



Draft Frequency Migration Regulation & Migration Plan

31 October 2012



everywhere you go

Process



Section 4 of the proposed draft frequency migration regulations, stipulates a Process for Radio Frequency Migration. However it merely states that the Authority shall initiate a process of radio frequency migration in certain circumstances:

Migration is a complex process

End to end process

Clear and concise

But for this to be a comprehensive process that is unambiguous it needs to contain at least the following

“ Dual illumination “ period

Time frames relevant to the application of the frequency

Migrations should only be done after a full & proper impact analysis, that takes into account the social, economic and technical benefits of the migration in question.

Spectrum Re-farming



"Radio Frequency Spectrum Migration" means the movement of users or uses of radio frequency spectrum from their existing radio frequency spectrum location to another.

"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.

These are two separate and distinct concepts, one of which should be regulatory driven and the other which is driven by the competitive landscape market

Spectrum Re-farming



Where an operator decides to utilize spectrum, licensed to that operator for the purposes of introducing a new technology, to better meet its customer demand or keep pace with the technology evolution and that the service provided is still within the ambit of the specific spectrum allocation e.g IMT.

Radio Frequency Spectrum Licenses are issued on a technology neutral basis. Any reference to specific technologies such as GSM should be removed,

Licence Duration



Paragraph 3.3.1. states that the radio frequency spectrum licences in South Africa are in principle granted for a one year period, the multi-year licences will be restricted so that any migration will not fall within the period of a multi-year licence.

The Authority implies that since these are annual licences, such licences would pose little obstruction in implementing a proposed migration.

This does not take into consideration the fact that operators invest billions of rands based on these licences.

In order to achieve the objectives of the act specifically promoting stability within the sector, the Authority will have to stipulate with the regulations dealing with radio frequency spectrum migrations that the Authority will give due regard to the investments made by the operators concerned as well as the socio-economic impact of such a proposed frequency migration.

Errors & Erratum



The proposed draft frequency migration regulations and migration plan is riddled with mistakes. These mistakes include but not limited to

Several references to Government Gazette 34872 which is the Draft invitation to apply for Radio Frequency Spectrum Licence to provide mobile broadband wireless access service for urban and rural areas using the Complimentary Bands, 800 MHz and 2.6 GHz.

Reference to radio frequency spectrum assignments such as those in 4.11.16 & 4.11.17 need to be correctly identified.

Radio Frequency Spectrum Licenses are issued on a technology neutral basis. Any reference to specific technologies such as GSM should be removed.

Conclusion



In conclusion, MTN believes that any regulation dealing with frequency migration must incorporate a detailed process, that takes into account technical, social and economic benefits of such a migration.

We request the Authority to address the concerns raised by us and other entities and republish a revised draft for public comment.

THANK YOU

