

Independent Communications Authority of South Africa

350 Witch-Hazel Avenue,

Eco Park, Centurion.

Attention: Mr Manyapelo Richard Makgotlho

By email: mnakgotlho@icasa.org.za

cc: jdikgale@icasa.org.za

3 December 2021

Dear Mr Makgotlho,

**NOTICE ON THE INQUIRY FOR THE IMPLEMENTATION OF THE RADIO FREQUENCY
MIGRATION PLAN AND OF THE INTERNATIONAL MOBILE TELECOMMUNICATIONS (IMT)
ROADMAP**

- 1 eMedia thanks the Authority for the opportunity to comment on the Notice on the Inquiry for the implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap ("the Inquiry") for consultation in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).
- 2 The Authority has invited stakeholders to submit written submissions by 16:00 on 3 December 2021. In addition, eMedia wishes to participate in any public hearings convened in relation to the Inquiry. Insofar as the hearings are concerned, as and when they are held, eMedia reserves the right to supplement these submissions at the hearings should it deem it necessary to do so.

eMedia Investments

- 3 eMedia Investments (Pty) Ltd is a South African media group with holdings in a variety of broadcasting, content and production businesses including, e.tv (South Africa's only commercial free-to-air television broadcasting service licensee), Openview (a free-to-air satellite multi-channel television broadcaster) and eNCA (South Africa's most watched 24-hour news channel).
- 4 e.tv holds an individual commercial (free-to-air) broadcasting licence and a radio frequency spectrum licence. This entitles e.tv to broadcast the e.tv free-to-air channel. Its activities are highly regulated in terms of its broadcasting licence, which also imposes public interest obligations on it. The e.tv channel is currently broadcast as an analogue channel using radio frequency allocated to e.tv in terms of its radio frequency licence. In addition, following the completion of digital migration, the e.tv channels will be available via the DTT network.
- 5 Accordingly, any amendment which affects e.tv's frequency allocation would have a direct impact on e.tv.

General concerns

- 6 This Inquiry has raised a number of concerns for eMedia and other broadcasters. The inquiry comes at a time when e.tv and others are currently engaged in on-going litigation with the Minister and the Authority regarding the analogue switch-off in the 700 and 800 spectrum frequency bands as well as the analogue switch off date. These bands are currently being utilised by e.tv and other broadcasters and there is still no clarity on when these frequency bands will become available for IMT services as broadcasters are still utilising them. The litigation is expected to be heard in March 2022, and may impact on the date of availability of the 700 and 800 frequency bands for IMT services. As such, it is very concerning that the Authority is already looking at

allocating even more frequency bands (currently being used by broadcasters) for IMT use.

- 7 Clearly, the outcome of the litigation will have a direct impact on this Inquiry and as such, we submit that it would be in all stakeholders' interests for the Inquiry to be postponed until such time as there is greater clarity on the completion of digital migration. At earliest this should occur only after the final determination of the aforesaid litigation. To do otherwise, would put the cart before the horse – the Authority would be reaching a decision before the finalization of the litigation predetermining when broadcasters should vacate these frequency band so that they can be occupied by IMT services without delay. This is a central aspect to be determined in the litigation between e.tv and the Minister.
- 8 In addition, e.tv is concerned about the way in which the questionnaire has been structured, giving emphasis to the commercial value of certain bands (specifically for IMT services) over broadcasting and the greater public interest uses. This seems to be a short-sighted approach to conducting this Inquiry and would not properly consider the public interest and constitutional role of broadcasting in South Africa.

Questionnaire

- 9 We attach marked Annexure “A” the completed questionnaire.
- 10 At the outset we wish to raise concerns with the limited scope of the questions raised by the Authority resulting in it being difficult to provide meaningful answers to the questions.
- 11 In addition, it appears from the questionnaire that the Authority is considering the use of bands which are currently under discussion at the ITU WRC-23 and as a result the Inquiry is beyond the scope of the Authority.

Duty to consider future technologies

- 12 Moreover, the Authority has a duty to consider and allow for changes in technology which will impact the future of, inter alia, free-to-air broadcasting in South Africa. The fact of the matter is that the future of broadcasting may not be realised on DTT but other developing technologies such as 5G broadcasting. This needs to be investigated and understood fully to assess how spectrum should be allocated in any future radio frequency plan. IMT services should not be favoured over broadcasters in this regard. e.tv is in the process of applying to the Authority for a trial licence to broadcast via 5G. In this regard, it is submitted that the Authority should investigate and understand the absolute use and effectiveness of spectrum in the 5G world and assess whether broadcasters should have access to a portion of the 700 MHz spectrum and WOAN in order to co-exist with telecommunication companies using these spectrum bands.

