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GENERAL NOTICE

NOTICE 363 OF 2015

Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

GENERAL NOTICE – SUBMISSION OF FINANCIAL INFORMATION FOR 2014/2015 ANNUAL COMPLIANCE BROADCASTING AND ELECTRONIC COMMUNICATIONS SERVICES ("ECS") AND ELECTRONIC COMMUNICATIONS NETWORK SERVICES ("ECNS") LICENSEES

1. The Independent Communications Authority of South Africa (the "Authority") has a mandate in terms of the Independent Communications Authority of South Africa Act No. 13 of 2000 as amended ("ICASA Act"), the Electronic Communications Act No. 36 of 2005 as amended ("ECA"), the underlying statutes, the Regulations and the licence terms and conditions, to regulate Broadcasting, Electronic Communications Services ("ECS") and Electronic Communications Network Services ("ECNS").

2. Section (4)(3)(g) of the ICASA Act, provides that "*the Authority may, by notice in writing, direct the holder of a licence in terms of the underlying statute to produce or furnish to the Authority, at a time and place specified in the notice, any documents and information specified in such notice and relating to any matter in respect of which a duty or obligation is imposed on such a Licensee by this Act or the underlying statutes*".

3. In terms of schedule 3(3) of the General Licence Fees Regulations 2012, published in Government Gazette No. 36323, dated 28 March 2013, every Broadcasting and ECS/ECNS licensee must submit an annual forecast of licence fees using the format in Schedule 3(1), on or before the end of April every year.

4. Therefore, the Authority hereby calls upon every Broadcasting and ECS/ECNS licensee, to submit an annual forecast of licence fees and the Universal Service and Access Fund contribution, in keeping with the Annual Turnover definition in the Regulations in Respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund, published in Government Gazette No. 34010, dated 10 February 2011.

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5. Further, section 89(3) of the ECA provides that Broadcasting service licensees who contribute to the Media Development and Diversity Agency ("MDDA") must have their MDDA contribution off set against their prescribed annual contribution to the Universal Service and Access Fund. Therefore, Broadcasting service licensees must specify the amount they will pay to the MDDA.

6. In addition, every Broadcasting and ECS/ECNS licensee must also submit a trial balance; detailed management accounts and reconciliations between the trial balance; management accounts and a calculation of the forecast of the licence fees and Universal Service and Access Fund contribution.

7. Where any licensee may not be in operation, the licensee concerned must submit a letter to the Authority indicating it has not commenced operations.

8. Every Broadcasting service and ECS/ECNS licensee therefore, **must submit on or before 30 April 2015**, the information referred to in this notice as follows:

For Broadcasting
ATTENTION: Ms Fikile Hlongwane
E-mail: FHlongwane@icasa.org.za

For ECS/ECNS
ATTENTION: Mr Godfree Maulana
Email: Ecsecns.compliance@icasa.org.za

9. Any licensee, who fail to submit the requisite information by the deadline referred to above, will be deemed non-compliant and liable to appear before the Compliance and Complaints Committee ("CCC") of the Authority, for adjudication. A possible fine may be imposed as penalty, if found guilty of non-compliance.

Dr Stephen Mncube
Chairperson

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