



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

APPLICATION FOR THE AMENDMENT OF AN INDIVIDUAL COMMERCIAL SOUND BROADCASTING SERVICE AND RADIO FREQUENCY SPECTRUM LICENCES – CAPE TOWN RADIO (PTY) LTD

REASONS FOR DECISION

FEBRUARY 2020

1. INTRODUCTION	3
2. PROCESS AND PROCEDURE	4
3. LEGISLATIVE AND REGULATORY FRAMEWORK APPLICABLE TO THE AMENDMENT OF INDIVIDUAL SERVICE LICENCES.....	4
4. ANALYSIS OF THE SERVICE LICENCE APPLICATION.....	6
5. BACKGROUND ON THE POLICY FRAMEWORK	9
6. RADIO FREQUENCY SPECTRUM	11
7. DECISION	15

1. INTRODUCTION

- 1.1 On 11 October 2017, Cape Town Radio (Pty) Ltd ("**the Applicant**") applied to the Independent Communications Authority of South Africa ("**the Authority**") for the amendment of its Radio Frequency Spectrum Licence ("RFS") in terms of section 31(4) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended ("**EC Act**") and regulation 9 of the Radio Frequency Spectrum Regulations, 2015¹.
- 1.2 On 23 October 2017, the Applicant also applied to the Authority for the amendment of its Individual Commercial Sound Broadcasting Service ("**I-CSBS**") licence, in terms of section 10 of the EC Act and regulation 9 of the Processes and Procedures Regulations for Individual Licences published on 14 June 2010 in Government Gazette No.33293 ("the Processes and Procedures Regulations").
- 1.3 The above applications for the amendment of the Applicant's RFS and I-CSBS licences are hereinafter referred to as "the application / applications".
- 1.4 The Applicant proposes to amend clause 2 of its I-CSBS licence terms and conditions which sets out its geographic coverage area as the "*Cape Town Metropolitan*" area. The Applicant proposes that clause 2 be amended to read as the "*Western Cape Province*"² instead of the "*Cape Town Metropolitan*" area.
- 1.5 The Applicant also sought to amend its RFS licence³ to include the following seventeen (17) transmitter sites: George, Grabouw, Hermanus, Knysna, Riversdale, Stellenbosch, Table Mountain, Oudtshoorn, Plettenberg Bay, Simonstown, Franschhoek, Paarl, Hout Bay, Ladismith (Cape), Piketberg, Villiersdorp and Worcester.
- 1.6 Upon consideration of the applications, the Authority resolved to refuse both applications except the introduction of the Simonstown transmitter on the frequency of 102.4 MHz as it is coordinated and categorised for commercial sound broadcasting services, and falls within the Applicant's current geographic area.
- 1.7 The detailed reasons for the Authority's decision are set out below.

¹ The Radio Frequency Spectrum Regulations published on 30 March 2015.

² Appendix 3.1 of the Amendment Application submitted on 23 October 2017.

³ Tygerberg transmitter is the only licensed transmitter for the Applicant.

2. PROCESS AND PROCEDURE

- 2.1 The Authority published a General Notice 983 under Government Gazette 41362 dated 29 December 2017, inviting written representations on the applications within fourteen (14) working days from the date of publication, however, none were received.
- 2.2 On 19 January 2018, the Applicant was requested by the Authority to submit reasons for its proposed amendment and explain the implications of the proposed amendment with specific reference to the provisions of section 10 of the EC Act as appendices 3.2 and 3.3 respectively, of its application for the amendment of its I-CSBS licence. The Applicant was given seven (7) working days to submit the requisite information, which was received on 30 January 2018.
- 2.3 On 22 February 2018, the Applicant was requested to submit its audited financial statements from 2015 to 2017 and these were received on 23 February 2018.