- 13 It is the opportunity created by technological advancements that requires a reconsideration of the most efficient use of spectrum in South Africa for the years to come. This will permit for technological advancements and changes. The Authority should not turn a blind eye to these technological changes in an ever-changing environment. To do otherwise, would be contrary to the provisions of the Electronic Communications Act.

- 14 The irony of the delays in the auction of spectrum (which will impact any future spectrum plan) and the rollout of DTT, is that these delays have placed South Africa at the forefront of allowing it to embrace cutting edge technology that allows for broadcasting and IMT services to co-exist, resulting in the possibility of sharing of the spectrum without the necessity of one of the mediums having primacy as is suggested in the draft frequency plan. To achieve the goal set out above will involve retaining some spectrum in the 600, 700 and 800 bands for the purposes of free-to-air broadcasting. In the circumstances, e.tv is of the view that broadcasters should not be excluded from using this spectrum.

- 15 Given the slow rate of progress of DTT penetration in South Africa, the refusal to accept that it will be possible for 5G technology to broadcast in the same areas as IMT (and hence replace DTT), will result in the Authority taking a step backwards in circumstances in which it now has the opportunity to become a world leader.
- 16 Of even greater concern, is that it appears that the Authority now also intends to hand even more spectrum to the telecommunication companies. This will irreversibly change and threaten the existence of free-to-air broadcasting as is set out in our answers to the questionnaire attached. It is uncertain as to why the Authority is intent on favouring IMT services over broadcasters particularly where IMT services are increasingly competing with broadcasters. The Authority is duty bound to ensure the continued viability of free-to-air broadcasters.

Conclusion

- 17 In conclusion, eMedia wishes to thank the Authority for the opportunity to participate in this process and hopes to be able to engage with the Authority in future on these issues.

Yours faithfully,

Philippa Rafferty / Lynn Mansfield / Junior Qwabe
eMedia Investments

1. IMT frequency category 1 bands

No	Band	Q1: Rate ¹ the importance of this band to your business.	Q2: Does your firm use this band? (Yes/No)	Q3: If yes to Q2, what does your firm use this band for?	Q4: Does your firm have plans to use this band in the future?	Q5: If your firm uses this band or plans to use it, what is the value (in annual revenues) of the use of this band for your application?	Q6: If yes to Q2, what would be the impact if you had to vacate this band?	Q7: Additional comments and if yes to Q2, how many sites in total have you deployed for this band and how many sites per province?
1.	450 – 455 & 455 – 456 & 456 – 459 & 459 – 460 & 460 - 470 MHz	1	No	N/A	N/A	N/A	N/A	N/A

¹ 1 = Not relevant to my organisation; 2 = Minor relevance but not commercially relevant to my organisation; 3 = Some relevance commercially to my organisation; 4 = Reasonably commercially relevant to my organisation; 5 = Critical commercial relevance to my organisation

2.	617 – 652 MHz paired with 663 - 698 MHz	5	Yes	Terrestrial Broadcasting	Yes. Based on the Terrestrial Broadcasting Frequency Plan . eMedia plans to trial 5G broadcasting. Presently used for Terrestrial television broadcasting and DTT in future.	In excess of 1bn.	Substantial loss of revenue which will have a direct impact on future business viability.	The assignment per site / per province is specified in the Authority's Terrestrial Broadcasting Frequency Plan (2013) Regulations .
3.	694 - 790 MHz	4	Yes	Terrestrial Broadcasting	Yes	In excess of 1bn.	Substantial loss of revenue which will have a direct impact on future business viability.	The assignment per site / per province is specified in the Authority's Terrestrial Broadcasting Frequency Plan (2013) Regulations .
4.	733 – 758 MHz (700MHz Guard frequency bands)	4	Yes	Terrestrial Broadcasting	Yes. Presently used for Terrestrial Broadcasting eMedia plans	In excess of 1bn.	Substantial loss of revenue which will have a direct impact	The assignment per site / per province is specified in the Authority's Terrestrial

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Company Secretary: HCI Managerial Services

					to trial 5G broadcasting		on future business viability.	Broadcasting Frequency Plan (2013) Regulations.
5.	790 - 862 MHz	4	Yes	Terrestrial Broadcasting	No			The assignment per site / per province is specified in the Authority's Terrestrial Broadcasting Frequency Plan (2013) Regulations.
6.	862 - 890 MHz (including 862-876 MHz)							
7.	890 - 942 MHz							
8.	942 - 960 MHz							
9.	1350 - 1375 MHz paired with 1492 - 1518 MHz							
10.	1375 – 1400 MHz paired with 1427 – 1452 MHz							
11.	1452 - 1492 MHz							
12.	1492 - 1518 MHz							
13.	1880 - 1900 MHz (1880 - 1920 MHz +1885 - 1980 MHz)							

