

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 401 OF 2016



Independent Communications Authority of South Africa

NOTICE OF INTENTION TO CONDUCT AN INQUIRY INTO SUBSCRIPTION TELEVISION BROADCASTING SERVICES

- 1.1 The Independent Communications Authority of South Africa (hereinafter referred to as "the Authority") hereby gives notice that it intends to conduct an inquiry into subscription broadcasting services in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) (hereinafter referred to as the "ICASA Act").
- 1.2 The Authority has noted that despite having issued five (5) licences in 2007 and a further two (2) licences in 2015 in the subscription television broadcasting services market, three (3) licensees have commenced operations. The Authority has also, noted that two (2) of the licensees faced sustainability challenges while the others have not yet launched services.
- 1.3 Due to the Authority's commitment and mandate to ensure that markets are effectively competitive, it is commencing an Inquiry into the Subscription Broadcasting Services Market.

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1.4 The Inquiry will follow the process outlined below:

1.4.1 Information gathering in accordance with Section 4C of the ICASA Act

1.4.1.1 This stage will consist of questionnaires and may consist of one on one engagements with relevant stakeholders, where necessary.

1.4.1.2 Stakeholders, have ten (10) business days to review the questionnaire and send their questions of clarity in writing to the subscriptioninquiry@icasa.org.za. (22 July 2016). The Authority will respond to all stakeholder questions and publish the responses thereto in the form of a Frequently Asked Questions (FAQs) on the Authority's website at www.icasa.org.za.

1.4.1.3 The submission deadline for responses to the questionnaire is 12 August 2016.

1.4.1.4 It is important to note that stakeholders who elect not to respond to the questionnaires will not form part of the consultation process during the information gathering phase.

1.4.2 Publication of a Discussion Document for Public comment

1.4.2.1 Information gathered during the information gathering phase in terms of Section 4C will inform a discussion document that will be published in terms of section 4B of the ICASA Act for public comment for a period of 45 days. The Authority may hold public hearings.

1.4.2.2 However, information gathered during the information gathering process will inform the Discussion Document which will be published for public comment. All stakeholders regardless of their

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participation or absence thereof may participate in the public consultative process in the Discussion Document.

1.4.3 Findings Document

1.4.3.1 Following the public consultation on the Discussion Document, the Authority will publish a Findings Document.

1.4.4 Further Process following Findings Document

1.4.4.1 Based on the findings set out in the Findings Document, the Authority may prescribe regulations in terms of section 67(4) of the Act.

1.4.4.2 All submissions unless, the submitter makes an application for confidentiality in accordance with Section 4D of the ICASA Act will be made public.

1.5 Confidentiality

1.5.1 Where a respondent is of the view that information that is being submitted is confidential, the steps in section 4D apply.

1.5.2 The respondent 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. The Authority will respond within (14) days of receiving a request for confidentiality whether or not the request for confidentiality has been granted.

1.5.3 Should the Authority determine that a request for confidentiality cannot be acceded to, the party providing the information will be given an opportunity to withdraw such information.

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- 1.6 All relevant stakeholders are hereby invited to submit their written representations on the questionnaires published herewith by the Authority. A copy of the questionnaires will be made available on the Authority's website at <http://www.icasa.org.za> and in the ICASA Library at No. 164 Katherine Street, Pin Mill Farm, (Ground Floor at Block D), SANDTON between 09h00 and 16h00, Monday to Friday only.
- 1.7 All communication and clarifications in terms of the Inquiry must be directed to the Chairperson of the Council Committee Cllr Katharina Pillay at subscriptioninquiry@icasa.org.za on all correspondence in respect of the Inquiry.



Nomvuyiso Batyi
Councillor