

Joint Oral Submissions to ICASA

Draft Signal Distribution
Regulations
19 Aug 2025



Representatives

- Primedia
 - Kgothatso Mampa – Head, Legal, Primedia
 - Vaughan Taylor, Transmission Specialist, Primedia
- Radio Pulpit
 - Karel Verhoef – CEO
 - Wilma van Schalkwyk – Programme Manager
- Justine Limpitlaw – legal consultant to both



Radio Pulpit NPC

- Licensee in respect of one AM community sound broadcasting service – Radio Pulpit.



Primedia (Pty) Ltd

- Licensee in respect of four commercial sound broadcasting services:
 - 947
 - 702
 - Kfm
 - Cape Talk (broadcasts on AM)



Draft Signal Distribution Regs

- Published in Notice 3185, Government Gazette No. 52622 dated 8 May 2025.
- Radio Pulpit and Primedia made joint written submissions on the Draft Regs
- Primedia and Radio Pulpit thank ICASA for this opportunity to make a joint oral presentation on key aspects of the Draft Regs.



Why a Joint Presentation?

- Primedia and RP have taken the extraordinary step of making joint submissions on the Draft Regs because of the serious, indeed existential, threat to their respective AM licences posed by Sentech's stance on the future of Medium Wave broadcasting.
- Sentech has publicly stated that it no longer wishes to provide AM/MW services and is looking to phase out its signal distribution offering to AM/MW licensees.



Why a Joint Presentation? Cont.

- RP and Primedia are of the view that the Draft Regs must address the threats to AM/MW posed by Sentech's stance.



Ad: Regulation 3 – Market Definition

- Primedia and RP are pleased that ICASA included *signal distribution for AM sound broadcasting services* in the definition of relevant wholesale markets of terrestrial signal distribution services.
- Both RP and Primedia supported its inclusion during the Signal Distribution Discussion/Position Papers process.



Ad: Regulation 5 – Effectiveness of Competition

- Primedia and RP are pleased that ICASA determined that the market for terrestrial signal distribution for AM sound broadcasting services is “ineffectively competitive”.
- Both RP and Primedia supported this stance during the Signal Distribution Discussion/Position Papers process.



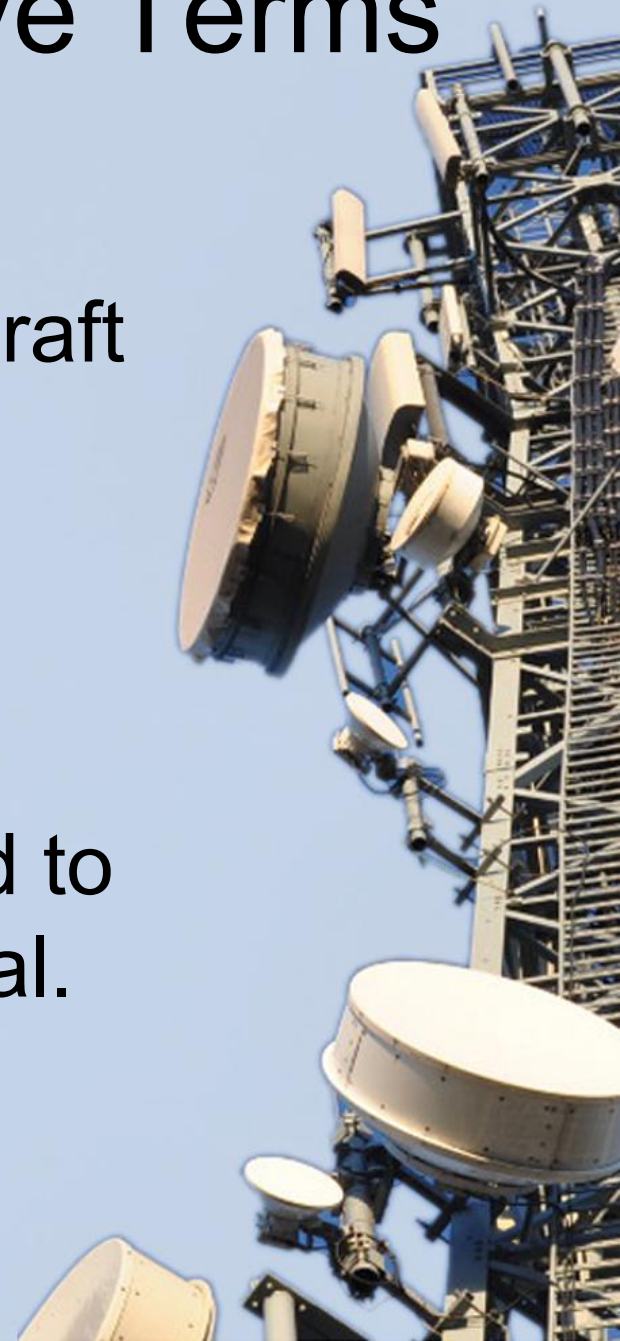
Ad: Regulation 5 – Significant Market Power

- RP and Primedia are pleased that ICASA determined that Sentech is “dominant” in the market for terrestrial signal distribution for AM sound broadcasting services.
- Both Primedia and RP supported this stance during the Signal Distribution Discussion/Position Papers process.



