

Independent Communications Authority of South Africa

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Private Bag X10,
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3 DECEMBER 2021

RE: RESPONSE TO NOTICE REGARDING THE INQUIRY FOR THE IMPLEMENTATION OF THE RADIO FREQUENCY MIGRATION PLAN AND THE IMT ROAD MAP IN TERMS OF SECTION 4B OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ACT, 2000 (ACT NO. 13 OF 2000)

1. The issuance of the RFS license licence No: 00-541-142-5 to “One Telecom” (K2015315513 (South Africa) Pty Ltd, and a response to the questions per the notice of Notice of Inquiry for the implementation RFS Migration Roadmap in terms of Section 4B of the Act, particularly the 3600-3800Mhz band under which One Telecom has undergone a diligent process with the regulator since 2017 and in line with the NRFP 2018, herewith refers.
2. One Telecom hereby notes that it has only been made aware of such request for response on 3 December 2021, without notice from the regulator, thus a summarised response to the questions, and the impact on its current 4G Network deployed in 2019, and subsequent re-allocation in 2021, after arduous 5-year process with the regulator is herewith commented upon, noting such prior rights reserved and within due process.
3. **Annexure A, herewith attached, refers to comments to the questions posed within such request for enquiry, noting the impracticality of migration of such spectrum within the context outlined above.**
4. **We trust this is in order, and we are open to comment further, noting the last-minute notice of such inquiry.**

Sincerely,



Mobeen Bhamjee
CEO ONE TELECOM & UMOJA CONNECT

ANNEXURE A

No	Band	Q1: Rate ¹ the importance of this band to your business.	Q2: Does your firm use this band? (Yes/No)	Q3: If yes to Q2, what does your firm use this band for?	Q4: Does your firm have plans to use this band in the future?	Q5: If your firm uses this band or plans to use it, what is the value (in annual revenues) of the use of this band for your application?	Q6: If yes to Q2, what would be the impact if you had to vacate this band?	Q7: Additional comments and if yes to Q2, how many sites in total have you deployed for this band and how many sites per province?
21.	3600 - 3800 MHz	100% Dependent on the use of this band within our business case. Capital investment and commitments of the planned expansion of the network is 100% dependent on the use of such band. Thus, migration is not viable either technically, commercial or otherwise. Furthermore, note the additional comments below, and refer to the due process, and further confidential information shared with the regulator during the application process since 2017.	YES	FWA Broadband within the mandate of underserved connectivity as a fibre, or DSL alternative where price disparity, or infrastructure is not available within such market segments. (+/-14m Homes underserved without viable fixed broadband access, enabling digital equity and bridging the digital divide)	YES. Expansion to 1000 sites planned and committed to, thus impractical to migrate without prejudice.	>R500m by 2023 planned. The ambit of such plans was included in all the application and available to the regulator.	Unviable business model and going concern risk to One Telecom, noting additional 5-year process with the regulator in this band and the 1000 site deployment commitment. See additional comments below.	50, Currently migrating and re-igniting 2019 network and 1000 sites planned from 2022.

Additional comments:

One Telecom through its “Umoja Connect” social enterprise initiative has the core vision and mandate of bridging the digital divide through the enablement of affordable, accessible and sustainable broadband services within underserved and marginalised communities in South Africa currently largely ignored by incumbents. This marginalisation is evidenced by high mobile penetration subject to excessive mobile data costs, and low Fixed Broadband penetration, with a mere 17% of 17 million households connected to the internet, under 10% of which are afforded always-on uncapped broadband alternatives.

The “Umoja Connect” initiative seeks to disrupt the status quo with affordable uncapped fixed broadband targeted at underserved communities where FTTX and other options are out of reach for most households, either due to lack of infrastructure, or resultant from price points not tailored to the income disparity and inequality evident in South Africa.

These objectives are aligned with the overarching frameworks of the National Integrated ICT Policy and The Electronic Communications Amendment Bill, which seeks to stimulate competition, implement effective management of scarce resources, and other amendments focused on transformation toward an inclusive and innovative digital society. Further substantiation to enable universal access including detailed technical, business model and execution plans have been provided to ICASA. A 5-year process with the regulator

The application, in line with the NRFP 2018 and subsequent related migration plans, was for national allocation and exclusive use for BFWA on a co-ordinated basis, akin to other similar allocations to licensees in this band, without prejudice on a permanent basis noting the following:

1. The current assignment considering the arduous 5 year process and due process, with due care for One Telecoms current deployments in 3600-3800Mhz, and future expansion plans already underway with commitments encompass 500-1000 additional sites within the ambit of its mandate and investment commitments undertaken, make it impractical to migrate or redeploy its current business model, planned deployment and may shifting of such allocation would prejudice the due process followed by One Telecom. Therefore, such migration of One Telecom spectrum is impractical and was allocated in line with the NRFP 2018 and its provision for BFWA where feasible. Migration of such allocation is thus not practical, or possible to migrate One Telecom out of this band and does not impact the IMT roadmap in the short term.
2. Furthermore, this is notwithstanding the application process since 2017, with all and any rights reserved and in the absence of formal meeting requests by One Telecom since 30 September 2020, clarification on the current 60Mhz RFS assignment is formally requested, contextually with reference to letters

received 1 October 2020 (Revocation of 60Mhz National RFS Assignment), 24 March 2020 (Correction of 60Mhz National, Primary and Exclusive RFS Assignment), and prior dispute on misassignment dated 4 July 2019, including all substantive communication with the regulator.

3. Furthermore, any and all rights are reserved on the prior revocation or withdrawal of a National RFS license by the regulator on 1 October 2020, subject to section 15(e) of the Electronic Communications Amendment Act 2014 (Section 31(8) substituted by section 15(e) of Act 1 of 2014), or otherwise as deemed pertinent, either in substance, process, procedure, authority, form, or otherwise and remains effective and under review., however One Telecom is currently utilising and expanding its network under the current allocation.