



**Ms Refilwe Ramatlo**  
**Block A Pinmill Farm**  
**164 Katherine street**  
**Sandton**

**PER EMAIL – [DigitalDividendandDigitalMigrationCommittee@icasa.org.za](mailto:DigitalDividendandDigitalMigrationCommittee@icasa.org.za)**

Dear Ms Ramatlo

**ON DIGITAL MEDIA (PTY) LTD SUBMISSION ON THE AMENDMENT OF THE DIGITAL TERRESTRIAL TELEVISION REGULATIONS**

- 1. On Digital Media (PTY) Ltd** (hereinafter referred to as “ODM”) is the holder of an Individual Broadcasting Service Licence for the provision of a Subscription Broadcasting service issued by the Independent Communications Authority of South Africa (“ICASA”). ODM currently provides an affordable subscription television service to the general public via a Direct-To-Home satellite platform trading as **TopTV**.
- 2.** On 10 July 2012 and in Government Notice 532 published in Government Gazette No 35508, ICASA published the draft Digital Terrestrial Television Regulations (DTT regs) as well an accompanying explanatory memorandum on its decision to amend the existing regulations. ICASA requested members of the public to provide comments on proposed amendments by 30 July 2012, being 14 working days from the date of publication of the notice.
- 3.** It is in response to the Notice above that ODM makes this submission. Further and as requested, kindly note that ODM would like to make an oral submission should a public hearing be convened.
- 4.** Our submission is attached hereto marked ANNEXURE A.



5. We hope that our input will be useful. Please do not hesitate to contact the writer hereof should you have any questions.

Kind regards

A handwritten signature in blue ink, appearing to read "Thato Mahapa", written over a horizontal line.

**Thato Mahapa**  
**Senior Manager: Regulatory Affairs**  
**On Digital Media (TopTV)**

**Date: 30 July 2012**



# **ANNEXURE A –**

## **ODM SUBMISSION ON THE AMENDMENT OF THE**

### **DIGITAL TERRESTRIAL TELEVISION**

### **REGULATIONS**



## **GENERAL OVERVIEW**

1. On Digital Media (ODM) is a media company duly incorporated in accordance with the laws of the Republic. ODM is the holder of an Individual Broadcasting Service Licence for the provision of a Subscription Broadcasting service issued by the Independent Communication Authority of South Africa (ICASA).
2. ODM is also a member of the National Association of Broadcasters, an industry self-regulatory body duly recognized in terms of section 53 of the Electronic Communications Act. ODM thus adheres to the code of conduct enforced by the BCCSA.
3. ODM welcomes the opportunity to submit comments on the proposed amendments. We have also noted ICASA's explanatory memo which seeks to contextualize the amendments. ODM is fully behind the digital migration process given the many positive outcomes it holds for the society in general. We believe Digital Migration to be one of the key steps in bridging the digital divide given the multitude of benefits that come with the process. In particular, we appreciate the opportunities that come with the freeing of spectrum, the multiplicity of technologies that may be implemented to enhance the usage of the freed spectrum and the efficient use of spectrum by Digital Broadcasting technologies. We also value the opportunity presented to provide consumers with multi-channel viewing and the many other opportunities related thereto, such as the development of more local content to fill those platforms and the skills required to produce such local content. Thus we see Digital Migration, in the long run, being a positive contributor to the overall economy of the Republic.
4. ODM reiterates its unequivocal support of the Migration process and the collective efforts from Government and Industry to ensure that the process is a success under the given conditions.



## **SPECIFIC COMMENTS**

### **5. Regulation 1 - Definitions)**

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- 5.1. We recommend that the definition of Multiplex 3 be amended to be “DTT3” in line with the definition of Multiplex 1 and Multiplex 2 as the current definition may be somewhat confusing.

### **6. Regulation 6(2)(c)**

- 6.1. Given the equally progressive technologies being developed for digital radio, we are uncertain as to ICASA’s rationale for reserving 10% of Multiplex 3 for commercial sound broadcasting.

### **7. Regulation 11 and 12**

- 7.1. We recommend that regulation 12 be deleted as it is a mirror image of regulation 11. Consequently, reference to Multiplex 2 in reg 11(1) ought to be changed to read “Multiplex 2 and 3”.
- 7.2. However, it appears that the requirements listed in reg11(1)((a) to (e) are primarily related to the authorization of digital incentive channels for Commercial broadcasters, etv and MNet. The procedure is referred to in regulation 7 but not dealt with accordingly. At the same time, it is unclear whether the similar criteria listed in reg 12(1)(a) to (e) will apply over and above any requirements that will be contained in the ITA referred to in regulations 6(2)(a), (b) and (c).
- ICASA is requested to clarify the confusion through a further revision of the portions referred to in order to improve the quality of the regulation.

## **CONCLUSION**

8. We hope that this submission will assist ICASA to improve on the quality of the existing regulation. We look forward to participating in any public hearing that may be convened in the finalization of the regulations and we wish you success with the rest of the process. We also look forward to the ITA to be issued by ICASA in accordance with the Regulations for authorization to broadcast on Multiplex 3.