Ad: Regulation 8 – Pro-Competitive Terms and Conditions

- Primedia and RP welcome the provisions of draft Regulation 8(a) and (c) of the Draft Regs.
- However, both RP and Primedia are of the respectful view that draft Regulation 8(b) is required to be amended to ensure that three separate Reference Offers (ROs) are required to be submitted to Sentech to ICASA for approval.



Ad: Regulation 8 – Pro-Competitive Terms and Conditions Cont.

- Namely:
 - A RO for terrestrial signal distribution for the television broadcasting services market
 - A RO for terrestrial signal distribution for the FM sound broadcasting services market
 - A RO for terrestrial signal distribution for the AM sound broadcasting services market.



What is Missing from the Draft Regs?

- Primedia and RP are both of the view that two critically important issues have been left out of the Draft Regs which must deal therewith if the Draft Regs are to be effective, namely:
 - ICASA's Dispute Resolution Role in Signal Distribution-related Disputes
 - An acknowledgement of Sentech's Common Carrier status



What is Missing from the Draft Regs? Cont.

- ICASA's Dispute Resolution Role in Signal Distribution-related Disputes
 - RP and Primedia respectfully submit that Regulation 8 of the Draft Regs requires to be further amended to provide for a dispute resolution role for ICASA in settling disputes between Sentech and broadcasters regarding the provision of signal distribution services and contractual matters relating thereto.



What is Missing from the Draft Regs? Cont.

- ICASA's Dispute Resolution Role in Signal Distribution-related Disputes
 - Primedia and RP submit that ICASA already plays such a dispute resolution role in relation to interconnection and facilities leasing in terms of ss 40 and 46 of the Electronic Communications Act, 2005 (the ECA).



What is Missing from the Draft Regs? Cont.

- An acknowledgement of Sentech's Common Carrier status
 - RP and Primedia are extremely concerned that while the Draft Regs have been (correctly) drafted on the basis that Sentech will continue to be the dominant provider of terrestrial signal distribution for AM sound broadcasting services, Sentech has clearly stated otherwise.



What is Missing from the Draft Regs? Cont.

- An acknowledgement of Sentech's Common Carrier status
 - Consequently, Primedia and RP are of the view that it is essential for the Draft Regs to specify that Sentech is *obliged* to provide wholesale terrestrial signal distribution services for the television and for AM and FM sound broadcasting services.



What is Missing from the Draft Regs? Cont.

- An acknowledgement of Sentech's Common Carrier status
 - The Sentech Act, 1996, identifies Sentech as the "common carrier" and, in terms of s62(3)(a) of the ECA, is required to provide signal distribution to broadcasting licensees upon request and in accordance with the national radio frequency plan.
 - While this obligation is subject to Sentech's technological capacity to do so, Sentech has been providing such signal distribution services to AM broadcasters for decades and clearly has the necessary technological capacity.



The Future of MW/AM and the Role of ICASA

- RP and Primedia are of the respectful view that:
 - Sentech's stance is unlawful and is extremely prejudicial to licensed AM/MW broadcasters who have invested heavily in AM/MW broadcasting over the decades and who have legitimate expectations to be able to continue broadcasting.
 - ICASA, as the constitutionally-mandated broadcasting regulator in terms of s192 of the Constitution, 1996, is obliged to act to protect the rights of and enforce the obligations of all licensees and so must ensure that Sentech fulfills its statutory obligations to provide signal distribution services to all licensed terrestrial broadcasters, including MW/AM sound broadcasters.



The Future of MW/AM and the Role of ICASA Cont.

- RP and Primedia are of the respectful view that:
 - ICASA must ensure that Sentech continues to fulfil its signal distribution obligations to licensed MW/AM sound broadcasting services, both commercial and community, until such time as ICASA has developed appropriate alternative solutions acceptable to such licensed broadcasting services and which ensure that they continue to be able to broadcast to their respective audiences in their respective existing licensed coverage areas.



Thank you

Questions?

