



Independent Communications Authority of South Africa

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Mr Jonathan Williams

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Dear Mr Williams

TELKOM SA SOC LTD (“TELKOM”) v OCTOTEL (PTY) LTD (“OCTOTEL”) CASE NUMBER: 344/2019

1. The above matter bears reference.
2. This is to advise the Respondent (Octotel) in the matter between Telkom and Octotel, held on 26, 28, 29 and 30 April 2021 by the Complaints and Compliance Committee (“CCC”), that on 31 October 2022, the Council of ICASA approved the recommendations of the CCC relating to the allegations below, lodged by Telkom in terms of s17B (a) of the Independent Communications Authority of South Africa (“ICASA”) Act, No 13 of 2000, against Octotel.

3. Telkom alleged that Octotel unlawfully accessed and installed its optic fibre cabling into Telkom's ducts, manholes and related infrastructure at Dune Ridge, Kleinbron Park and Sandown Estates located in the Western Cape.
4. Telkom alleged that such an illegal installation by Octotel amounts to the contravention of s43 of the ECA, read with Regulation 3 of the Electronic Communication Facilities Leasing Regulations, 2010 in that Octotel failed to adhere to the compulsory regulatory processes to make a request or enter into an appropriate facility leasing agreement with Telkom for gaining access to electronic communications facilities.
5. The Council of ICASA approved all the CCC's recommendations subject to the *removal* of paragraph 105.5 of the CCC judgment, which directed Octotel to pay as a fine the amount prescribed by the Authority in respect of its failure to comply with section 43 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (the "ECA"), read with the Electronic Communications Facilities Leasing Regulations.
6. The Judgment of the CCC is attached hereto and marked as **Annexure "A"**.

Yours Sincerely



Dr Charley Lewis
Acting Chairperson
Date: 03/11/2022

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Assessor of the CCC
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