

Vodacom Submission on Draft Regulations on Rapid Deployment of Electronic Communications Networks and Facilities, 2026

Submitted by Vodacom Pty Ltd to the Independent Communication Authority of South Africa (ICASA)

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Presentation Overview

1. Introduction of Vodacom and its operations
2. Infrastructure roll out Challenges and Implications
3. Specific provisions of the regulations and concerns
4. Recommendations
5. Concluding remarks



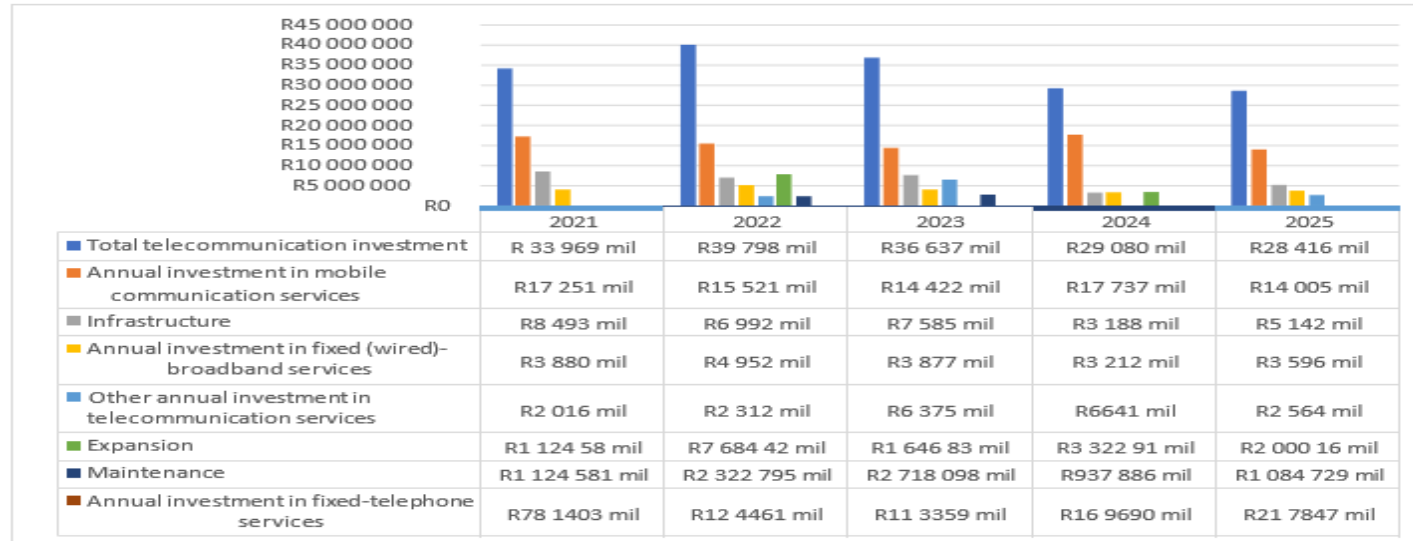
Overview: Network investment

ICASA correctly recognised the importance, significance and required efficiency of investment in telco networks and how this improves consumer outcomes.

Effective and efficient rapid deployment of infrastructure will improve S.A. consumer outcomes in at least 2 ways:

- It will extend the reach, quality and timeliness of telco networks for the same capex envelope as below.
- It will incentivise further investment, which will further improve network reach and quality.

Graph 18: Telecommunication investment breakdown, for the 12 months ending 30th September each year.



Source: ICASA Electronic Communications Questionnaire 2021 – 2025.



Challenges and Implications:

Challenges

- ***Inconsistent and unpredictable*** municipal wayleave processes
- ***Long approval timelines*** across various state entities
- Difficulties ***accessing state-owned servitudes*** and infrastructure
- Lack of ***standardized, binding timelines*** for public authority approvals
- ***Ineffective escalation or intervention*** mechanisms for delayed or refused approvals

Implications

- Leads to **material delays in network deployment** and creates an uncertain investment environment.
- Directly hinders the "rapid" nature of infrastructure rollout.
- Acts as a barrier to efficient network expansion and densification.
- Allows for discretionary and prolonged procedures that serve as **unjustified barriers to investment**.
- Increases the **procedural burden** on licensees without providing practical relief or a path to resolution.



What should be done

1. Standardize and Mandate Public Authority Processes

- ***Enforceable Timelines:*** The regulations should introduce standardized, binding timelines for municipal and public authority approvals.
- ***Parallel Processing:*** Authorities should allow for the parallel processing of multiple approvals to prevent sequential delays where one permit is required before applying for another.
- ***Deemed Approvals:*** Taking a cue from international best practices, the framework should consider deemed approval or alternative remedies when authorities fail to act within prescribed timeframes.

