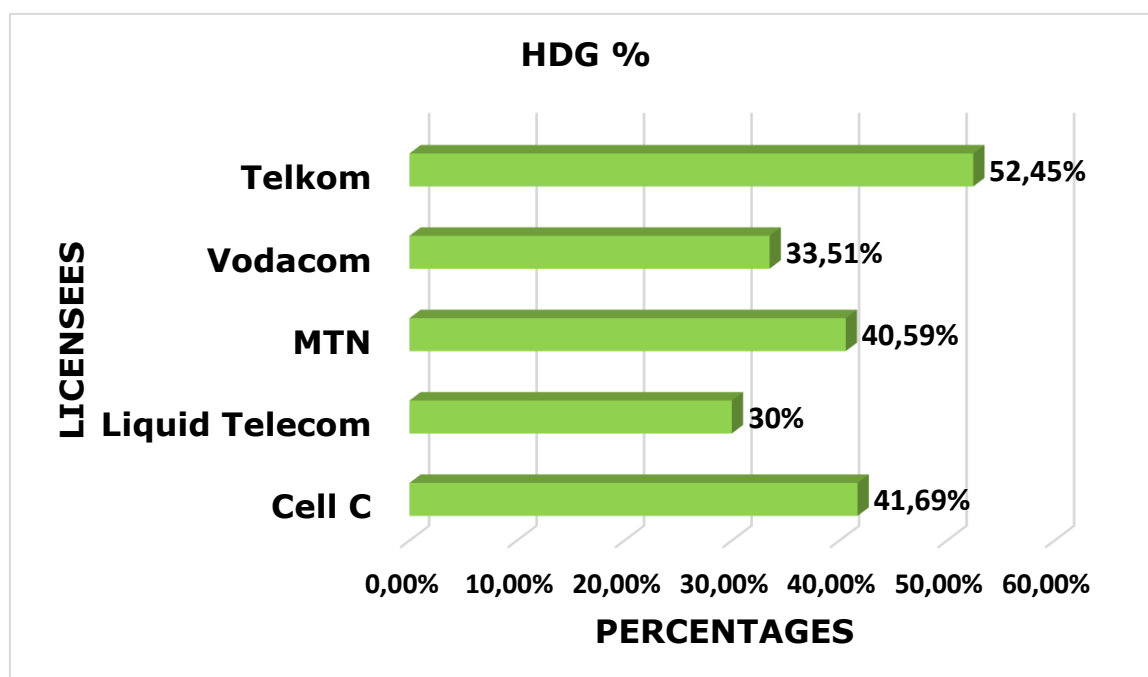


Table 6 below, shows a sample of small Licensees in terms of their HDGs:

Table 6: HDGs (other Licensees)

No.	Name	%HDG	% Woman-owned
1.	CMC Networks	30%	0%
2.	Connect First Telecoms (Pty) Ltd	13.86%	0%
3.	Telviva (Pty) Ltd/Connection Telecom CC	14.14%	14.84%
4.	Crazyweb Tech CC	40%	40%
5.	Maziv (Pty) Ltd	44.78%	18.68%
6.	Digital Dynamix CC	50%	50%
7.	Dotcoza	0%	0%
8.	Dube Tradeport	0%	0%
9.	Emid (Pty) Ltd / BSVA Integrated Services (Pty) Ltd	0%	0%
10.	ICT Globe	30.15%	30.15%
11.	IP Dynamics (Pty) Ltd	0%	0%
12.	Izak Schalk Willem Van Zyl t/a SWD Connections	0%	0%
13.	Jumbo Technologies (Pty) Ltd	33%	0%

No.	Name	%HDG	% Woman-owned
14.	Mad Mouse (Pty) Ltd	0%	0%
15.	Mopani Wireless	100%	0%
16.	Amadwala Trading 5	0%	0%
17.	Bundu Networx (Pty) Ltd	100%	90%
18.	Cloud IT Support Services	20%	20%
19.	Compatel Africa (Pty) Ltd	0%	0%
20.	C-Way Computers CC	0%	0%
21.	Eden Wireless (Pty) Ltd	0%	0%
22.	Fliber (Pty) Ltd	0%	0%
23.	Global Network Systems (Pty) Ltd	0%	0%
24.	Green Flash (Pty) Ltd	33%	0%
25.	Hymax Talking Solutions (Pty) Ltd	30%	0%
26.	ICTGlobe (Pty) Ltd	100%	30.15%
27.	Jireh Technologies (Pty) Ltd	100%	0%
28.	JSDAAV Telecoms (Pty) Ltd	0%	0%
29.	Syrinx (Pty) Ltd	25%	0%
30.	Magnalec (Pty) Ltd	0%	0%

5.5.2 **Management distribution**

Looking at Licensees that were assessed for the period under review, as has been the case in the previous years, management is led by men in a far greater majority than women.

