



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 597

Pretoria, 30 March
Maart 2015

No. 38642

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GENERAL NOTICE

NOTICE 280 OF 2015

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA



REGULATIONS ON RADIO FREQUENCY SPECTRUM FEES IN TERMS OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (NO. 36 OF 2005)

The Independent Communications Authority of South Africa hereby amends the Radio Frequency Spectrum Fees Regulations, 2010 (Notice No. 33495 of 2010) to the extent reflected in the schedule.

A handwritten signature in black ink, appearing to be 'SS MNCUBE', written over a horizontal line.

Dr SS MNCUBE
CHAIRPERSON

**AMENDMENT OF THE RADIO FREQUENCY SPECTRUM FEES, 2010 IN TERMS OF
THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**

The Independent Communications Authority of South Africa has, under sections 4(1) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the schedule.

SCHEDULE

1. Definitions

In these regulations “the Regulations” means the regulations published by Government Notice No. 33495 of 2010.

2. Amendment of regulation 1 of the Regulations

2.1 Regulation 1 of the Regulations is hereby amended by the addition, after the definition “Congestion Factor” of the following definition:

“CPI” means consumer price index.

2.2 Regulation 1 of the Regulations is hereby amended by the substitution, after the definition “Geographic Factor”, of the following definition:

“GHz” means a radio frequency value designated in gigahertz.

2.3 Regulation 1 of the Regulations is hereby amended by the substitution, after the definition “*Minimum Hop Factor*”, of the following definition:

“kHz” means a radio frequency value designated in kilohertz.

2.4 Regulation 1 of the Regulations is hereby amended by the substitution, after the definition “KHz”, of the following definition:

2.5 “MHz” means a radio frequency value designated in megahertz .Regulation 1 of the Regulations is hereby amended by the addition, after the definition “Minimum fee”, of the following definition:

“SEC” means Security Factor.

2.6 Regulation 1 of the Regulations is hereby amended by the addition, after the definition “SEC”, of the following definition:

“Security Factor” means the factor that is applied to reflect the assignments made to the security services as defined in the Electronic Communications Act of 2005.

3. Amendment of regulation 2 of the Regulations

3.1 Regulation 2 of the Regulations is hereby amended by the substitution for sub regulation (2) of the following sub regulation:

“(2) Establish a transparent, fair, competitive and non-discriminatory radio frequency spectrum fee regime based on administrative incentive pricing and which does not preclude the use of auctions and other internationally-accepted methods of determining Radio Frequency Spectrum Fees”;

3.2 Regulation 2 of the Regulations is hereby amended by the substitution in sub regulation (5) for the word “process” of the word “regime”.

4. Substitution of regulation 5 of the Regulations

The following regulation is hereby substituted for regulation 5 of the Regulations:

“5. Formulae

The following formulae are applicable in determining the radio frequency spectrum licence fees:

(a) Point-to-area formula

Applied to all point-to-area services except for amateur, aeronautical and maritime with exclusive band allocations.

$$\text{Fee} = (\text{UNIT} * \text{FREQ} * \text{BW} * \text{CG} * \text{GEO} * \text{SHR} * \text{ASTER} * \text{UNIBI} * \text{SEC})$$

The fee is the multiplication of the unit price (UNIT) by the frequency factor (FREQ), the bandwidth in MHz, the congestion factor (CG), the geographic factor (GEO) the sharing factor (SHR), the area sterilised factor (ASTER), the unidirectional factor (UNIBI) where this is applicable for point-to-area and the security factor (SEC);

(b) Point-to-point formula for Links up to 50 GHz

Applied to all fixed links whether below or above 1 GHz. The formula is as follows:

$$\text{Fee} = (\text{UNIT} * \text{FREQ} * \text{BW} * \text{CG} * \text{GEO} * \text{SHR} * \text{HOPMINI} * \text{UNIBI} * \text{SEC})$$

The fee is the multiplication of the unit price (UNIT) by the frequency factor (FREQ), the bandwidth (BW) in MHz, the congestion factor (CG), the geographic factor (GEO), the sharing factor (SHR), the minimum hop length (HOPMINI), the unidirectional factor (UNIBI) and the security factor (SEC);

(c) The fee for links above 50 GHz will be the minimum fee as prescribed in Annexure A of this regulation.

(d) Satellite Hub Ground Station Formula

The fee for a principle hub station for uplink is determined by the following fee:

$$\text{Hub ground station Fee} = \text{Max} (R_{UL}; \text{UNIT} * \text{BW})$$

The fee is the multiplication of the unit price (UNIT) by the bandwidth (BW) in MHz, and R_{UL} is the minimum fee for satellite uplink connections; and

(e) Satellite VSAT subordinate ground station Formula

The fee for subordinate Very Small Aperture Terminal (VSAT) Station for uplink is determined by the following formula:

$$\text{VSAT Fee} = (\text{UNIT} * \text{BW})$$

The fee is the multiplication of the unit price (UNIT) by the bandwidth (BW) in MHz.”

