



Chairperson: Signal Distribution Council Committee

ICASA

Email: signaldistribution@icasa.org.za

20 June 2025

Dear Committee Chairperson

JOINT SUBMISSION: PRIMEDIA (PTY) LTD AND RADIO PULPIT NPC

1. We act on behalf of both:
 - 1.1 Primedia (Pty) Ltd (Primedia) which is the licensee in respect of three FM commercial sound broadcasting services, namely: 947, 702 and Kfm, and one AM commercial sound broadcasting service, namely, Cape Talk; and
 - 1.2 Radio Pulpit NPC (Pulpit) which is the licensee in respect of one AM community sound broadcasting service, namely, Radio Pulpit (Pulpit).
2. In Notice 3185, published in Government Gazette No. 52622 dated 8 May 2025, the Independent Communications Authority of South Africa (ICASA) published Draft Signal Distribution Services Regulations (the Draft Regs) and called for the public to make comments thereon on or before 20 June 2025. Primedia and Pulpit welcome this opportunity to make written submissions and request the opportunity to make oral submissions at any hearings on the Draft Regs which ICASA may hold. In this regard, both Primedia and Pulpit are of the respectful view that oral hearings should be held on the Draft Regs by ICASA.
3. Primedia and Pulpit have taken the extraordinary step of making their submissions on the Draft Regs jointly because of the serious existential threat to their respective AM licences posed by Sentech (SOC) Ltd (Sentech)'s stance on the future of AM/MW.
4. As ICASA is aware from various stakeholder engagements which have taken place over the past year, Sentech has stated that it no longer wishes to provide MW services and is looking to phase out its AM/MW signal distribution offering to licensees.

5. Primedia and Pulpit are of the view that Sentech's stance has obvious significant implications for the broadcasting sector going forward, including the signal distribution aspects thereof, with consequential ramifications for the Draft Regs.
6. AD REGULATION 3: MARKET DEFINITION
 - 6.1 Both Primedia and Pulpit are pleased that ICASA saw fit to include the terrestrial signal distribution for AM sound broadcasting services in the definition of the relevant wholesale markets for the provision of terrestrial signal distribution services.
 - 6.2 This was a stance that both Primedia and Pulpit supported during the Signal Distribution Discussion/Position Papers process.
7. AD REGULATION 5: EFFECTIVENESS OF COMPETITION
 - 7.1 Both Primedia and Pulpit are pleased that ICASA saw fit to determine that the market for terrestrial signal distribution for AM sound broadcasting services is ineffectively competitive.
 - 7.2 This was a stance that both Primedia and Pulpit supported during the Signal Distribution Discussion/Position Papers process.
8. AD REGULATION 6: SIGNIFICANT MARKET POWER
 - 8.1 Both Primedia and Pulpit are pleased that ICASA saw fit to determine Sentech is dominant in, *inter alia*, the terrestrial signal distribution for AM sound broadcasting services market.
 - 8.2 This was a stance that both Primedia and Pulpit supported during the Signal Distribution Discussion/Position Papers process.
9. AD REGULATION 8: PRO-COMPETITIVE TERMS AND CONDITIONS
 - 9.1 Both Primedia and Pulpit welcome the provisions of Sub-Regulation 8(a) and (c) of the Draft Regulations.
 - 9.2 Both Primedia and Pulpit are of the view that Regulation 8(b) is required to be amended to ensure that three separate Reference Offers (ROs) are required to be submitted by Sentech to ICASA for approval, in respect of each the three wholesale markets that are the subject of the Draft Regulations, namely,
 - 9.2.1 an RO in respect of terrestrial signal distribution for the television broadcasting services market;
 - 9.2.2 an RO in respect of terrestrial signal distribution for the FM sound broadcasting services market; and

- 9.2.3 an RO in respect of terrestrial signal distribution for the AM sound broadcasting services market.

10. WHAT IS MISSING FROM THE DRAFT REGS

10.1 ICASA's Dispute Resolution Role in Signal Distribution-related Disputes

- 10.1.1 Primedia and Pulpit respectfully submit that Regulation 8 of the Draft Regs requires to be amended to provide for a dispute resolution role for ICASA in settling disputes between Sentech and broadcasters in relation to the provision of signal distribution services and contractual matters relating thereto.
- 10.1.2 Primedia and Pulpit note that ICASA already plays such a dispute resolution role in relation to interconnection and facilities leasing in terms of sections 40 and 46, respectively, of the ECA.

10.2 Acknowledgement of Sentech's Common Carrier Status

- 10.2.1 Primedia and Pulpit are extremely concerned that the Draft Regs appear to have been drafted on the basis that Sentech will continue to be the dominant providers of terrestrial signal distribution for AM sound broadcasting services.
- 10.2.2 However, Sentech has clearly signalled, even stated, otherwise.
- 10.2.3 Consequently, Primedia and Pulpit are of the view that it is essential for the Draft Regs to specify that Sentech is *obliged* to provide wholesale terrestrial signal distribution services in the television, FM and AM broadcasting services markets (our emphasis).
- 10.2.4 In this regard, the Sentech Act, 1996 (the Sentech Act), identifies Sentech as the "common carrier" and, in terms of section 62(3)(a) of the Electronic Communications Act, 2005 (the ECA), is therefore required to provide signal distribution to broadcasting licensees upon their request and in accordance with the national radio frequency plan. While this obligation is subject to Sentech's "technological capacity to do so", Sentech clearly has the necessary technological capacity as it has been providing AM/MW sound broadcasting services for decades.

11. THE FUTURE OF MW/AM AND THE ROLE OF ICASA IN THIS REGARD

- 11.1 Primedia and Pulpit are of the view that stance taken by Sentech to MW/AM is unlawful and extremely prejudicial to licensed MW/AM broadcasters who have invested heavily in MW/AM broadcasting over the years and who have a legitimate expectation of being able to continue broadcasting.

- 11.2 Primedia and Pulpit are of the view that ICASA, as the constitutionally mandated broadcasting regulator in terms of section 192 of the Constitution of the Republic of South Africa, 1996 (the Constitution) is obliged to act protect the rights of and enforce the obligations of all licensees and to this end must ensure that Sentech fulfils its statutory obligations to provide signal distribution services to all licensed broadcasters, including MW/AM sound broadcasting services.
- 11.3 With specific reference to MW/AM sound broadcasting services, Primedia and Pulpit are of the respectful view that it is incumbent upon ICASA to ensure that Sentech continues to fulfil its signal distribution obligations to licensed MW/AM sound broadcasting services, both commercial and community, until such time as ICASA has developed appropriate alternative solutions, if any, acceptable to such licensed MW/AM sound broadcasting services and which ensure that they continue to be able to broadcast to their respective audiences throughout their respective existing coverage areas.
12. Primedia and Pulpit thank ICASA for the opportunity to make these written submissions and look forward to participating in the oral hearings on the Draft Regs.

We trust that you find the above to be in order. Please do not hesitate to contact us should you have any queries or require any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Justine Limpitlaw', written in a cursive style.

Justine Limpitlaw