

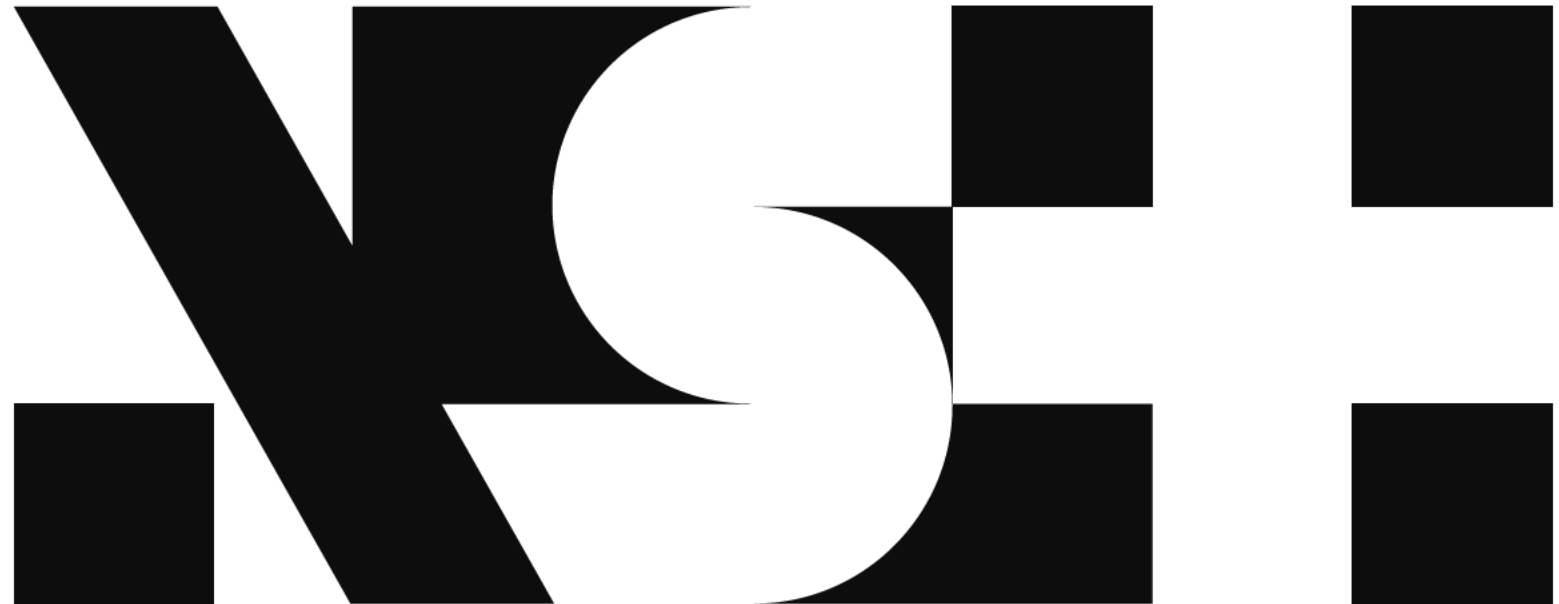
Consultation Response

Prepared for:

ICASA

29 June 2026

This document provides Newsy's response to the proposed amendments to the Radio Frequency Spectrum Regulations, 2026



Background

Newsy is a global aerospace, satellite, and telecommunications regulatory advisory firm with presence in South Africa; our team advises public and private sector organisations and satellite operators with obtaining operating and spectrum licenses within South Africa.

We submit our comments to these proposed draft amendments to the Radio Frequency Spectrum Regulations for the consideration of ICASA and to reflect the thoughts in part of both ourselves and of the companies we represent.

Regulation 28B: Satellite Space Segment

Registration approach

Newsy welcomes the registration approach presented in Regulation 28B. This simple, no-fee registration establishes a direct line of contact between the Authority and the operator for interference and security matters. This is a proportionate and efficient approach that ensures the authority has oversight and satellite operators do not face unnecessary complications in compliance. This is consistent with ICASA's stated intention that the process be simple and not administratively burdensome.

Lawful interception and the RICA (Regulation 28B(4))

Newsy respectfully contests the phrasing contained in Regulation 28B(4). As written this section would require a satellite space segment operator providing services in the Republic to provide and maintain lawful interception capabilities to facilitate the implementation of the RICA. This obligation unintentionally excludes many satellite operators from market access to South Africa who have no technical capacity to meet this obligation as they rely on MNO partners to do so.

We wish to note for the Authority that many NTN satellite operators are rolling out services through a partnership with local mobile network operators. This model of service provision was chosen deliberately to grant local authorities' oversight through the local partner and to ensure local lawful interception can be facilitated through the local MNO partner. These satellite operators do not control subscriber identities, and replicate network access ID; they do not provide numbering services, nor sell their services to end-users. In summary, they serve as an added network layer to transmit traffic from a device to an existing local MNO network.

NTN operators under this model do not read the traffic that they transmit. It is encrypted end-to-end. In the scenario where lawful interception is required, local

authorities can do so by issuing their instruction to the MNO who will always receive the traffic within their network core. The process of lawful interception continues to function under the existing law.

We fully support the principle that communications carried over the network must remain capable of lawful interception. The obligation should, however, rest with the entity that is technically and legally able to discharge it, namely the licensed South African mobile operator through whose core network the service is provided.

We therefore respectfully request that the Authority revisit this provision so that it does not place a blanket obligation on all foreign satellite operators irrespective of their role. Rather create classes of operators depending on their deployment model. Alternatively, where operators can demonstrate to the authority that the local MNO partner continues to maintain control of its obligations, including under RICA.

Where a foreign satellite operator provides services directly and holds a direct relationship with the subscriber without a partnership with any licensed local operator, an interception obligation is appropriate.

Recommendations

Newsy supports the Authority's initiative to modernise the satellite services framework, and in particular the streamlined, no-fee registration approach for foreign space segment operators.

Our principal request is that the lawful interception obligation in Regulation 28B(4) be reallocated to the licensed South African mobile operator in the common case where the foreign operator is partnered with a local operator that controls the core network and the subscriber relationship. That allocation is consistent with the RICA, with the 3GPP lawful interception architecture, and with the wholesale nature of many satellite operators.

We humbly propose the following text to amend the Regulation 28B(4) to be considered by the Authority:

"(4A) The obligation in sub-regulation (4) does not apply to a foreign satellite space segment operator where –

(a) the Satellite Operator provides its services in the Republic in partnership with a Mobile Network Operator licensee authorised under the Act to provide an electronic communications network service or an electronic communications service;

(b) the arrangement entails the integration of the operator's space segment with the network of that licensee, or the identification of subscribers through that licensee's network, such that the communications concerned are routed through and carried

over that licensee's network; and

(c) that licensee provides and maintains the lawful interception capabilities contemplated in sub-regulation (4) and is able to guarantee interception of, and access to, the relevant communications and communication-related information, as required under the RICA."

We remain available to the Authority for any further information or requests.

Sincerely

Ivan Suarez

Director

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