On the other hand, figures pertaining to race (management) still indicate that White people especially males still lead, followed by Black, Indian and Coloured people.

5.5.3 **Form 1 - Findings**

As has been the case during the past years, HDG transformation is occurring at snail's pace in the telecommunications industry.

The Regulations in respect of the Limitations of Control and Equity Ownership by HDGs (in March 2025), should provide considerable improvement on the status quo.

There are however those Licensees that have approached the Authority indicating difficulties with respect to the implementation of the Regulation above. The Authority and the relevant Licensees will continue discussions and consultations in an endeavour to attend to and resolve whatever differences there may be.

Table 7: Management figures

Licensee name	Female	Male	Blacks	Coloured	Indians	Whites	Total
MTN	3	7	4	2	2	3	21
Liquid Telecom	90	158	56	17	55	90	466
Sentech	26	48	57	6	1	10	148
Vodacom	122	175	90	36	77	94	594
Cell C	26	74	36	18	11	35	200
Axxess DSL	3	6	2	0	0	7	18
Sentech	26	48	57	36	77	94	338

5.5.4 Form 2: General Licence Fees and 3: Universal Service and Access Fund

The findings on Forms 2 and 3 are dealt with in paragraphs 5.1 and 5.2, above.

5.5.5 Form 4: E - Rate

Form E enables Licensees to provide the Authority with information in relation to E-rate services provided by Licensees. Licensees have on a continuous basis registered their concern with respect to the non - implementation of the 50% E-rate by the Universal Service and Access Agency of South Africa's (USSASA), as stipulated in regulation 3.1 of the E-Rate Regulations¹⁰, this matter is however beyond the control of the Authority, but that of government through USSASA.

¹⁰ Published in *Government Gazette* No. 31979 dated, 3 March 2009.

5.5.6 Other Forms

Added to the forms dealt with above, there are a few more that are applicable in respect to ECS/ECNS Licensees. These forms are also analysed for purposes of ensuring compliance. For the financial year 2024/2025 there were no major compliance issues identified during the analysis to necessitate any action. Those forms are the following:

Table 8: Other forms

Form Name	Form Information
Form 5: Tariff report	Indicates which tariff/s is/are being charged by respective licensees.
Form 6A: Sectoral Planning	Provides information in relation to the ICT industry e.g. churn rates/ interconnection traffic & number portability.
Form 7A: Code of Conduct	Consumer (information in relation to consumer information, rights and recourse).
Form 7C : Code on People with Disabilities	Reports on whether licensees put in place relevant facilities for the needs of the disabled.
Form 12: Complaints	Provides information in relation to the extent to which licensees receive complaints and how they are attended to.

5.6 End User and Subscriber Service Charter Regulations, 2009¹¹

5.6.1 Network Availability

There are various compliance requirements as per the End User and Subscriber Service Charter Regulations (EUSSC Regulations). These Regulations also provide for Licensees reporting on their network availability and performance.

The table below paints a picture of a sample of compliance by big Licensees with the EUSSC Regulations i.e. Liquid Telecom, MTN, Vodacom, Broadband Infraco and Sentech.

¹¹ Published in *Government Gazette* No 32431 – dated, 24 July 2009.

Table 9: Network availability information

Regulation 9(1)	An average of 95% of network service availability over a period of six (6) months.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Fixed: 95% = Compliant Fixed Wireless: 95% = Compliant	Fixed: 99.26% = Compliant Fixed Wireless: 98% = Compliant Mobile services 97.62% = Compliant	99.51% Fixed [Wireline] Services = Compliant 95.7% Fixed Wireless Services = Compliant 99.97% Optical Line Terminal 99.74% Mobile Services = Compliant	97.80% = Compliant	Fixed :99.95 % = Compliant	Fixed :99.95 % = Compliant
Regulation 9(2)	An average of 95% of EC service availability within a specified area of coverage over a period of six (6) months.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco

Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Fixed: 95% = Compliant Fixed Wireless: 95% = Compliant	Fixed wireless Services: 97.81% = Compliant 95% Mobile Services = Compliant	Fixed (Wireline) Services: 99.51% = Compliant Fixed Wireless Services: 95.7% = Compliant Optical Line Terminal: 99.58% = Compliant	98.31% = Compliant	N/A	N/A (ECNS holder)
Regulation 9(5)	Average time to install service – attain 90% success rate within thirty (30) days.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Enterprise: 90% = Compliant Non-enterprise: 95% = Compliant	Mobile: 98.43% = Compliant	Fixed Services Residential Services: 96.3% = Compliant Business Services: 90.7% = Compliant	99.99% = Compliant	N/A	N/A

