



Chairperson: Signal Distribution Council Committee

ICASA

Email: signaldistribution@icasa.org.za

27 February 2026

Dear Committee Chairperson

PRIMEDIA (PTY) LTD: SUBMISSIONS ON THE DRAFT SIGNAL DISTRIBUTION REGULATIONS 2026

1. INTRODUCTION

- 1.1 Primedia (Pty) Ltd (Primedia) is the licensee in respect of three FM commercial sound broadcasting services, namely: 947, 702 and Kfm, and one AM commercial sound broadcasting service, namely, Cape Talk.
- 1.2 In Notice 3731, published in Government Gazette No. 53966 dated 16 January 2026, the Independent Communications Authority of South Africa (ICASA) published Draft Signal Distribution Services Regulations 2026 (the 2026 Draft Regs) and called for the public to make comments thereon by 27 February 2026.
- 1.3 Primedia is delighted that many of its written and oral submissions¹ appear to have been taken into account in the drafting of the 2026 Draft Regs. However, Primedia still has a number of concerns with the 2026 Draft Regs and these are set out below. Primedia requests an opportunity to make representations at the oral hearings to be held of the 2026 Draft Regs.

¹ Made jointly with Radio Pulpit NPC in 2025.

2. AD REGULATION 8(b)(i)

- 2.1 Primedia notes that Sentech Soc Ltd (Sentech) is obliged, in terms of this sub-regulation, to submit the three ROs for ICASA's approval within forty-five days "after the effective date of these Regulations".
- 2.2 Primedia respectfully submits that this wording introduces an element of doubt into when the 2026 Draft Regs will become effective. The 2026 Draft Regs themselves state clearly at regulation 12 that they will come into force "upon publication in the Government Gazette" and does not otherwise provide for an "effective date" as such.
- 2.3 Consequently, Primedia respectfully suggests that Draft Regulation 8(b)(i) be amended to read as follows:

"(i) Sentech must submit ROs in respect of each of the defined wholesale markets for approval by the Authority within forty-five (45) days **[after effective date]** of the coming into force of these Regulations in terms of regulation 12".

3. AD REGULATION 8(c)(i)

- 3.1 Primedia notes that the drafting of this provision creates a discretion in respect of whether or not ICASA will publish the draft ROs for public notice and comment.
- 3.2 Primedia respectfully submits that ICASA's approval or otherwise of a Sentech draft RO constitutes administrative action that might materially and adversely affect the rights or legitimate expectations of any or all broadcasters and consequently that the requirements of section 3(2)(b)(i) and (ii) of the Promotion of Administrative Justice Act, 2000, must be complied with so as to afford broadcasters a public notice and comment opportunity. To this end we respectfully suggest that regulation 8(c)(i) be amended to read as follows:

"(i) The Authority **[may publish]** must gazette the ROs for public comment."

- 3.3 In any event, such public commentary can only:
- 3.3.1 be of assistance to ICASA in improving its RO approval process as part of the implementation of the 2026 Draft Regs; and
- 3.3.2 reduce the number of disputes referred to it by broadcasters in terms of draft Regulation 8(d) of the 2026 Draft Regs.



JOHANNESBURG: Primedia Place, 15 Fredman Drive, Sandown, Sandton, 2196; P.O. Box 5572, Rivonia, 2128; Tel: 011 506 3200 Fax: 011 506 3677
CAPE TOWN: Suite 7D, Somerset Square, Highfield Road, Greenpoint, 8001; Private Bag 567, Vlaeberg, 8018; Tel: 021 446 4700 Fax: 021 466 4800
www.primediabroadcasting.co.za

Chairman: JE Procter

Divisional Executives: K Moodley (Chief Financial Officer), M Jojwana (Chief Content Officer), K Storie (Chief Commercial Officer)

4. AD APPENDIX A

- 4.1 Primedia notes that Appendix A of the 2026 Draft Regs generally fleshes out what was in proposed regulation 8(b) of in the 2025 Draft Regs but with one important omission.
- 4.2 Clause 5 of Appendix A does not include provisions requiring the ROs to set out "service level guarantees" as was proposed to be required in draft regulation 8(b)(vi) of the 2025 Draft Regs.
- 4.3 The most effective mechanisms for monitoring and ensuring compliance with service quality and availability commitments is through service level guarantees and clear penalties for non-compliance. When well constructed, these can be used to effectively enforce compliance with service levels without recourse to dispute resolution. Without such a mechanism and in an environment without competitors, quality and availability of service commitments can be effectively toothless.
- 4.4 As such, omitting to require service level guarantees and penalties in the ROs for evaluation and comment undermines the goal of addressing the market failures identified in proposed regulation 7. In particular that "prices and *quality of service* are unlikely to be maintained at a competitive level without regulatory intervention" and an inability for licensees to "obtain sufficient information on whether the prices and *quality* bear relation to a competitive environment" (our emphasis added). The inclusion of service levels and penalties in the minimum requirements for ROs would alleviate both these concerns.
- 4.5 ICASA will be aware that broadcasters are entirely reliant on the quality of signal distribution services to connect with their audiences. Interference, interruptions, and poor-quality signal results in extremely poor audience responses and, potentially, actual audience losses as audiences switch over to other options, including streaming or podcast options. Consequently Primedia submits that Sentech must set out its service level guarantees and, given the importance thereof to broadcasters, the penalties for non-compliance therewith, in each RO submitted to ICASA to approval.
- 4.6 It is vital that the 2025 Draft Regs proposals regarding "service level guarantees" and penalties for non-compliance therewith be included in the ROs to enable broadcasters to comment thereon (see paragraph 3 above) prior to ICASA approving the ROs.



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4.7 Consequently Primedia respectfully suggests that a new sub-clause 5.2 be inserted in Appendix A to read as follows:

"5.2. The service level guarantees and financial penalties for non-compliance therewith."

5. Primedia thanks ICASA for the opportunity to make these written submissions on the 2026 Draft Regs and looks forward to participating in the oral hearings to take place in due course.

We trust that you find the above to be in order. Please do not hesitate to contact us should you have any queries or require any further information.

Yours sincerely,



Kgothatso Mampa
Head of Legal