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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 311

13 MARCH 2020



DRAFT AMENDMENT: RAIN NETWORKS (PTY) LTD UNIVERSAL SERVICE AND ACCESS LICENCE OBLIGATIONS ("USAOs")

1. The Independent Communications Authority of South Africa ("Authority") hereby gives a notice that it has received a request from Rain Networks (Pty) Ltd ("Rain Networks") to amend its Universal Service and Access Obligations ("USAOs") in terms of section 10 (1)(f) and (g) of the Electronic Communications Act 36 of 2005, as amended.
2. On 17 July 2009, the Authority granted and issued Rain Networks a Radio Frequency Spectrum Licence for use of the 1800MHz¹ frequency. As a condition to using the 1800MHz frequency Rain Networks was given a USAO to provide internet access to no less than one thousand (1000) rural and urban public schools.
3. The proposed amendment to Rain Networks' USAO will entail the provision of connectivity to sixty-three (63) Community Education and Training ("CET") college sites, consisting of nine (9) CET college head offices and fifty-four (54) Community Learning Centres ("CLCs") allocated to it by the Authority. The proposed USAOs are marked as **Annexure A**.
4. Interested parties wishing to submit written representations with respect to this application for the amendment of Rain Networks' Licence are hereby invited to

¹ Radio Frequency Spectrum Licence No. 00-494-616-4, Granted and Issued to Rain Networks (Pty) Ltd for the use of 1800MHz Mobile Service Frequency Spectrum, 17 July 2009.

do so within **fourteen (14) working days** of publication of this notice in the Government Gazette by post, hand delivery, or electronically for attention:

Mr Moyeni Nkosinkulu: USAO Project Leader or:

USO Project 2016

ICASA, Block B, Eco Point Office Park

350 Witch-Hazel Avenue

Eco Park

Centurion

0169

For enquiries: Tel: 012 568 3976

or email: usoproject2016@icasa.org.za

5. The full notice in relation to draft amendment of USAOs for Rain Networks (Pty) Ltd is available on the Authority's website: www.icasa.org.za.

6. Rain Networks shall be entitled to respond in writing to written representations made by interested parties on this application, and such written response must be lodged with the Authority **within twenty-eight (28) working days** of the date of publication of this notice in the Government Gazette. Rain Networks must, at the time of lodging such written response, furnish proof to the Authority's satisfaction that it has delivered a copy of such response by hand, or by registered mail or email to the relevant person who made such written representation.



DR. Keabetswe Modimoeng
Acting Chairperson



Independent Communications Authority of South Africa

350 Witch-Hazel Avenue, Eco Point Office Park
Eco Park, Centurion.

Private Bag X10, Highveld Park 0169
Telephone number: (012) 568 3000/1

**DRAFT AMENDMENT: RAIN NETWORKS (PTY) LTD UNIVERSAL
SERVICE AND ACCESS LICENCE OBLIGATIONS (“USAOs”)**

ANNEXURE A

Schedule A

DEFINITIONS

In these USAOs, all words and expressions used unless the context otherwise requires, have the same meanings as ascribed thereto in terms of the Electronic Communications Act, 36 of 2005, as amended:

“Allocation” means the Authority shall on an annual basis distribute a list of Community Education and Training (“CET”) colleges and Community Learning Centres (“CLCs”) to all licensees for implementation;

“Authority” means the Independent Communications Authority of South Africa (“ICASA”);

“Broadband Policy” means the South Africa Connect: Creating Opportunities, Ensuring Inclusion South Africa’s Broadband Policy as published on 06 December 2013, in Government Gazette number 37119;

“Department” means the Department of Telecommunications and Postal Services (“DTPS”);

“DHET” means the Department of Higher Education and Training;

“Effective Date” means the date of publication in the Government Gazette;

“Hardware” means any network equipment required for wireless connectivity;

“Connectivity” means connecting a local area network to a dedicated electronic communication network by means of any chosen technology providing the local area network with the required minimum bandwidth and speed as stated in the National Broadband Policy as published;

“Licensee” means Rain Networks (Pty) Ltd;

“Service Provision Regulations” means any Regulations on electronic communications service provision including but not limited to the End User Service Subscriber Charter;

Schedule B

1. PROVISION OF CONNECTIVITY TO COMMUNITY EDUCATION AND TRAINING COLLEGES ("CET") AND COMMUNITY LEARNING CENTRES ("CLCS").

- 1.1. The Licensee shall provide connectivity to sixty-three (63) CET college sites, consisting of nine (9) CET college head offices and fifty-four (54) Community Learning Centres ("CLCs") allocated by the Authority;
- 1.2. The Licensee shall commence implementation of connectivity as of the effective date, subject to the allocation of CET campuses by the Authority;
- 1.3. The Licensee must complete connectivity to sixty-three (63) CET college sites as allocated within three (3) years from effective date; and
- 1.4. The Licensee must connect CET college sites allocated by the Authority.
- 1.5. Failure to comply with the obligations listed in clauses 1.1 to 1.4 above will be deemed non-compliance with the obligation requirements herein.

