



28 MAY 2025

ICASA  
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CENTURION

Per Email: DSA2023@icasa.org.za

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Attention: Pumla Ntshalintshali

**RE: DRAFT REGULATIONS ON DYNAMIC SPECTRUM ACCESS AND OPPORTUNISTIC SPECTRUM MANAGEMENT IN THE INNOVATION SPECTRUM 3800-4200 MHz AND 5925-6425 MHz**

**A. Introduction**

The Progressive Blacks in Information and Communication Technology (PBICT) welcomes the opportunity to submit comments on ICASA's Draft Regulations on Dynamic Spectrum Access (DSA) and Opportunistic Spectrum Management. We represent over 8,000 black ICT professionals and SMMEs, with provincial structures in all nine (9) provinces of South Africa. Our objectives are:

- ❖ *To create an enabling environment which gives Black people and/or Black Designated Groups of people a minimum of 70% of the mainstream economic opportunities in the sector.*
- ❖ *To lead the agenda of eradicating the digital divide, social divide and ensure universal access for all South Africans.*
- ❖ *To support and advise stakeholders on the policies and direction of the sector.*
- ❖ *To co-ordinate the development of technologies and innovations in South Africa and to support and advance the international agenda of protecting the environment and promoting green technology in South Africa.*
- ❖ *To support and advance the development of the youth and women sector.*
- ❖ *To open doors of opportunity for Black and historically disadvantaged SMME's in the sector.*
- ❖ *To challenge any system, legislations, policy, organizations and or grouping that promotes or allows monopolization of the sector by the few.*

**B. Historical Context and Redress Imperative**

The allocation of spectrum in South Africa has historically favoured a privileged few, with the first major allocations in 1993 being made for free to incumbent operators. Black South Africans were deliberately excluded from this process. This policy moment is an opportunity to reverse that injustice and democratize access to this vital national resource.

**C. Policy Positions and Recommendations**

**C1. Support for Broadband Infraco (BBI) as the Universal Service Support Provider (USSP)**

PBICT supports the designation of Broadband Infraco (BBI) as the Universal Spectrum Service Provider (USSP) in this framework. BBI has the infrastructure, mandate, and transformation agenda necessary to serve as a neutral aggregator and enabler for historically disadvantaged communities and operators.



## C2. Ringfencing Spectrum for 100% Black Owned Licensees

We recommend that DSA spectrum be exclusively reserved for licensees that are 100% black owned and controlled. This is a necessary redress mechanism aligned with the objectives of Section 9(2) of the Constitution and ICASA's transformation mandate. Partial ownership or fronting should be explicitly excluded.

## C3. Inclusion of Class Licensees

The DSA framework must be accessible to Class ECNS/ECS licensees, not just Individual ECNS holders. Class licensees represent the bulk of emerging black owned ISPs and innovators. Excluding them will undermine transformation and limit innovation.

## C4. Expansion Beyond the Proposed Spectrum Bands

While we note the current focus on the 3800–4200 MHz and 5925–6425 MHz bands, ICASA must conduct a comprehensive audit of underutilised spectrum and open additional bands, such as:

- TV White Spaces
- Sub-1 GHz rural coverage bands
- Non-critical military and satellite bands

This will maximise impact, especially in rural and township areas.

## C5. Zero-Pricing Spectrum for Historically Disadvantaged Operators

Spectrum assigned under this framework to historically disadvantaged groups must be fee exempt. The cost of spectrum has been a persistent barrier to black SMMEs. We propose a zero rated licensing regime for HDI licensees, with support from the USAF and DCDT where necessary.

## D. Transformation as a Regulatory Priority

Transformation is not a suggestion, it is a constitutional obligation. ICASA must embed transformation at the centre of all spectrum management strategies. The future of our sector must not be shaped by the same monopolies that benefited from apartheid era access to public resources.

## E. Conclusion and Declaration of Intent to Present Orally

PBICT urges ICASA to adopt this DSA framework as a vehicle for radical economic inclusion. We call for the authority to protect and promote black ownership, expand access to spectrum, and eliminate legacy barriers. Failure to do so would entrench digital apartheid and erode the legitimacy of democratic governance in the ICT sector. We hereby express our interest to make oral submissions should the Authority avail such an opportunity, to further articulate our proposals and engage constructively with the regulatory process.

Yours Faithfully

**PER: DR LEON ROLLS**  
**PBICT PRESIDENT**

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