



SABC SUBMISSION TO THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA

NOTICE REGARDING THE SECOND INFORMATION
MEMORANDUM ON LICENSING OF SPECTRUM IN THE 700MHz,
800MHz, 2600MHz AND 3500MHz BANDS

30 November 2021

South African Broadcasting Corporation SOC Limited: Registration Number: 2003/023915/30

Non-Executive Directors: Mr B E Makhathini (Chairperson); Ms M Mohlala-Mulaudzi (Deputy Chairperson); Prof S Cooper; Adv M B B Lekalakala; Mr D M Maimela; Mr M G Markovitz; Mr D K Mohuba; Ms J Patel; Mr J H Phalane; Ms M B Papayya; Dr M Socikwa

Executive Directors: Mr M T Mxakwe (Group Chief Executive Officer); Mr I C Plaatjes (Chief Operations Officer); Ms Y van Biljon (Chief Financial Officer); **Company Secretary:** Ms L V Bayi

1 Introduction

The SABC is mandated to deliver a public value proposition of educating, informing, and entertaining all South Africans in all official languages in line with the Broadcasting Act of 1999, as amended. The SABC delivers on its mandate through 18 radio stations and 7 television channels.

On 15 November 2021, the Independent Communication Authority of South Africa, (“the Authority”) published a second information memorandum (IM) for the invitation to apply to be published later and inviting comments regarding the licencing process for International Mobile Telecommunications (IMT) spectrum in respect of the provisioning of mobile broadband wireless open access services for urban and rural areas using the complimentary bands 700MHz, 800MHz, 2300MHz, 2600MHz and 3500MHz.

In addition, the Authority in its roadmap on the IMT has made several publications in seeking public views over the past years. The SABC has responded to most of the publications. In addition, there are also spectrum migration publications by the Authority in similar attempts to clear the band for IMT implementations.

The SABC has participated in all these public processes as well as mentioned.

2 SABC’s Inputs

The table below summarises the various public processes and summary of each submission:

Title of Submission	Date of Submission	Main issues
Submission to the Independent Communications Authority of South Africa on the draft radio frequency assignment for international mobile telecommunications (IMT) for	28 January 2015	The Authority asserted in its initial consultative document that the conversion to digital terrestrial broadcasting (DTT) and the switch-off of analogue broadcasts should be completed by mid-2015. Despite the SABC’s submission to indicate that it is unrealistic to achieve DTT conversion and analogue switch off by mid-2015, the Authority ignored these submissions and proposed in the Draft Plan that the 800 MHz and 700 MHz licences will be respectively revoked by 1 July 2015 and 1 January 2016. The SABC proposed that a proper and wide-reaching consultation and study of the 700 MHz band is

consultation		required. The study should consider not only the economic value of the band but also its social value. The cost of migrating the current users from this band as well as the cost of migrating to the 7 mux plan should also be mitigated. The SABC submits that the Authority, in the execution of its duties is bound by the provision of section 3 of the Promotion of Administrative Justice Act 3 of 2000 in its totality.
Submission to the Independent Communications Authority of South Africa on the information memorandum for radio frequency spectrum prospective licence to provide mobile broadband wireless access services for urban and rural areas using the complimentary bands 700 MHz, 800MHz and 2.6GHz.	30 October 2015	About 40% of the population receives SABC's services via the 700MHz and 800MHz frequency bands. If these bands are licensed and brought into use before the successful completion of the Broadcast Digital Migration (BDM) process, the 40% of the South African population will be deprived of their constitutional rights of access to information, entertainment and education, and of freedom of expression. These figures also translate directly into loss of revenue for the public broadcaster.
Submission to the Independent Communications Authority of South Africa on its invitation to apply for a radio frequency spectrum licence to provide mobile broadband wireless access services for urban and rural areas using the complimentary bands, 700 MHz, 800MHz and 2.6GHz.	25 July 2016	It is noted that the Authority published an erratum to the RFSAP for IMT on 30 March 2015 with gazette No. 38640. In this gazette, the Authority resolved some transitional arrangements for the right of use of spectrum in these frequency bands. In particular, the Authority indicated in Section 9.4 that "matters related to spectrum management geared at minimizing and/or preventing harmful interference during the transitional arrangement period are to be managed by the Authority which will develop a systematic implementation plan during the transition". The SABC believes that it will be in line with orderly spectrum management for the said Implementation plan to be discussed, agreed upon and gazetted. This plan will provide the needed guidance and the assurance that harmful interference will be dealt with during the transition period.
Submission to the Independent Communications Authority of South Africa regarding the final International	31 January 2019	The submission notes the delay in the migration process which in itself has become a national setback and a threat to the sustainability of the public broadcaster. In view of this, it is important for its television services operating in the DD1 and DD2 bands to be protected against interference until migration

Mobile Telecommunications (IMT) roadmap 2019		has been successfully completed.
Submissions to Independent Communications Authority of South Africa regarding the Invitation to Apply	21 October 2020	The SABC responded to the Invitation to Apply and pointed out all the above submissions which need to be taken into accounts in the process of licencing the spectrum.

This 2nd IM publication has been read in conjunction with the reason's document on the 1st IM as per the IM. It is welcoming note in section 6.16 of the reasons document that the "Minister has committed to complete the digital migration process by 31 March 2022. Assuming that this deadline is met, the Authority will include the IMT700 and IMT800 bands in the licensing process. However, should this deadline not be met, the Authority will continue to auction the IMT700, IMT800, IMT2600 and IMT3500 bands but the Authority will consider the proportional payments on the IMT700 and IMT800 based on the availability of these two bands".

The SABC is committed to the analogue switch off (ASO) process and has authorised the switch off of about 100 analogue sites to date. It can be said that to date there is no analogue transmissions in Free State and Northern Cape provinces. Together with its implementing partners, SAPO, USAASA, Sentech and DCDT, it is working tirelessly to complete the ASO process in the North-West province as well before the end of the year 2021. The Authority has been notified of the ASO progress.

3 Recommendations

- The ASO process has commenced, and it is progressing well. However, the SABC would like to bring to the attention of the Authority that the Spectrum which it intends to auction, specifically the 700MHz and 800MHz bands, are currently used for analogue television broadcasting.
- The SABC therefore reiterates all these previous recommendations that, the digital dividend spectrum should be brought to use only after analogue switch-off has been completed.

- Whilst the SABC fully supports the spectrum licensing process the bringing into use of the spectrum must be informed by timing of the analogue switch-off (ASO) to prevent harmful interference to the spectrum being used by the SABC for public service.
- The SABC is seeking responses to these numerous submissions and again request that they be taken into considerations.