3. LEGISLATIVE AND REGULATORY FRAMEWORK APPLICABLE TO THE AMENDMENT OF INDIVIDUAL SERVICE LICENCES

3.1 Application of the ECA (section 10)

- 3.1.1 Section 10 (1) of the EC Act stipulates that the Authority may amend an individual licence after consultation with the licensee –
- (a) to make the terms and conditions of the individual licence consistent with the terms and conditions being imposed generally in respect of all individual licences of the same type;
 - (b) for the purpose of ensuring fair competition between licensees;
 - (c) to the extent requested by the licensee provided it will not militate against orderly frequency management and will not prejudice the interests of other licensees;
 - (d) to the extent necessitated by technological change or in the interest of orderly frequency management;
 - (e) in accordance with a decision made by the Authority in terms of section 17E of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) (ICASA Act)

following a finding and recommendation by the Complaints and Compliance Committee;

(f) where the Authority is satisfied that the amendment is necessary to ensure the achievement of the objectives of this Act;

(g) if the amendment relates to universal access or universal service and is necessary, in the opinion of the Authority, as a result of—

- i. changed circumstances in the market; or
- ii. lack of electronic communications network services, broadcasting services, or electronic communications services in specifically identified areas of the Republic.

(h) if the amendment is in accordance with Chapter 10 and any regulations that have been made under it.

3.1.2 The Applicant indicated that its proposed amendments are in line with the following sub-sections of section 10 of the EC Act:

i. Section 10(1)(a) of the EC Act:

The Applicant states that the proposed amendment is consistent to the provincial coverage areas that the Authority has approved for similar I-CSBS licensees in the Western Cape and other provinces (Heart FM, Igagasi FM, Power FM, Capricorn FM, Radio 702 and Kaya FM).

ii. Section 10(1)(b) of the EC Act:

The Applicant mentions that the proposed amendment shall ensure competition with similar I-CSBS licensees (Heart FM, Good Hope FM and K FM) in the Western Cape Province. It further states that it shall be able to compete for provincial listeners and both national and provincial advertising

iii. Section 10(1)(c) of the EC Act:

The Applicant indicates that the proposed amendment will not cause harmful or other interference to or from existing broadcasters.

iv. Section 10(1)(d) of the EC Act:

The Applicant states that the proposed amendment will be in the interest of orderly frequency management as it will not cause any interference to and from the existing broadcasters.

v. Section 10(1)(f) of the EC Act:

The Applicant states that the proposed amendment is in line with the objects of section 2 of the EC Act.

vi. Section 10 (1)(g)(i):

The Applicant mentions that the broadcasting market of the Western Cape has changed, and its content is also relevant in other areas of the province, not only Cape Town Metropolitan area.

vii. Section 10(1)(g)(ii) of the EC Act:

The Applicant states that there is lack of content diversity in the new coverage areas it has identified.

3.2 **Processes and Procedures Regulations**

These applications were made in terms of Regulation 9 of the Processes and Procedures Regulations which states that an application for the amendment of a licence must be in the format set out in Form C and it must be accompanied by the applicable fee. .

4. ANALYSIS OF THE SERVICE LICENCE AMENDMENT APPLICATION

- 4.1 The Applicant submitted a letter from a media consultant company endorsing its proposed amendment. It further indicates that audiences translate into revenue and broadening of transmitter network increases audiences, thus making the station more competitive in the market⁴.
- 4.2 The Applicant also submitted evidence from Radio Measurement Survey (RAMS) indicating that its current listenership is at 162 000 across the Cape Metro and its surrounds⁵.
- 4.3 The Applicant's income statements indicate that it incurred losses in 2015, 2016 and 2017 financial years ⁶. The Applicant further provided projections on

⁴ Appendix B: Letter from MediaMark submitted on 30 January 2018.

⁵ Appendix C: RAMS Release Dashboard submitted on 30 January 2018.

⁶ Financial Statements: Additional requested information submitted on 23 February 2018.

how the proposed amendment will impact on its revenue. The forecasted net profit indicates a huge increase from 2019 to 2021⁷.

