



**THE NATIONAL ASSOCIATION OF BROADCASTERS'
SUBMISSION ON THE UPDATE
OF THE NATIONAL RADIO FREQUENCY PLAN**

15 February 2013

1. INTRODUCTION

1.1 The National Association of Broadcasters (“the NAB”) is the leading representative of South Africa's broadcasting industry. It aims to further the interests of the broadcasting industry in South Africa by contributing to its development. The NAB members include:

- (a) Three television public broadcasting services, and eighteen sound public broadcasting services, of the South African Broadcasting Corporation of South Africa (“the SABC”);
- (b) All the commercial television and sound broadcasting licensees;
- (c) Both the major licensed signal distributors (electronic communications network service operators), namely Sentech and Orbicom;
- (d) Over thirty community sound broadcasting licensees, and one community television broadcasting licensee, namely, Trinity Broadcasting Network (“TBN”).

1.2 On 21 December 2012, the Independent Communications Authority of South Africa (“ICASA”), published in government gazette 36025, a draft update of the National Radio Frequency Plan (“the draft Plan”). The closing date for written comments was 8 February 2013 and this was subsequently postponed to 15 February 2013. In the event that the Authority decides to hold oral presentations, the NAB would like to be given the opportunity to participate.

1.3 While the NAB recognises that the draft Plan requires updating, we are very concerned that the Authority is persisting with the proposed migration of broadcasters out of the band 694-790MHz despite vigorous opposition by the NAB and the entire broadcasting industry.

1.4 The Authority first presented this proposal in the draft Frequency Migration Regulations and Plan published on 17 August 2012. At the time, the NAB raised a number of serious concerns which the Authority has failed to address. Given the importance of this issue for broadcasters, we will raise these concerns once more in our response to the 2nd Draft Frequency Migration Regulations and the

2nd Draft Frequency Migration Plan. However, because the draft Plan captures the same proposals which the NAB objected to in the Frequency Migration process, we reiterate our concerns in this submission.

2. **694-790MHz allocations**

- 2.1 The NAB notes that, the National Footnote identifies that the frequency band 694-790MHz was allocated to mobile except aeronautical mobile services, and designated it for IMT in the WRC-12. The footnote goes further to stipulate that the allocation to IMT on this frequency band will be effective immediately after WRC-12, in accordance with the ITU Footnote 5.312A, and Resolution 232 of the WRC-12.
- 2.2 Clearly, ICASA has misinterpreted Resolution 232 of the WRC -12. In this regard, the NAB would like to reiterate the issues it raised in its written submission to the Authority on *the draft Frequency Migration Regulations and draft Frequency Migration Plan*.
- 2.3 The issues raised by the NAB have been completely overlooked and it appears as if ICASA intends to unilaterally, and in the absence of proper studies, force the migration of broadcasters out of the 700MHz frequency band.

3. **ITU Footnote 5.312A**

- 3.1 Footnote 5.312A stipulates:

“In region 1, the use of the band 694-790 MHz by the mobile, except aeronautical mobile services is subject to the provisions of Resolution 232 (WRC-12).”

- 3.2 Footnote 5.312A does not give countries immediate authority to make allocations to mobile services of the 694-790 MHz band. Its application is tied in with the WRC-12 Resolution, which outlines conditions under which the mobile services as well as IMT services may be permitted to utilise frequency band 694-790MHz.

4. Interpretation of the WRC-12 Resolution

4.1 Resolution 232 of the WRC-12 resolved as follows:

4.1.1 To allocate the frequency band 694-790 MHz in Region 1 to mobile services on a co-primary basis with other services to which this band is allocated on a primary basis;

4.1.2 That the allocation will be effective after WRC-15; and

4.1.3 That WRC-15 will specify the technical and regulatory conditions applicable to the mobile service allocation, taking into account the ITU-R studies.

4.2 The resolution further stipulates that the allocations in the frequency band 694-790MHz will be effective after WRC-15. This is contrary to ICASA's interpretation in the draft Plan, namely that the allocations will be effective immediately after WRC-12.

4.3 The Resolution further mandates the ITU-R to study the spectrum requirements for the mobile service and for the broadcasting service in this frequency band. The resolution lists a range of other matters requiring further study before the allocation on a co-primary basis becomes effective.

4.4 The resolution does not allow the allocation of the frequency band 694 – 790 MHz any time before the WRC-15. What the Resolution does is to pave the way for the allocation of radio frequency spectrum, and also provide for a sharing arrangement between broadcasting and mobile broadband on a co-primary basis.

4.5 More importantly, the technical and regulatory conditions applicable to any allocation to mobile services will only be determined at WRC-15, after studies have been conducted, which studies must consider the spectrum requirements for broadcasting services.

4.6 It is therefore critical that ICASA commence such studies as a matter of urgency. At this point, the NAB is not aware of any studies, which have been conducted or commissioned by the Authority to determine the future needs of broadcasting services, and sharing prospects by both broadcasters and mobile services. Yet, the Authority has proceeded to propose immediate allocations of the 700MHz band on the basis that this is required by Resolution 232. The Authority's view that the allocation is effective immediately after WRC-12 is incorrect, and severely prejudicial to the broadcasting sector. Resolution 232 will only become effective after WRC-15. On the other hand, proceeding without the required studies will result in substantial prejudice to broadcasters.

4.7 It is worth noting that the Department of Communications ("the DoC") has appointed consultants to investigate and determine amongst others, future spectrum needs for broadcasting services. We believe that the outcome of this study, together with the outcome of the ITU-R studies should be able to guide both the DoC and ICASA, on future allocations of the 700MHz frequency band. In our view, the Authority's plan regarding the allocation of the 700MHz is premature and potentially devastating for the broadcasting sector.

5. Conclusion

The NAB once again welcomes the opportunity to make its written representation. The NAB urges the Authority to avoid making any unilateral allocations of the 700MHz frequency band. The WRC-12 Resolution, together with the ITU Footnote 5.312A clearly spells out processes to be followed before allocations are made.