5. Amendment of regulation 6 of the Regulations

5.1 Regulation 6 of the Regulations is hereby amended by the substitution for sub regulation (3) of the following sub regulation:

“(3) Frequency factor (FREQ)

The following are the ranges and the value of the relevant frequency band factor:

Frequency Ranges		FREQ Factor
From	To	
1 kHz	174 MHz	1
174 MHz	880 MHz	0.75
880 MHz	1.8 GHz	0.5
1.8 GHz	5 GHz	0.4
5 GHz	10 GHz	0.3
10 GHz	17 GHz	0.2
17 GHz	23 GHz	0.15

23 GHz	30 GHz	0.1
30 GHz	50GHz	0.05

(end of substitution – ”)

5.2 Regulation 6 of the Regulations is hereby amended by the substitution for paragraph (b) of sub regulation (5) of the following paragraph:

“(b) ‘Congested’ applies to radio frequency bands where there is no spectrum available for further assignment.”

5.3 Regulation 6 of the Regulations is hereby amended by the substitution for paragraph (a) of sub regulation (7) of the following paragraph:

(beginning of substitution – “)

Area (km ²)		ASTER Factor
From	To	
0	1	0.6
1	10	2
10	100	6
100	1,000	18
1,000	10,000	56
10,000	100,000	180
100,000	500,000	400
500,000	1,200,000	600

(end of substitution – ”)

5.4 Regulation 6 of the Regulations is hereby amended by the substitution for paragraph (a) of sub regulation (8) of the following paragraph:

“(a) The following is a table of minimum path lengths by frequency. Frequencies that are not appearing specifically in this table shall be rounded up to the next highest minimum path length in the table:

Frequency Band (MHz)	Min Path Length (km)
400	100
800	60

Frequency Band (GHz)	Min Path Length (km)
1.4/1.6/2	30
4 and 5	16
7.5	14
10 and 11	10
13/14/15	9
17/18	4
22/23	3
25/26	3
28	2
31 and 32	1.5
38	1
Higher	0

(end of substitution – ”)

5.5 Regulation 6 of the Regulations is hereby amended by the substitution for paragraph (c) of sub regulation (8) of the following paragraph:

“(c) Where the actual path length is equal to or greater than the minimum path length for frequency spectrum or the length is not known, the value of HOPMINI in the formula will be 1.”

5.6 Regulation 6 of the Regulations is hereby amended by the addition of the following sub regulation:

“(10) Security Factor (SEC)

The following is the table of the type of licensees with values for the security factor:

SEC	Value of security factor
Security Services	0.2
All other licensees	1

(end of substitution – ”)

6. Amendment of regulation 9 of the Regulations

6.1 The following regulation is hereby substituted for Regulation 9 of the Regulations:

“9. Reference Table for Calculating Radio Frequency Spectrum Licence Fees.

	Fee Basis
1. Amateur Radio	
(i) All classes of licence (including CEPT Format)	Minimum fee
(ii) Beacon	Minimum fee
(iii) Change of call sign on request	Minimum fee
(iv) Guest or special event licence	Minimum fee
(v) Listener	Minimum fee
(vi) Repeater station including radio link	Minimum fee
(vii) Digipeater/ Bulleting Board	Minimum fee
(viii) Experimental station for weather satellite reception and retransmission	Minimum fee
2. Aeronautical	
(i) Aircraft station	Minimum fee
(ii) Beacon	Minimum fee
(iii) Ground station	Minimum fee
(iv) Relay station	Minimum fee
(v) Radio link	
3. Land Mobile Service	
3.1 Alarm station (see also item 5.1 for alarm systems)	See item 5.1 for alarm systems
3.2 Base Station General Base/Mobile	
(i) Citizen band	Minimum fee
(ii) Civil defence/ Marnet:	
(a) Station without private frequency	Minimum fee
(b) Station with private frequency	Point-to-area formula
(iii) 27/29 MHz frequency band:	
(a) Station with one frequency channel	Minimum fee
(b) Station with more than one frequency channel (including station for use at sea and inland waters)	Minimum fee