- 4.4 The Applicant notes that its ability to attract advertising is constrained by the number of listeners and that granting the proposed amendment would promote competition by enabling it to increase its listenership and consequently its advertising revenue.
- 4.5 The Applicant initially envisaged it would attract 400 000 listeners. However, its current listenership is at 162 000. There are over thirty (30) (commercial, public and community) sound broadcasting services that are available in the Applicant's coverage area with a potential audience of 1 228 717, as of 2012⁸.
- 4.6 The Authority has considered that it may be challenging to expect the Applicant to thrive in such an environment, and where some of the broadcasters have an increased coverage which, somehow, may compensate for limited advertising revenue in the area.
- 4.7 The Authority has considered that the Applicant's proposed amendment has the potential to increase diversity of content in the Western Cape province, contribute to the provision of quality programming at the provincial level, ensure competition in the Western Cape province.
- 4.8 However, the Authority is of the considered view that the argument provided above in paragraph "4.1" to "4.7" is outweighed by the one mentioned below in paragraph "4.9" to "6.3".
- 4.9 Amongst others, the Authority's reason for granting the Applicant with the licence was because the Authority concluded that the Applicant would provide a service that is responsive to the needs of the public, as provided for in section 2(r) of EC Act and that there is a demand and need for its proposed service⁹, as provided for in sections 51(a) and (b) of the EC Act¹⁰.

⁷ Appendix D: Proposed budget for the next four years submitted on 30 January 2018.

⁸ Reasons for Decision, Part II, Western Cape: Licensing Process for Individual Commercial Free-To-Air Sound Broadcasting Service Licences, May 2012.

⁹ Paragraph 5.17.1.1: Reasons for Decision, Part II, Western Cape: Licensing Process for Individual Commercial Free-To-Air Sound Broadcasting Service Licences, May 2012.

¹⁰ S51 of the EC Act: In considering the grant of a new commercial broadcasting service licence the Authority must, with due regard to the objects and principles enunciated in section 2, among others take into account the following - (a) The demand for the proposed broadcasting service within the proposed licence area; (b) The need for the proposed broadcasting service within such licence area, having regard to the broadcasting services already existing in that area.

- 4.10 It is also important to note that the Applicant and its direct competitors have some critical licence conditions aimed at different segments of the market e.g. 567 Cape Talk is a talk-based service with a maximum of fifteen percent music, Heart FM is an adult contemporary jazz station whereas the Applicant's is 50% talk and 50% music. The Applicant's main competitor is K FM which has flexibility in both format and languages of broadcast. With its format and a need for the Applicant's services in its licensed area as indicated in paragraph 4.9, the Authority is of the view that the Applicant can still thrive¹¹ in the licensed Primary Market irrespective of the outcome on the proposed amendment.
- 4.11 The Invitation To Apply for individual broadcasting licences published on 27 March 2009 ("the ITA"), for the provision of commercial free-to-air sound broadcasting service, after which the Applicant was granted its licence was explicit in that the 'successful applicant' would broadcast in the primary market of Cape Town Metropolitan Municipality.
- 4.12 In exercising its regulatory function, the Authority should consider the policies that it has developed to give effect to the broad regulatory objectives set out in its empowering legislation.
- 4.13 Stemming from the Inquiries below, the Authority regards primary markets as the geographical markets of the Gauteng province and the metropolitan areas of and around Cape Town and Durban¹². This is for reasons of viability as these areas have high population densities which may mean greater chances of profitability¹³. It further refers to Secondary Markets as geographical markets which include mainly metropolitan areas outside the primary markets¹⁴.
- 4.14 Furthermore, reference is made to the ITA¹⁵ and 'Reasons for Decision'¹⁶ which clearly stated that the 'successful Applicant' would provide services in the Primary Market. Below is an overview of the Policy Framework relating to the categorisation of Primary Markets.

¹¹ Primary Markets have high population densities which may mean greater chances of profitability as indicated in the Policy Framework below.

¹² Page 40 of the Position Paper For The Review of Ownership and Control of Broadcasting Services and Existing Commercial Sound Broadcasting Licenses.

¹³ See page 5 of the Position Paper.

¹⁴ See page 40 of the Position Paper.

¹⁵ Invitation To Apply for Individual Broadcasting Service Licences published on 27 March 2009.

¹⁶ Reasons for Decision, Licensing Process for Individual Commercial Free-To-Air Sound Broadcasting Service Licences, May 2012.

- 4.15 It is also important to note that on 02 October 2017, the Authority approved an amendment application by the Applicant with respect to its programming¹⁷. In its motivation for that amendment application, the Applicant had indicated that the application was part of a turn-around strategy¹⁸. After the Applicant had received its updated licence conditions, it submitted a coverage expansion application on 11 October 2017. This is of concern as the approved programming amendment¹⁹ had not been given sufficient time to determine whether it attracts new audience and subsequently its potential ability for improving the Applicant's finances has not been tested.

