

y'ello

Draft Radio Frequency Migration Plan 2018

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GENERAL COMMENTS



- MTN has noted that matters dealing with Karoo Central Astronomy Advantage Areas have been omitted in the draft migration plan.
- MTN has also noted that provisions for conducting of feasibility studies in the case of complex migrations have been omitted from the 'process' subsection.
- MTN requests the Authority to provide reasons in the reasons document for the omissions taking into consideration that these will be lost when the 2013 migration plan is repealed.
- The Authority has formulated the definition of 'spectrum re-farming'. MTN welcomes the initiative in principle; however, we are of the view that the definition should be dealt with in other regulatory instrument, preferably the radio frequency spectrum regulations.
- There are inconsistencies in the use of terms spectrum 'allocation' and 'assignment'.
- Terms used in the migration plan should be aligned with those in the band plan, e.g. IMT900 as opposed to '2G spectrum' and 'GSM bands'.
- MTN proposes common issues in the migration plan be grouped together.

FREQUENCY MIGRATION REGULATIONS OVERVIEW



- The word “**Overview**” in the title is ambiguous. The section appears to be a republication of the Radio Frequency Migration Regulations 2013 as opposed to an overview of the regulations.
- The amendments are contained in subsections 4(b), 4(f), 5(1), 5(2) and 5(3).
- It is not clear whether the Authority intends to amend the 2013 regulations. If that is the case MTN proposes that the short title of the regulations be changed to “Radio Frequency Migration Regulations 2018”.
- The Authority should then make it clear that the consultation process is not limited to the draft Migration Plan 2018 but is inclusive of the regulations as well.
- If the Authority does not intend to amend the 2013 regulations then MTN proposes the removal of the amendments.



Spectrum re-farming

- MTN welcomes the Authority's attempt to define 'spectrum re-farming' in principle. The definition is expected to create certainty on the meaning of the term 'spectrum re-farming'.
- MTN is, however, of the view that the migration plan may not be the appropriate location for the definition as spectrum re-farming is not related to frequency migration.
- MTN wishes to draw the Authority's attention to the provisions in the Electronic Communications Amendment Bill (B31 – 2018) which also deal with spectrum re-farming.
- MTN therefore cautions the Authority of a potential duplication and/or contradiction between the frequency migration plan and the ECA Amendment Bill.
- The Authority's definition of 'spectrum re-farming' reveals that there exists a misalignment in what the Authority understands spectrum re-farming to be and how licensees understand and implement spectrum re-farming in practice, i.e. re-using assigned spectrum for a different technology within the same band plan allocation.



- The Authority's definition of spectrum re-farming is as follows:

*“Radio frequency spectrum Re-farming” means the process by which **the use of a Radio Frequency Spectrum band is changed following a change in allocation, this may include change in the specified technology** and does not necessarily mean that the licensed user has to vacate the frequency’ (emphasis added)*

- It appears that the Authority seeks to align re-farming to a change in allocation of spectrum whereas licensees in practice use re-farming to implement technology changes.
- MTN cautions the Authority on including the clause *‘this may include change in the specified technology’* given that the Authority issues licences on a technology neutral licensing basis in line with section 2(b) of the ECA.
- The bill's definition of spectrum re-farming is as follows:
‘radio frequency spectrum refarming’ means the re-use of an assigned frequency band for a different application, and ‘spectrum refarming’ has a similar meaning;



- The Authority's definition if left as is could result in unintended consequences especially when taking into account the definition of the term and the proposal for the regulation of spectrum re-farming in the Electronic Communications Amendment Bill (B31 – 2018).
- MTN therefore proposes the following definition which should be aligned in all relevant documentation:

“Radio Frequency Spectrum Re-farming” means the process by which the use of a Radio Frequency Spectrum band is changed following a change in allocation in the national radio frequency plan, however, does not include the re-use of an assigned radio frequency spectrum band for a different technology without a change in allocation, this does not necessarily mean that the licensed user has to vacate the radio frequency spectrum band’

- MTN is of the view that a new term will need to be developed and defined for the current ‘re-farming’ practice as carried out by licensees in their day-to-day operations.



In-band Migration

- The clause *'this may be termed in-band migration'* indicates that there is no certain definition of what *'in-band migration'* is.
- MTN therefore proposes the following definition:

“In-band migration” means ‘the process whereby a licensee is reassigned radio frequency spectrum within the same band, usually to allow greater efficiency in the use of the spectrum.’

spectrum assignment balancing

- The migration plan states: *‘In some cases, a radio spectrum user may not only have the assignment changed in the same band, but have a new spectrum allocated in a different band. This has occurred with respect to the balancing of assignments in the GSM 900 MHz and 1800 MHz bands and may well become a feature of mobile broadband assignments in the future.’*
- MTN recommends that the Authority formulates a clear definition of balancing of assignments.

RE-FARMING OF ASSIGNED IMT SPECTRUM (1/3)



- It appears that the Authority's understanding of the concept of spectrum re-farming is not aligned to that of licensees.
- However, it is clear that the Authority is entertaining the thought of re-farming assigned IMT spectrum which is currently being used for 2G and 3G without providing reasons for doing so. For example,
- The Authority acknowledges that:

'Until such a stage is reached that the subscriber base using the existing 2G spectrum is reduced in size to a level where the existing 2G bands have spare capacity, the issue of spectrum re-farming should not be allocated high priority'

and that

'The GSM 900 MHz and 1800 MHz frequencies are currently occupied by the incumbent mobile operators who have nationwide assignments.'

RE-FARMING OF ASSIGNED IMT SPECTRUM (2/3)



- However, the Authority proceeds to state:

'If there is a case to inject competition in this market, a re-farming exercise would also need to consider ways and means to re-allocate spectrum between the incumbents and new entrant(s) so as to facilitate free and fair competition. Such an exercise could be carried out for both 900 and 1800 bands at the same time in conjunction with assignments in other bands allocated to IMT to allow existing operators to maintain their existing level of service.'

- The Authority further states about the bands 1710-1785MHz paired with 1805-1880MHz and 1920-1980MHz paired with 2110-2170MHz:

'feasibility studies to be performed. Spectrum re-farming when deemed required may be carried out based upon defined process'

RE-FARMING OF ASSIGNED IMT SPECTRUM (3/3)



- MTN notes that most of the information in the 'need for re-farming in GSM / Mobile bands' section is outdated.
- MTN recommends that the section be deleted.
- The re-farming of the so called 'GSM bands' has already been implemented by operators in South Africa and that the IMT900 and IMT1800 bands are no longer used for voice only but for mobile broadband services also.
- MTN seeks clarity on the suggested feasibility studies and re-farming of these bands given that there is no change in their allocation in the band plan nor is there planned migration in the band.
- MTN is concerned that the Authority speaks of planned feasibility studies and re-farming without stating the purpose of the studies or naming the source of the proposal for the studies, e.g. SABRE, WRC, SADC FAP or New ICASA proposal.

CONCLUSION



- MTN seeks clarity with regards to the review of the Radio Frequency Migration regulations.
- MTN encourages the use of formally accepted terms in the migration plan in a consistent manner
- MTN supports the efforts to formally define spectrum re-farming and aligning the definition across relevant documentation.
- MTN is of the view that the definition and issues relating to spectrum re-farming should be dealt with in other regulatory instrument, preferably the radio frequency spectrum regulations.

Thank You

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