

TEMPLATE: Comments on Draft National Legislation

Name of Department:	Department of Economic Development and Tourism		
Matter: (Title of Legislation)	GG 53966: DRAFT SIGNAL DISTRIBUTION SERVICES REGULATIONS, 2026		
Contact Person:	Tim Parle	Due Date for comments:	27 February 2026
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Submitted To:		No.:	

COMMENTS:

Clause (Indicate clause/ regulation Number)	Comment (State why the clause/regulation or proposed amendment is not supported or what the problem is with the provision)	Suggestion (Suggested deletion/amendment/ addition)
General	Based on the data collected, we support ICASA's determination that the three defined terrestrial wholesale markets (per 3(a), 3(b) and 3(c)) are ineffectively competitive (per section 5) and that Sentech holds Significant Market Power (SMP) (per section 6) in each. We support the proposed pro-competitive remedies, particularly cost based tariffs, submission of Reference Offers (ROs), publication/consultation of ROs, and a strengthened dispute resolution framework.	None.
General	Various stakeholders reported that the current transparency is inadequate and that RO-anchored SLAs must be enforceable with clear remedies. Their call is that Sentech must operate professionally and responsibly. ICASA should consider RO variants or tariff principles that differentiate community broadcasters from commercial/public service broadcasters, consistent with equity and access objectives.	ICASA to consider this market feedback obtained from stakeholders in the broadcast and media sector in the Western Cape.

	<p>While we recognise some measures fall outside ICASA's remit, we urge coordinated national action (ICASA / DCDT / USAF) on targeted support for community distribution costs during and after migration. Stakeholders highlight DTT SFN cost burdens and propose exploring DTH viability; these concerns should be addressed in the cost-modelling and market review phases and in broader policy processes.</p> <p>Several community radio operators in the Western Cape have chosen to be independent broadcasters with their own transmitter/s. They would consider the business case of purchasing broadcast as a service from Sentech if the cost and service offering became compelling.</p>	
Section 1: Definitions		
Definitions	The definitions are supported.	None.
2. Purpose of the Regulations		
Purpose	The purpose is supported.	None
3. Market Definition		
Market definition	The scope of this regulation and market definitions can be expanded to better cater for future technological market needs (based on the feedback obtained from our stakeholders).	<p>We accept the present terrestrial focus but recommend ICASA signals an intention to the market to scope IP/cloud/fibre/satellite-over-IP and hybrid broadcast distribution for future regulatory treatment (market definition and potential remedies).</p> <p>Our stakeholders strongly supported such forward-looking consideration.</p>

		This could be included in the final regulations or in a parallel workplan.
Regulation 4: Methodology		
Regulation 4: Methodology	No comments.	None
Regulation 5: Effectiveness of Competition		
Regulation 5: Effectiveness of Competition	We support ICASA's determination that the three defined terrestrial wholesale markets (per 3(a), 3(b) and 3(c)) are ineffectively competitive.	None.
Regulation 6: Significant Market Power		
Regulation 6: Significant Market Power	We support ICASA's determination that Sentech holds Significant Market Power (SMP) across all the three defined terrestrial wholesale markets (per 3(a), 3(b) and 3(c)).	None.
Regulation 7: Market Failure		
Regulation 7: Market Failure	We support ICASA's determination that the market failures of (a) natural monopoly and (b) lack of transparency exist in the market.	Implement the regulations as presented plus enhance per suggestions in this submission.
Section 8: Pro-Competitive Terms and Conditions		
Cost-based tariffs (Reg 8(a))	The scope of this regulation can be expanded to better cater for market needs (based on the feedback obtained from our stakeholders).	<ul style="list-style-type: none"> i. ICASA to publish a clear cost-modelling roadmap immediately after finalising the regulations (scope, methodology, datasets, timeline) to give stakeholders predictability. ii. ICASA to require Sentech to file a cost allocation manual and annual cost updates, enabling ICASA to test that tariffs remain efficient, non-discriminatory and transparently derived from cost.
Reference Offers: content & quality safeguards (Reg	The scope of this regulation can be expanded to better cater for market needs (based on the feedback	<ul style="list-style-type: none"> i. In addition to Appendix A, ICASA to mandate service-quality clauses with factors such as measurable technical KPIs),

8(b) + Appendix A)	obtained from our stakeholders).	<p>outage credits/rebates, change notification periods, and incident reporting.</p> <ul style="list-style-type: none"> ii. ICASA to require transparent tariff schedules (base charges, surcharges, escalation formulae etc.) and billing/credit notes processes. The publication of worked examples would be illustrative. iii. ICASA to include differentiated RO options for community broadcasters reflecting their scale and funding constraints (e.g. tiered rates, volume-agnostic pricing blocks, and simplified SLA tiers). iv. ICASA to provide implementation timelines for onboarding under the approved RO and transition provisions for existing contracts.
Publication and consultation (Reg 8(c))	The scope of this regulation can be expanded to better cater for market needs (based on the feedback obtained from our stakeholders).	ICASA to publish draft ROs for a minimum 30-day comment period, with ICASA's reasoned decision on contested RO clauses published at approval to ensure transparency.
Dispute resolution (Reg 8(d))	The scope of this regulation can be expanded to better cater for market needs (based on the feedback obtained from our stakeholders).	<ul style="list-style-type: none"> i. ICASA to introduce time-boxed phases (e.g. 14 and 14 days as drafted) with a maximum 60-day overall resolution target and interim relief powers for ICASA where service continuity is at risk. ii. ICASA to publish anonymised, reasoned determinations to guide future negotiations.
Section 9: Monitoring and Investigation		
Regulation 9: Monitoring & investigation	The scope of this regulation can be expanded to strengthen market execution to better cater for market	iii. ICASA to require periodic KPI dashboards from Sentech (per market), submitted to ICASA

	needs (based on the feedback obtained from our stakeholders).	<p>and shared in a summary form with industry.</p> <p>iv. ICASA to enable targeted information requests on cost drivers, asset bases and allocation keys supporting tariff changes.</p> <p>v. ICASA to establish early-warning triggers: e.g. automatic review if annual tariff increases exceed 5–10%, or where repeated/prolonged outages breach SLA thresholds.</p>
Section 10: Schedule for Review of Markets		
Regulation 10 (Review cycle)	The scope of this regulation can be expanded to better cater for market needs (based on the feedback obtained from our stakeholders).	ICASA to adjust the review cycle to 3 years or maintain 5 years with explicit early-trigger mechanisms tied to tariff shock, material technology shifts, or sectoral distress signals (e.g. multiple community station failures).
Section 11: Contraventions and Penalties		
Regulation 11 (Fines)	This is supported.	None.
Section 12: Short Title and Commencement		
Regulation 12: Short Title and Commencement	This is supported subject to ICASA completing the stakeholder engagement contemplated in this Gazette and taking note of the comments offered.	Factor in market feedback into the final regulations and approach.
Appendix A: Minimum Requirements of a Reference Offer		
Appendix A	Please see section above on the Reference Offers: content & quality safeguards (Reg 8(b) + Appendix A)	Please see comments above.

Approvals

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Date: 20 February 2026

Comments noted and supported:

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