5. BACKGROUND ON THE POLICY FRAMEWORK

5.1 The Triple Inquiry Report -1995

The Triple Inquiry Report, 1995²⁰ ("Triple Inquiry Report"), categorises Gauteng Province as a Primary Market compared to the other two metropolitans (Cape Town and Durban). The Report further indicates that, the Gauteng Province had a potential revenue of R108 million, followed by Cape Town and Durban with R49 million and R27 million respectively. The highest potential revenue in other metropolitans/major cities was R7.4 million in Port Elizabeth. The Triple Inquiry Report outlined the costs of operating stations was between R15.1 million in the Gauteng Province and the lowest being R14.7 million in Kimberly²¹.

5.2 Census 2011, indicates as follows²²:

Province	Land area in square km	Population	Average Annual household income (in Rand)
Gauteng	18 178	12 272 263	156 243
Western Cape	129 462	5 822 734	143 460
KZN	94 361	10 267 200	83 053

¹⁷ Service Licence Terms and Conditions signed on 02 October 2017.

¹⁸ Amendment application submitted on 16 September 2016.

¹⁹ Amendment of the Applicant's clause 3 of its licence terms and conditions from "*Licensee shall broadcast 60% in Afrikaans and 40% in English*" to "*Licensee shall broadcast 45% in Afrikaans and 55% in English*".

²⁰ Independent Broadcasting Authority, Triple Inquiry Report, 1995.

²¹ Ibid.

²² Census 2011, Statistical Release Version P0301.4

5.3 From the information provided above, it can be deduced that the costs of the stations²³ were relatively the same, and with Gauteng Province having over 50% of potential revenue compared to second placed Cape Town and 150% compared to Durban. It can be concluded that the classification of the Primary Markets emerged from the Triple Inquiry Report; which according to the Authority took into consideration population density, general economic activity, advertising potential and the employment rate. Hence the licensing of the Greenfields stations licensed under the Independent Broadcasting Authority Act, 1993 ("IBA Act"). This is further supported by the figures in census 2011 referred to above.

5.4 The Position Paper on Private Sound- 1996

The Position Paper on private sound reiterated and confirmed the rationale for the classification of Primary Markets as follows: "for reasons of viability, the Authority has invited eight applications in the areas of Gauteng, Cape Town and Durban. These areas have high population densities which may mean greater chances of profitability". Subsequently, KAYA FM, Classic FM and YFM were licensed around 1997.

5.5 The Position Paper for The Review of Ownership and Control of Broadcasting Services and Existing Commercial Sound Broadcasting Licences, 2004 ("Position Paper on Commercial Sound Broadcasting")

The Position Paper on Commercial Sound Broadcasting also draws from the Triple Inquiry Report. It indicates that it is for viability reasons that Gauteng, Cape Town and Durban are classified as Primary Markets. Against the backdrop of the foregoing, Power FM (Gauteng), Vuma FM (Durban) and Smile FM (Cape Town) were duly licenced in 2012.

5.6 Although section 10(h) of the EC Act transcends the provisions of the ITA, reading it in the way contemplated by the Applicant would imply that granting the proposed amendment would result in the said Position Papers that provide for the distinction between Primary and Secondary Markets are no longer relevant. This would be contrary to the Authority's view that the Position Papers remain a Policy Framework that are binding until changed by the Authority (see paragraph 5.12 below).

²³ Refer to paragraph 7.1.2 above.