2. Reform Dispute Resolution

- Beyond ***Voluntary Mediation:*** Voluntary mediation is ineffective against uncooperative authorities. Instead, we propose the establishment of enforceable dispute-resolution mechanisms.
- ***Escalation Mechanisms:*** There must be clear escalation or directive intervention mechanisms to resolve delays or unreasonable demands from public authorities.



Regulation 3-Responsibilities of Licensees

Support	Concern
General duty of care on licensees, including taking reasonable measures to prevent damage, repair affected property and avoid interference with public utilities.	Unduly onerous obligations could shift the blame for third party coordination and public authority approval failures onto licensees, in a manner beyond their control



Regulation 4 – Process and Procedure for Entry onto Land or Property

Support	Concern
The principle of consultation with landowners and affected parties prior to deployment.	The mandatory 30-day notice for deployment and 14-day notice for maintenance is inflexible, especially when dealing with minor work upgrades, optimisation and urgent maintenance that do not materially change the infrastructure's physical footprint.



Regulation 5 – Removal of Infrastructure

Support	Concern
The principle of lifecycle management and the removal of obsolete infrastructure.	The requirement to remove formally decommissioned infrastructure within 60 days is of concern because it may be dependent on municipality schedules and other factors outside the control of licensees.



Regulation 6 – Compensation

Support	Concern
Fair compensation for direct, demonstrable loss from deployment	Without clear boundaries, the compensation framework may give rise to ongoing compensation expectations i.e., disproportionate, not linked to actual impact, and unjustified.



Regulation 7 – Rapid Deployment GIS Database

Support	Concern
Bi-annual submission of detailed GIS data and future network rollout plans	Highly burdensome without solving the primary municipal and other public authority approval blockages. What are the minimum robust safeguards against security risks, unauthorised access, and anti-competitive outcomes.



Regulation 8– Dispute Resolution

Support	Concern
The introduction of structured dispute-resolution mechanisms and agrees that early resolution of disputes is preferable to litigation.	It does not explicitly address disputes between licensees and public utilities or other public authorities, which currently represent the most significant and impactful source of deployment delays. It realises heavily on voluntary mediation and agreement between parties.



Regulation 9 - Contravention and Penalties

Support	Concern
Imposing penalties for non-compliance.	Penalties could be levied for mere procedural non-compliance even where no material harm has occurred. There is no gradual enforcement approach.



Aligning South Africa with global regulatory standards:

We further note that ICASA's Explanatory Memorandum references international benchmarking. Recent best practice (Articles 7,8,9 of Regulations EU 2024/1309) directly addresses the frictions present in the SA Draft:

	SA Draft Regulations	EU 2024/1309 Framework
Decision Timelines	■ No Standardized, binding timelines for authorities	■ Permit decisions issued within a strict 4-month window.
Process Flow	■ Sequential, isolated applications	■ Mandates early completeness checks and allows parallel authorization processes.
Operational Agility	■ 30/14 –Day notice for all work	■ Explicitly exempts low- impact work and maintenance from prior permitting.
Authority accountability	■ Voluntary mediation only	■ Provide deemed approval or alternative remedies when authorities fail to act.



Key Recommendations

Vodacom respectfully recommends that ICASA refine the Draft Regulations to:

1. ***Strengthen the regulatory framework*** to ensure that licensees are afforded fair, transparent, non-discriminatory, and time-bound treatment by municipal and other public authorities when exercising rights under section 22 of the ECA.
2. ***Introduce standardised, time-bound, and enforceable procedures*** applicable to municipal and other public authorities, including escalation mechanisms where approvals are delayed, include unreasonable demands, or are unreasonably withheld.
3. ***Allow parallel processing of approvals*** and avoid requiring licensees to obtain one form of authorisation before applying for others.
4. ***Introduce flexible and proportionate consultation*** and notice requirements.
5. ***Establish effective and enforceable dispute-resolution mechanisms*** for disputes involving public utilities and other public authorities, beyond voluntary mediation, to enable deployment to proceed where resistance persists.



Conclusion:

- Vodacom supports the objective of accelerating the deployment of electronic communications networks and facilities.
- The effectiveness of the Regulations will depend on addressing the structural constraints that are outside the control of licensees, especially municipal and public authority approval delays.
- Vodacom submits that the final Regulations should create practical, enforceable mechanisms that reduce bottlenecks, support investment and enable faster broadband rollout.



