FURTHER SUBMISSION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

AFTER ORAL SUBMISSION INTO LONG-TERM SPECTRUM OUTLOOK

29 APRIL 2022

1 Introduction

The following submission will supplement the oral submission made by the SABC and in response to questions posed by the ICASA panel.

The two questions are:

1. Service Neutrality-are there ways in which both broadcasters and telecommunications operators can participate in the same spectrum auction?

2. Partnerships-Does the SABC see possible partnerships with the mobile/telecoms operators in the future?

The following sections will address each of the questions in order:

2 SERVICE NEUTRALITY

The Electronic Communications Act of 2005 was very much forward looking when it listed the purpose of the Act in section 2 (b) that to "promote and facilitate the development of interoperable and interconnected electronic networks, the provision of the services contemplated in the Act and to create a technologically neutral licencing framework". Today the topic technological neutrality is high on the agenda of Regulators and Policy makers.

Technological neutrality has been defined as specifying the service for which a specific band is to be used, but not the specific technology to be used for providing the specified service. Straight away, it can be said that the licensing of DTT is a major lawbreaker. Whereas the ECA advocated for a technologically neutral licensing framework, the authority has licensed DTT and specified the technology and even developed regulations based on the technology that has resulted in the serious financial distress for the SABC.

Section 10(1)(a)(b) of the ICASA's Digital Migrations Regulations of 2012 demands that "An electronic communications network service licensee appointed to provide signal distribution services to the SABC must ensure that the digital broadcast signal for the SABC's DTT services reaches: - seventy-four per cent (74%) of the population of the Republic, within six (6) months after the commencement of the dual illumination period; and ninety-five per cent (95%) of the population of the Republic by the end of the dual illumination period". The dual illumination will be completed by the end of June 2022. It is impossible for the Corporation to achieve this 95% population coverage on this technology of DTT. Even if it possible, it will be economically not

viable. There are other technologies such as DTH which will achieve the same universal access purpose, but which are economically practical. The suggestion of DTH is just as an example, to clarify the point and by no means also specifying a technology to be used and falling into the same trap of technological neutrality.

The call is being made for the Authority to do away or review the steep penalty (R500 000 per day of contravention) in section 15(1) of the Digital Migrations Regulations of 2012. As indicated, it is not economical and impossible for the Corporation to achieve the 95% population coverage by the end of the dual illumination period. The said Regulation is inconsistent with the ECA.

On the other hand, Service Neutrality has been defined as characteristic of frequency allocation processes where the service to which a specific band is to be allocated is not specified. This means that a specific band can be used for any service whether for broadcasting or for telecommunications.

5G is the vehicle to serve such purpose. 700 MHz frequency allocation will be essential for 5G. They will be ideal for connected cars and other new digital services which rely on very good coverage. This will also help the development of other innovative services like on-board entertainment, remote health care (i.e., medical and public health practice supported by mobile devices, such as mobile phones, patient monitoring devices and other wireless devices) or smart energy grids in the Internet of Things.

Sentech started this project of testing 5G in this band. However, it could not secure the support of all the identified partners and resources to meet the intended objectives. The Authority can resurrect this project and involve our Institutions of higher learning etc.

3 PARTNESHIPS

The 5 years partnership arrangement that the SABC concluded with Telkom One is a typical example that the Corporation is open to such partnerships so long as they can advance the objectives of the Corporation as enshrined in the Broadcasting Act. In this partnership agreement with Telkom, the SABC launched a mobile streaming service for the general population.