- 5.7 In licensing commercial sound broadcasting services specifically in the Primary Markets (both Greenfields stations licensed under the IBA Act and those licensed under the EC Act), the Authority had taken into account a strong demand of these services.
- 5.8 The Position Paper on Ownership and Control indicates that it is important to ensure that the momentum of further investment in the industry is not lost. The Authority is of the view that, when licensing in the Primary Markets, the target market is listeners in the medium to higher Living Standards Measurement (LSMs).
- 5.9 If the proposed amendment is granted against the Position Paper, this would potentially dilute quality programming that is specifically intended for higher LSMs. This may, in the longer run, hinder the prospect of further investment in these markets as envisaged by section 2(d) of the EC Act.
- 5.10 Further, the Applicant's motivation that it needs the amendment to enable it to compete on a provincial level does not hold because it was licenced to provide services in the Primary Market of Cape Town and not at provincial level.
- 5.11 In 2017, the Authority refused e.tv's amendment application to remove news from its prime-time broadcast citing the relevance of the Position Paper²⁴ which led to the subsequent licensing of e.tv. It is the Authority's view that its Position Papers, including the position papers issued by its predecessors, are binding policy framework of the Authority unless changed by the Authority.

6. RADIO FREQUENCY SPECTRUM

- 6.1 As indicated above, the Applicant seeks to amend its RFS licence to introduce an additional seventeen (17) transmitter sites in the Western Cape.

LEGISLATIVE AND REGULATORY FRAMEWORK APPLICABLE TO THE AMENDMENT OF RADIO FREQUENCY SPECTRUM LICENCES

- 6.1.1 In terms of section 30 (3) of the EC Act, the Authority in carrying out its functions as outlined in subsection (1) thereof, must ensure that in the use of radio frequency spectrum, harmful interference to

²⁴ Position Paper For The Introduction of The First Free-To-Air Private Television Service In South Africa, 1997.

authorised or licensed users of the radio frequency spectrum is eliminated or reduced to the extent possible.

6.1.2 Further, section 31 (4) (d) of the EC Act states that the Authority may amend a radio frequency spectrum licence if requested to do so by a licensee to the extent that such request is fair and does not prejudice other licensees. While section 31 (4) (b) states that if it is in the interest or orderly radio frequency spectrum management the Authority may amend a licence.

6.1.3 Lastly, section 33 (1) (a) and (b) states that holders of radio frequency spectrum licences must, in good faith, coordinate their respective frequency usage with other such licensees to:

6.1.3.1 avoid harmful interference among radio frequency spectrum licensees; and

6.1.3.2 ensure the efficient use of any applicable frequency band.

6.1.4 In term of regulation 9 (1) of the Radio Frequency Spectrum Regulations 2015, an application for an amendment for radio frequency spectrum licence must be in terms of Form A of the Annexure A of the Radio Frequency Spectrum Regulations 2015;

6.1.5 Regulation 9 (3) of the Radio Frequency Spectrum Regulations 2015 states that the Authority may engage in a public consultation process whereby an application for an amendment pertains to a radio frequency licence that was subject to an extended application procedure and/or where a radio frequency licence was granted in terms of section 31 (3) (a) of the EC Act.

ANALYSIS OF THE RADIO FREQUENCY SPECTRUM LICENCE AMENDMENT

6.2 The Authority considered the proposed technical parameters and conducted an interference analysis which found as follows:

6.2.1 **George** - The frequency proposed by the applicant is coordinated and categorised for public broadcasting services in the Terrestrial Broadcasting Frequency Plan 2013, therefore it is not available for commercial broadcasting services.

- 6.2.2 **Grabouw** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and it is not categorised and coordinated for any services. However, the frequency will cause interference with Radio Bok and Radio 2000 and it falls outside of its service licence area.
- 6.2.3 **Hermanus** -The frequency proposed by the Applicant is coordinated and categorised for community broadcasting services and is already licenced to Hermanus Community Radio.
- 6.2.4 **Knysna** - The Applicant proposed two frequencies one of which is coordinated and categorised for commercial broadcasting services and will not cause interference to the broadcasting network. However, it falls outside the Applicant's service licence area. The second frequency is categorised for public broadcasting services.
- 6.2.5 **Riversdale** - The frequency proposed by the Applicant is categorised and coordinated for commercial broadcasting services and will not cause interference to the broadcasting network. However, it falls outside the Applicant's service licence area.
- 6.2.6 **Stellenbosch** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and is not categorised and coordinated for any services. Although the frequency will not cause interference to the broadcasting network, it falls outside the Applicant's service licence area.
- 6.2.7 **Table Mountain** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and it is not categorised and coordinated for any services. It will however cause interference with Zibonele Community Radio and Radio 2000.
- 6.2.8 **Oudtshoorn** - The Applicant proposed two frequencies one of which is coordinated and categorised for commercial broadcasting services and will not cause interference to the broadcasting network. however, it falls outside the Applicant's licenced area. The other frequency is categorised for public broadcasting services and is not available for commercial broadcasting services.
- 6.2.9 **Plettenberg Bay** - The Applicant proposed two frequencies of which one is coordinated and categorised for commercial broadcasting

services, but will cause interference to Umhlobo Wenene. The other frequency is categorised for public broadcasting services and is not available for commercial broadcasting services.