2. STANDARDS AND SPECIFICATIONS FOR THE USAOs.

- 2.1. The connectivity must be at a speed of, at least, no less than 10 Mbps;
- 2.2. The connectivity will be capped at 100 gigabytes for the duration of the licence per CET college site, starting from the date of completion of installation per CET college site;
- 2.3. The specifications required for the implementation of the **connectivity** will be as follows:
 - 2.3.1. provide internet connectivity to all sixty-three (63) CET college sites via suitable connectivity;

2.3.2. provide dedicated connectivity between the CET college sites and the DHET Head Office;

2.3.3. inter-connect all CET college sites to each other provincially and nationally via suitable technology; and

2.3.4. provide Wi-Fi-hot spots for public access within CET college sites.

2.4. The Licensee must provide the **hardware** required for:

2.4.1. the provision of internet connectivity to all sixty-three (63) CET college sites;

2.4.2. interconnection between CET college sites and DHET Head Office provincially and nationally;

2.4.3. Wi-Fi hot spots;

2.4.4. Hardware shall **exclude** any computers, similar devices and related peripherals, except for the ones mentioned in clauses 2.4.1, 2.4.2 and 2.4.3.

2.5. The installation of the hardware must be done by the Licensee.

2.6. The Licensee must resolve any maintenance and repair issues regarding connectivity within two (2) working days, for the duration of the service licence period.

2.7. The Licensee must maintain network connectivity in line with regulatory requirements on service provision Regulations. Failure to comply with these standards and specifications will be regarded as non-compliance; and

2.8. The Licensee shall maintain the provision of connectivity for the duration of its service licence period.

3. COST AND USAGE

- 3.1. The Licensee must provide the services as outlined in clause 2 above, free of charge for the first year of connectivity and thereafter at a discounted rate in terms of section 73 of the Electronic Communications Act, 2005, as amended.
- 3.2. The following **websites** shall be zero-rated by the Licensee for CET college users:
 - 3.2.1. The DHET's website(s);
 - 3.2.2. Each public CET college's website(s);
 - 3.2.3. Each public Technical and Vocational Education and Training college's website(s);
 - 3.2.4. Each public university's website(s);
 - 3.2.5. Each of quality council's website(s), namely the South African Qualification Authority, the Council on Higher Education, the Quality Council for Trades and Occupations) and Council for Quality Assurance in General and Further Education and Training;
 - 3.2.6. Each of the Sector Education and Training Authorities' websites;
 - 3.2.7. The National Skills Fund's website(s); and
 - 3.2.8. A list of e-learning websites as provided by the DHET from time to time.
- 3.3. The cost for the public access via the Wi-Fi hot spot shall not be billed to the CET colleges and neither shall the CET colleges be responsible for the administration thereof. The Licensee shall be responsible for billing the public directly for use of the Wi-Fi hot spots and for administration thereof; and
- 3.4. The Licensee must bear the initial setup costs, as well as the support and maintenance costs of software and hardware for the duration of the service licence.

4. REPORTING AND MONITORING

4.1. The Licensee must report bi-annually according to the Authority's financial year. Reports are due on or before 30 April and 31 October each year.

4.2. The following information must be submitted:

4.2.1. The number of CET and CLCs sites connected;

4.2.2. The names of CET and CLCs, geographical coordinates, CET and CLCs ID;

4.2.3. Average speed, data usage and bandwidth over period;

4.2.4. Average cost usage over the period;

4.2.5. Number of faults reported to the licensees only the network connection related (i.e. if connection of the local area network is down due to failure of licensee's network) frequency, time to resolve;

4.2.6. Type of technology used for connectivity per CET and CLC

5. CONTRAVENTION AND PENALTIES

5.1. Failure by the Licensee to comply with, or to discharge, the USAOs constitutes a breach of the licence terms and conditions and may be subject to a penalty of no less than One Million Rands [R1 000 000] each month until such time the Licensee complies with these USAOs.

Schedule C

ROLES AND RESPONSIBILITIES OF THE PARTIES

Obligations	Licensee	ICASA	DHET	DTPS
1. Allocation of CET		✓		
2. Verifying CET location	✓		✓	
3. Verifying CET contact details	✓		✓	
4. Informing CET of Project	✓		✓	
5. Determining if CET has basic amenities e.g. electricity	✓		✓	
6. Re-allocation or replacing of CET to be connected		✓		
7. Testing coordinates on google map for allocated CET	✓			
8. Determining IT literacy & Training needs			✓	
9. Installation of Solution	✓			
10. Testing Installation	✓		✓	
11. Documenting Installation	✓			
12. Handing over Installed solution	✓		✓	✓
13. Cost of usage of Solution and Maintenance	✓			
14. Monitoring for Compliance		✓		