(iv) Other:	
(a) Station with one single frequency channel	Point-to-area formula
(b) Station with more than one single frequency channel	Point-to-area formula
(c) Station with one or more double frequency channels	Point-to-area formula
(d) High frequency band:	
(aa) First base station	Point-to-area formula
(bb) Each additional base station	Point-to-area formula
(cc) Civil defence station	Point-to-area formula
3.3 Experimental station	Minimum fee
3.4 Load Management station (see also item 5.2)	See load management systems
3.5 Mobile Two Way Station	
(i) Citizen band	Minimum fee
(ii) Civil defence/Marnet:	
(a) Station without private frequency	Minimum fee
(b) Station with private frequency	Point-to-area formula
(iii) Portable (low power):	
(a) 26/27 MHz frequency band with apparatus not exceeding 100 mW	Minimum fee
(b) Station in the UHF for on-site communication, not exceeding 2W	Point-to-area formula
(iv) 27/29 MHz frequency band (Including station for use at sea and inland waters):	
(a) Station with one frequency channel	Minimum fee
(b) Station with more than one single frequency channel (including station for use at sea and inland waters)	Minimum fee
(v) Other:	
(a) Station with one single frequency channel	Point-to-area formula
(b) Station with more than one single frequency channel	Point-to-area formula
(c) Station with one or more double frequency channels	Point-to-area formula
(d) High frequency band:	Point-to-area formula
(aa) Per station	Point-to-area formula
(bb) Civil defence station	Point-to-area formula
3.6 Paging Station which is used in a system other than that indicated under item 5.4 per page	
(i) One-way	Point-to-area formula
(ii) Two-way	Point-to-area formula
3.7 Relay Station	
(i) Station with one single frequency channel	Point-to-area formula
(ii) Station with more than one single frequency channel	Point-to-area formula
(iii) Station with one or more double frequency channel(s)	Point-to-area formula
3.8 Repeater Station (See item 5.6)	Point-to-area formula

3.9 Special radio service: Per licence	Minimum fee
3.10 Telemetry Station	Point-to-area formula
3.11 Radio Link Station	
(i) Single Frequency Link below 1000 MHz (per control and/or interconnect point)	Point-to-point formula
(ii) Double Frequency Link below 1000 MHz (per control and/or interconnect point)	Point-to-point formula
(iii) Radio Link between 1000 MHz and 50 000 MHz calculated on the assigned bandwidth per frequency (per control and/or interconnect point)	Point-to-point formula
(iv) Radio link above 50 000 MHz	Minimum fee
4. Maritime	
4.1 Beacon	Minimum fee
4.2 Coast station:	
(i) Non-commercial	Minimum fee
(ii) Commercial:	
(a) In the medium and HF bands, per base station with:	
(aa) 1 to 20 Mobile Stations	Minimum fee x 20
(bb) over 20 Mobile Stations	Minimum fee x 40
(b) In the VHF bands, per base station with:	
(aa) 1 to 5 mobile stations	Minimum fee x 5
(bb) 6 to 10 mobile stations	Minimum fee x 10
(cc) 11 to 15 mobile stations	Minimum fee x 15
(dd) 16 to 20 mobile stations	Minimum fee x 20
(ee) 21 and more mobile stations	Minimum fee x 40
4.3 Ship station: Maritime frequency band	Minimum fee
4.4 Ships operating on land mobile frequencies (See item 3.2 (iii) (b) and 3.5 (iv) (b))	Minimum fee
5. Electronic Communications Network Service	
5.1 Alarm systems	Point-to-area formula
5.2 Load management system (Minimum licence fee as for 200 load management stations)	Point-to-area formula
5.3 Message handling (two-way)	Point-to-area formula
5.4 Paging system	Point-to-area formula
5.5 Radio trunking;	Point-to-area formula
5.6 Repeater system (communal and private):	Point-to-area formula
5.7 National Electronic Communications Network	Point-to-area formula using maximum ASTER factor value

5.8 Wireless data telecommunication services:	Point-to-area formula
5.9 Broadcasting band sub carrier system - per frequency of sub carrier used	Point-to-area formula
5.10 Microwave Multipoint Distribution Systems (MMDS)	Point-to-area formula
5.11 Digital Enhanced Cordless Telecommunication system (DECT) per megahertz frequency system	Point-to-area formula
5.12 National mobile data telecommunications services	Point-to-area formula
6. Satellite	
6.1 Satellite Terminals	Minimum fee
6.2 Uplink broadcasting signal distribution fixed satellite earth station	Hub satellite formula
6.3 Mobile or fixed satellite news gathering station	Hub satellite formula
6.4 VSAT	VSAT satellite formula

(end of substitution – ”)

9. Insertion of regulation 9A in the Regulations

The following regulation is hereby inserted in the Regulations, after regulation 9:

“9A. Radio Spectrum Fee Increase

- (1) The Authority will, on an annual basis, implement an automatic increase in the radio spectrum fee by the CPI.
- (2) The applicable CPI, in terms of sub regulation (1), shall be the weighted average of the previous calendar year as published by Statistics South Africa.”

10. Repeal of regulation 11 of the Regulations

Regulation 11 of the Regulations is hereby repealed.

11. Short Title and Commencement

These Regulations are called the Radio Frequency Spectrum Licence Fee Amendment Regulations, 2015 and will come into force upon publication in the Government Gazette.

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