- 6.2.10 **Simonstown** - The Applicant proposed two frequencies of which one is coordinated and categorised for commercial broadcasting services, and will not cause interference to the broadcasting network. It also falls within the Applicant's licenced area. The second frequency is categorised for public broadcasting services and is therefore not available for commercial broadcasting services.
- 6.2.11 **Franschhoek** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and is not categorised and coordinated for any services. However, the frequency will cause interference with Radio Sonder Grense and falls outside the Applicant's licenced area.
- 6.2.12 **Paarl** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and is not categorised and coordinated for any services. However, the frequency will cause interference with Witzenberg Community Radio and it falls outside of the service licence area.
- 6.2.13 **Hout Bay** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and is not categorised and coordinated for any services. The frequency will cause interference with SA FM.
- 6.2.14 **Ladismith (Cape)** - The frequency proposed by the Applicant is categorised and coordinated for commercial broadcasting services and will not cause interference to the broadcasting network. However, it falls outside the Applicant's service licence area.
- 6.2.15 **Piketberg** - The frequency proposed by the Applicant is coordinated and categorised for public broadcasting services and is therefore not available for commercial broadcasting services.
- 6.2.16 **Villiersdorp** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and it is not categorised and coordinated for any services. However, the frequency will cause interference with SA FM and falls outside the of the service licence area.

6.2.17 **Worcester** - The frequency proposed by the Applicant is not in the Terrestrial Broadcasting Frequency Plan 2013 and is not categorised and coordinated for any services. The frequency will not cause interference to the broadcasting network. However, it falls outside the Applicant's service licence area.

6.3 Of all the proposed transmitters, only one (Simonstown) falls within the Applicant's licensed geographic area (Cape Town Metropolitan) and has a spare feasible frequency coordinated for commercial broadcasting service.

7. DECISION

The Authority resolved to:

- 7.1 refuse the amendment to the Applicant's I-CSBS licence as the Applicant is licensed to provide services in the Primary Market of Cape Town Metropolitan. As such, the jurisdictional requirement set out in terms of section 10 (1) (a)²⁵, (b) and (f) of the EC Act are not met. The Position Paper on Commercial Sound Broadcasting that preceded the licensing process and the definitions contained therein are still relevant and applicable to the Applicant until the Authority develops a new position;
- 7.2 refuse all RFS licence amendments, except the introduction of the Simonstown transmitter on the frequency of 102.4 MHz as it is coordinated and categorised for commercial sound broadcasting services, and falls within the Applicant's current geographic area;
- 7.3 refuse RFS licence amendments to add transmitters in Grabouw, Table Mountain, Plettenberg Bay, Franschhoek, Paarl, Hout Bay and Villiersdorp as this will result in interference which will be in contravention of section 30 (3) of the EC Act; and
- 7.4 refuse RFS licence amendments to add transmitters in George, Hermanus, Knysna, Riversdale, Stellenbosch, Oudshoorn, Ladismith, Piketberg, and Worcester as this will result in the coverage area expanding beyond the scope of the licenced service area which is in breach of the jurisdictional requirements

²⁵ The Authority may amend an individual licence after consultation with the licensee: to make the terms and conditions of the individual licence consistent with the terms and conditions being imposed generally in respect of all individual licences of the same type; For the purpose of ensuring fair competition between licences; and Where the Authority is satisfied that the amendment is necessary to ensure the achievement of the objectives of this Act.

of section 10 (1) (a), (b) and (f); section 33 (1) (b) of the EC Act and the Terrestrial Broadcasting Frequency Plan 2013.



Dr Keabetswe Modimoeng
Acting Chairperson

Date: 03/03/2020