

The Chairperson  
Dr Stephen Mncube  
ICASA  
164 Katherine Street  
Sandton  
2146

14 June 2013

**CONFIDENTIAL**

Dear Chairperson,

**NEOTEL SUBMISSION ON THE ASSIGNMENT OF ADDITIONAL 3G SPECTRUM TO MTN**

1. Neotel's letters dated 17 September 2010, 24 February 2011, and 19 April 2011 and Government Gazette No. 34040 published on 22 February 2011 refer.
2. Neotel further refers to a meeting with ICASA on 21 June 2011 and a letter dated 27 October 2011.
3. Additionally, on 12 October 2012, Neotel made a written submission on the Draft Frequency Migration Plan, published in Government Gazette 35598 on 17 August 2012, seeking clarity from the Authority regarding the assignments and migration in the 3G bands.
4. A second written submission was made as recently as the 13 February 2013 on the 2<sup>nd</sup> Draft Frequency Migration Plan which was published in Government Gazette 36031 on 24<sup>th</sup> December 2012.
5. In all of the the above-mentioned letters, meeting and submissions, Neotel continuously reminded the Authority of Neotel's deemed rights granted in terms of section 30B(2) of the Telecommunications Act No. 103 of 1996, on access to the third generation (3G) radio frequency spectrum bands.

6. The 3G band in this case refers to the radio frequency channels 1920 to 1980 MHz paired with 2110 to 2170 MHz. Neotel requested ICASA to clarify the status of the 3G bands with respect to the above-mentioned GG No. 34040.
7. The concern we wish to raise, is that the application in Government Gazette 36540 dated 06 June 2013 appears to be made on the basis of the exact Government Gazette No. 34040 of which Neotel is seeking and has sought, clarity since 2010. In this regard, Neotel thus must unfortunately oppose the application by MTN until further clarity is provided on the 3G bands contained in Government Gazette No 34040.
8. Neotel wishes to place on record that, as an affected party, we were not consulted in the processes leading up to resolutions to award additional radio-frequency channels to the mentioned operators. Moreover, we note that in the same Government Gazette No 34040 that the Authority has expressed an operator's interest for access to the remainder of the 3G band.
9. Neotel further reserves its rights with respect to the decisions which were taken by the Authority on assigning additional spectrum to those selected operators.
10. To date, the Authority has not officially responded to Neotel's correspondence to clarify the status of the 3G band in order for Neotel to finalise its plans for access to the same.
11. Access to this band is critical for Neotel to enhance its enterprise and consumer service offerings and to further enhance the much needed broadband services in the country.
12. Neotel hereby respectfully requests an urgent meeting to address this matter with respect to the assignments in the 3G bands and Neotel's rights for access to the said frequency band.
13. Neotel further reserves its rights to take the necessary further steps required to bring resolution to this matter.
14. Neotel would like to participate any hearings that the Authority holds in respect of the assignment of radio frequency channels in these bands which is regarded as high demand spectrum.

15. Considering the urgency of this matter to Neotel's business, we await the Authority's response and further request a follow-up meeting at your earliest convenience.

We request acknowledgement of receipt of this correspondence and remain at the Authority's disposal should you require any clarification.

Yours sincerely,



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**NEOTEL (PROPRIETARY) LIMITED**

Per: Dr Tracy Cohen  
Chief Corporate Services Officer