			Fixed Wireless Services: 99.98% = Compliant ENTERPRISE TECHNOLOGY Fixed Service: 91.280% = Compliant Business: 91% = Compliant Fixed Wireless Services: 96% = Compliant Fixed Services – Residential Services: 96% = Compliant Business Services: 91% = Compliant			
Regulation 9(5)	Activation within 48hrs (after installation) Fixed Business =90%, Fixed Res 95%. Fixed wireless = 95%. Mobile = 99%					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infracore
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024

Findings	95% Fixed wireless activated within 48 hours. = Compliant	45.05 hrs over 99% activated within 48hrs. = Compliant	100% activation within 48 hours – Mobile = Compliant	99.99% =Compliant	N/A	Non-compliant – ICASA has already met with Broadband to look at ways to correct.
Regulation 11	Licensee is required to indicate its communication method with customers if it is unable to provide the relevant service.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Website, SMS & telephone = Compliant	Website and displayed at MTN Stores = Compliant	SMS Social media emails = Compliant	Website and App = Compliant	Website = Compliant	Telephone and Email = Compliant
Regulation 12	The percentages of connectivity failure rate must not exceed an average of 3% of all connections, over a period of six (6) months.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings		0.22% = Compliant	Less than 3% = Compliant	No info = followed up	= Not compliant In discussions with licensee	0.75% over a no more than 3% target.

	= Compliant					= Compliant
Regulation 12	Operator assisted calls must be answered within three (3) minutes averaged over twelve (12) months. (No % target)					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	= Complaint	= Complaint	1.83 seconds = Compliant	99.99% = Compliant	00:01:55 = Compliant	100% of calls answered in 3 minutes. = Complaint
Regulation 12	Licensee to indicate if network monitoring centre is available, where it is situated and how it operates.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings		Indicated	Network monitoring Centre located in Midrand, operating 24/7.	Indicated = Compliant	Network Management Centre, Radiokop, 365/24	Network monitoring centre is in Woodlands Drive, Woodmead, operate for 24 hours.

	Indicated = Compliant	= Compliant	Indicated = Compliant		Indicated = Compliant	Indicated = Compliant
Regulation 8						
	Maintenance of an average of 90% fault clearance rate for all faults reported within three (3) days.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Fixed: 90% cleared within 5 days' target =Compliant	Mobile Services: 95.99% cleared within 24 hrs. = Compliant	98.71% over a 90% target = Compliant	No info = followed up	100% over a 90% target = Compliant	100% over a 90% target = Compliant
Regulation 9						
	The remaining 10% of faults reported must be cleared within six (6) days of reporting of the fault.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	= Compliant	= Compliant	= Compliant	= Compliant	N/A	N/A
Regulation 12(3)						
	Licensee must indicate a point of entry for complaints.					

	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant
Regulation 12 (4)	Licensee must indicate the complaints handling procedure.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant
Regulation 12 (6)	Licensee must acknowledge receipt within forty -eight (48) hrs					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	=Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant
Regulation 12(7)	Licensee must indicate how many complaints were resolved within fourteen (14) days.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	No services to Individuals; services are provided to businesses. Individually dealt with in terms of contracts and service level	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant

	agreements with the customers.					
Regulation 12 (12)	Licensee must indicate how many complaints were referred to the Authority for resolution.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant	Indicated = Compliant
Regulation 12 (12)	Licensee must report on the time for resolution of complaints referred by the Authority.					
	Liquid Telecom	MTN	Vodacom	Cell C	Sentech	Broadband Infraco
Reporting period	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	Feb – July 2024	April – Sept 2024
Findings	No services are provided to individuals, services are currently provided to businesses.	Indicated = Compliant	Indicated = Compliant	No info = followed up	Indicated = Compliant	Indicated = Compliant

5.7 Interconnection Agreements

Section 39 of the ECA, obliges interconnecting Licensees to submit the interconnection agreements to the Authority for review purposes. The submission has to be made to the Authority within seven (7) days of signature of such agreements. Section 39 of the ECA, the Interconnection Regulations¹²; and the Call Termination Regulations¹³, provides a framework within which the Authority needs to follow when approving the submitted agreements.

When reviewing the agreements the Authority has to consider factors such as financial and technical feasibility, quality of service, non-discrimination and transparency by the interconnection providers towards interconnection seekers.

Should any of the factors not be complied with, the ECS/ECNS Compliance Unit will notify the parties to rectify the non-compliance to ensure that the agreement meets the set regulatory requirements. In instances of gross non-compliance, the said contravention may be referred to the CCC for hearing and adjudication.

During the 2024/2025 financial year, the Authority received and approved twenty(20) interconnection agreements.