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14.	1980 - 2010 / 2170-2200 MHz + 2010-2025 MHz							
15.	2010-2025 MHz Planned for IMT							
16.	2025 – 2110 paired with 2200 - 2285 MHz							
17.	2300 - 2400 MHz							
18.	2500 - 2690 MHz							
19.	3300 - 3400 MHz							
20.	3400 - 3600 MHz							
21.	3600 - 3800 MHz	5	Yes		Yes. C-band primary Satellite feed for terrestrial transmitters		Demise of terrestrial television broadcast	
22.	3800 - 4200 MHz	5	Yes	Satellite portion.	Yes. Satellite			

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				(space-to-Earth) in the signal distribution value chain.				
23.	4800 - 4990 MHz							
24.	24.25 - 27.5 GHz							
25.	37 - 43.5 GHz (including 38-39.5 GHz for HAPS)							
26.	45.5-47 GHz							
27.	47.2 - 48.2 GHz (identified for IMT in Region 2 and another 69 countries from Regions 1 and 3)							
28.	66 - 71 GHz							

Are there any other IMT or other Radiocommunications frequency bands which have not been covered above that you feel need to be considered? Please detail these frequency bands and why they need to be considered.

No	Band	Q1: Rate ² the importance	Q2: Does your firm	Q3: If yes to Q2,	Q4: Does your firm	Q5: If your firm uses	Q6: If yes to Q2,	Q7: Additional comments and if
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² 1 = Not relevant to my organisation; 2 = Minor relevance but not commercially relevant to my organisation; 3 = Some relevance commercially to my organisation; 4 = Reasonably commercially relevant to my organisation; 5 = Critical commercial relevance to my organisation

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		of this band to your business.	use this band? (Yes/No)	what does your firm use this band for?	have plans to use this band in the future?	this band or plans to use it, what is the value (in annual revenues) of the use of this band for your application ?	what would be the impact if you had to vacate this band?	yes to Q2, how many sites in total have you deployed for this band and how many sites per province?
29.	75.2 – 87.5 MHz							
30.	138 – 144 MHz							
31.	150.05 – 153 MHz							
32.	156.4875 – 156.5625 MHz							
33.	156.875 – 174 MHz							
34.	174 – 223 MHz	5	Yes	Terrestrial Broadcasting	Yes. Based on the Terrestrial Broadcasting Frequency Plan.			
35.	214 – 230 MHz T-DAB	5	Yes	Terrestrial Broadcasting	Yes. Based on the Terrestrial Broadcasting Frequency			

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					Plan Regulations and Digital Sound Broadcasting Services			
36.	223 – 230 & 230 – 238 MHz	5	Yes	Terrestrial Broadcasting	Yes. Based on the Terrestrial Broadcasting Frequency Plan (2013) Regulations and Digital Sound Broadcasting Services Regulations (2021).			.
37.	238 – 267 MHz	5	Yes	Terrestrial Broadcasting	Yes. Based on the Terrestrial Broadcasting Frequency Plan			.
38.	335.4 – 380 MHz							
39.	380 – 387 MHz 387 – 390 MHz & 390 – 399.9 MHz							
40.	410 – 420 & 420 – 430 MHz							

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41.	440 – 450 MHz							
42.	470 – 493 MHz	5	Yes	Terrestrial Broadcasting	Yes. Based on the Terrestrial Broadcasting Frequency Plan.			
43.	825 – 830 MHz & 870 – 875 MHz	4 (825 – 830 MHz)	Yes	Terrestrial Broadcasting	Yes. Based on the Terrestrial Broadcasting Frequency Plan (2013)		Substantial loss of revenue which will have a direct impact on future business viability.	
44.	1518 – 1525 MHz							
45.	1525 – 1530 MHz 1530 – 1535 MHz & 1535 – 1559 MHz							
46.	1668 – 1675 MHz							
47.	2290 – 2300 MHz							
48.	5470 – 5725 MHz							
49.	5725 – 5850 MHz							
50.	5850 – 5925 MHz							
51.	5925 – 6425 MHz							

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52.	6425 – 7025 MHz / 7125 MHz							
53.	10700 – 11700 MHz	5	Yes	Direct to home satellite service and secondary feed to terrestrial services	Yes. Continue using it for DTH, secondary linking for terrestrial broadcasting		Substantial loss of revenue which will have a direct impact on future business viability. Loss of 2,5m DTH tv households	
54.	15400 – 15700 MHz							
55.	57 – 66 GHz							
56.	71 – 76 GHz and 81 – 86 GHz							

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