KINÉIS RESPONSE TO ICASA CONSULTATION (2026)

Draft Amendments to :

- Radio Frequency Spectrum Regulations (2015)
- Radio Frequency Spectrum Fees Regulations (2010)

Introduction

Kinéis welcomes the opportunity to contribute to ICASA's consultation on the proposed amendments to the Radio Frequency Spectrum Regulations and Spectrum Fees Regulations.

Kinéis is a **non-geostationary satellite operator (LEO**) providing **low-power IoT connectivity** globally with radio satellite services allocated at 400 MHz range. Its services enable environmental monitoring, asset tracking or agriculture and maritime applications for various industrial and public stakeholders to improve their processes and better manage their resources at a global scale.

Kinéis strongly supports ICASA's objective to modernize the regulatory framework while enabling innovation and investment in the country. The outcome will allow to develop emerging satellite technologies (LEO, IoT, NTN).

General support for ICASA approach

Kinéis supports the introduction of satellite-specific regulatory provisions and the definitions which recognized the specificities of non-geostationary constellations.

- The ***registration regime for foreign satellite operators*** (via Form F) balanced the need for ICASA regulatory information and the avoidance of undue administrative burden, successfully bringing regulatory visibility while streamlining market entry.
- **The introduction of blanket licensing for terminal networks** is critical for IoT deployment as the network-based regulation avoids burdensome and unpractical per-device licensing. This initiative, aligned with the best international practices, will secure the initial and long-term development of satellite services in the country.

Comments on draft provision related to Lawful interception / RICA obligations

Kinéis welcomes the inclusion of lawful interception obligations in the draft regulations. However, the current wording imposing such obligations on "a satellite space segment operator providing services in the Republic" requires clarification to ensure legal certainty, proportionality, and technical feasibility.

- The draft does not define what constitutes "providing services in the Republic", while at the same time specifying that registration of a foreign satellite operator does not grant the right to provide services. This creates legal ambiguity by potentially assigning service-level obligations to entities that are not licensed as electronic communications service providers under the existing framework.
- Furthermore, the draft confirms that satellite-related authorisations are radio frequency spectrum licences and that no new category of service licence is introduced. As a result, satellite space segment operators are not equivalent to ECS or ECNS licensees and should not automatically be subject to obligations designed for service providers.

Kinéis provides low-power narrowband satellite IoT services characterized by very small, intermittent data transmissions without session-based communications. These services do not offer voice, messaging, or broadband connectivity and are fundamentally different from traditional electronic communications services. Applying full lawful interception obligations designed for broadband or voice services to such IoT systems would therefore be disproportionate.

- In addition, the technical architecture of low-power satellite IoT networks makes interception at the space segment level impractical. Communications consist of short burst transmissions from terminals, routed through global infrastructure and processed at application platforms. Lawful interception capabilities, where relevant, can only be meaningfully implemented at the service or application layer, typically under the control of the licensed entity interfacing with end users.
- In practice, when satellite connectivity is delivered via a licensed South African ECS provider, that provider is the appropriate entity to meet lawful interception obligations under RICA. Conversely, where a satellite operator only provides the space segment and has no direct relationship with end users, imposing interception obligations at that level would not be feasible nor aligned with established regulatory principles.

Kinéis therefore submits that lawful interception requirements should be applied at the appropriate regulatory layer and in a proportionate manner. Specifically, obligations should primarily rest with licensed ECS providers delivering services to end users, while satellite space segment operators should only be subject to such obligations where they directly provide electronic communications services, and even then, in a manner that reflects the technical characteristics and limitations of the service.

Kinéis proposes that the regulation be clarified to ensure that lawful interception obligations are implemented at the service layer where technically feasible and legally appropriate, and that satellite systems providing low-power, narrowband IoT services may be subject to adapted or alternative compliance mechanisms reflecting their limited data transmission capabilities.

Comments on Spectrum Fees Regulations

The satellite terminal network fee is a core issue for Kinéis who noted that ICASA proposal to render the fee proportional to the bandwidth and focused on the Uplink transmissions capabilities only. I.e. Fee = UNIT × BW × SEC.

Kinéis IoT and data collection terminals will fall under these satellite terminal network licenses and fees.

Kinéis strongly supports this approach as it brings proportionality to the service provided as the more bandwidth is authorized the more premium the service is offered, while allowing deployment scalability. Hence, the simplicity, predictability and alignment with global regulatory practice are positive changes brought by ICASA draft proposal.

An improvement would be to add a service factor to recognize that some NGSO constellations have focused their capabilities on IoT low data services by design. This factor (value of 0.1-0.3) would reflect the difference between NGSO operators. This proposal is similar to the introduction of the SEC factor.

> *Proposal: Fee = UNIT × BW × SEC x MKT, where MKT is a factor applied to satellite services which scope is limited (ex: IoT only services), its value could be set at 0.1-0.3 for example.*

Kinéis commends ICASA for the proposed regulatory framework, which represents a significant and positive evolution towards enabling modern satellite services in South Africa. In particular, the introduction of a registration regime for foreign satellite operators, the clarification of NGSO systems, and the implementation of blanket licensing for terminal networks provide a solid and progressive foundation for the development of satellite IoT services.

Kinéis appreciates ICASA's effort to ensure a balanced approach that promotes investment, innovation, and efficient spectrum use while maintaining regulatory oversight. The proposed spectrum fee model, based on uplink bandwidth and network-focused licensing, is proportionate, predictable, and well aligned with international best practices.

However, Kinéis respectfully highlights the importance of ensuring that the regulatory framework remains fully adapted to the specific characteristics of low-power satellite IoT systems. In particular, further clarification is needed regarding the applicability of lawful interception obligations to ensure legal certainty, appropriate allocation of responsibilities, and proportionality with respect to technical capabilities. Similarly, the introduction of a differentiated factor within the spectrum fee model would better reflect the limited spectrum footprint and societal value of IoT services.

Overall, Kinéis strongly supports the direction taken by ICASA and encourages the Authority to consolidate these advances by refining the framework to fully accommodate satellite IoT services. Such adjustments will ensure that South Africa remains an attractive and competitive environment for next-generation satellite technologies while facilitating the deployment of services that contribute to economic development, environmental monitoring, and improved connectivity across the country.