5.8 Facilities Leasing Agreements

In respect to facilities leasing agreements, section 43 of the ECA creates an obligation on Licensees to file their agreements on the leasing of their electronic communications facilities. Upon review of the facilities leasing agreements, the ECS/ECNS Compliance Unit must ensure that licensees comply with the provisions of the ECA and the Facilities Leasing Regulations¹⁴.

¹² Interconnection Regulations as published in *Government Gazette* No. 33101 of 9 April 2010.

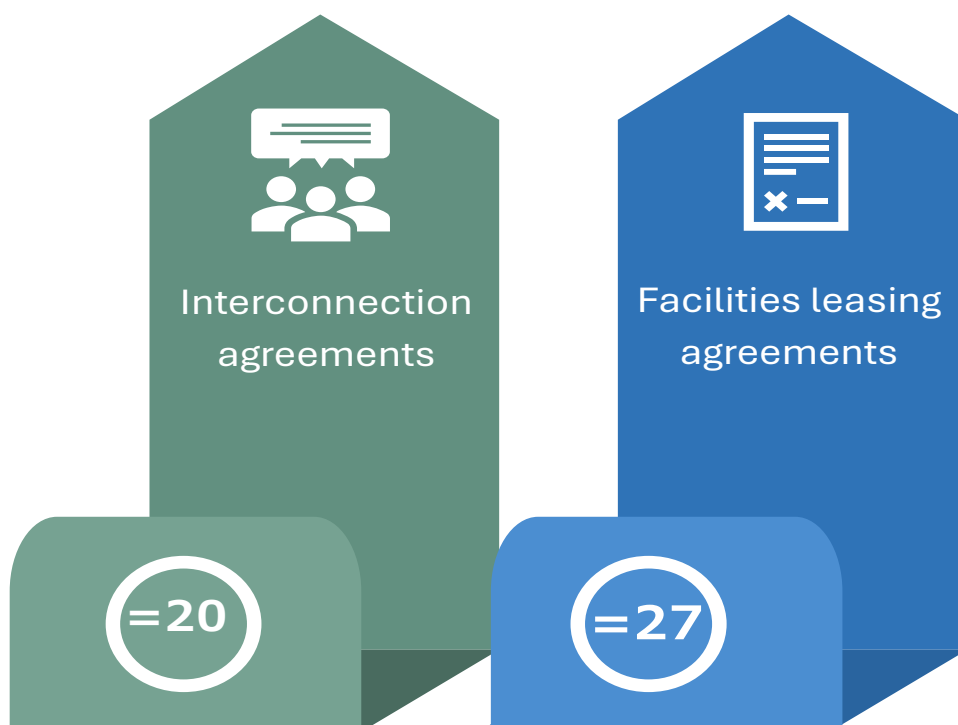
¹³ Call Termination Amendment Regulations, 2017 published in *Government Gazette* No. 41132 dated 22 September 2017.

¹⁴ Electronic Communications Facilities Leasing Regulations, 2010.

Where there is non-adherence to any of the legislative or regulatory requirements, the lodging party will be notified and afforded an opportunity to provide additional information and/or to clarify the area concerned.

During the 2024/2025 financial year, the Authority received and approved twenty-seven (27) facilities leasing agreements.

Figure 10: Interconnection & Facilities Leasing Agreements numbers:



6. REFERRAL TO THE COMPLAINTS AND COMPLIANCE COMMITTEE (CCC)

If a Licensee contravenes any regulatory obligation related to legislation, Regulations or licence terms and conditions, the ECS/ECNS Compliance Unit engages the Licensee with a view to attain compliance. However, in cases of repeated non-compliance or clear unwillingness to comply, the Unit will refer the Licensee concerned to the CCC, for hearing and adjudication. Before referring a matter to the CCC, the Unit first issues a notice to the Licensee, indicating a potential contravention and outlining the details of the alleged non-compliance.

The Licensee will be invited to submit written representations, in accordance with the principles of fair administrative justice. The process allows the ECS/ECNS Compliance, to gather all relevant information to determine whether non-compliance has occurred or if the additional information available, negates the alleged contravention.

If, after reviewing all submissions, non-compliance is confirmed, the Licensee will be formally notified that the matter will be referred to the CCC.

During the current financial year, only one Licensee has been referred to the CCC and the outcome is pending.

7. CONCLUSION

During the financial year 2024/2025, the ECS/ECNS Compliance Unit monitored sixty-five (65) individual and class Licensees on a broad range of regulatory requirements, entailing legislation, Regulations and licence conditions.

Despite the periodic introduction of new or amended Regulations, the overall level of compliance among Licensees, remains satisfactory. The ECS-ECNS Compliance Unit continues to make a concerted effort to raise awareness among Licensees, regarding both new and existing regulatory requirements.

MARCH 2025