Independent Communications Authority of South Africa
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COUNCIL DECISIONS – 21 May 2019

ITEM NO.	AGENDA ITEM	DECISION
1.	**Morai Solutions (Pty) Ltd- Application for the TVWS Commercial Trial** The purpose of the submission was to recommend Council to approve the application for a Radio Frequency Spectrum Trial Licence for Television White Spaces (TVWS) for Morai Solutions (Pty) Ltd for a period of eight months. 1.1 The applicant intends to conduct a commercial and technical trial in the Johannesburg Metropolitan (Gauteng Province). 1.2 The commercial trial seeks to determine how the TVWS would operate in an urban setting, utilising the Non-Line of Site (NLOS) distance and obstruction challenges that can support and augment Altron's Broadband Network which was intended to service the government to deliver affordable wireless broadband internet to connect all remote, unserved and underserviced communities in Gauteng. 1.3 The applicant has indicated that the trial will make use of the Carlson Wireless Third Generation equipment. The deployment will comprise of 802.11 WI-FI standard base	**The application for a trial license was approved**

	stations which could be connected via backhaul to the TVWS database. 1.4 The applicant requested the Authority to grant the eight-month trial to test the technical, infrastructure solution and evaluate the commercial viability of the TVWS within the Johannesburg Metropolitan Municipality. 1.5 The proposed TVWS trial will be operating within the broadcasting band from 470 MHz-694 of allotments which are in accordance with Geneva-06 (GE-06) currently assigned to analogue Television broadcasting services.	
2.	**2018/2019 Quarter 4 Inspection Report for the South African Maritime Safety Authority (SAMSA)** The purpose of the submission was to request Council to note the 2018/2019 South African Maritime Safety Authority (SAMSA) inspection report The report highlights processing times for the issuance of maritime radio operator certificates, by SAMSA from October to December 2018.	**The report was noted.**
3.	**The ICT Sector Commission and Tribunal Bill** The purpose of the submission was to report to Council on engagements with the Department of Telecommunications and Postal Services (DTPS) on the ICT Sector Commission and Tribunal Bill for noting by Council. 3.1 On 16 August 2017 the Independent Communications	**The report was noted.**

	Authority of South Africa received a copy of the Bill from the DTPS to solicit comments and inputs to same. Pursuant to that, the Authority provided written comments to the DTPS on 1 September 2018. 3.2 However, it was not clear what mischief the Department seeks to address through the proposed changes. 3.3 It was the Authority 's view that the existing framework was in line with best practice and therefore appropriate for a regulator in the converged ICT sector which was inclusive of broadcasting. 3.4 However, in order to improve efficiency of the current regulator the following issues required strengthening: 3.4.1 The funding model of the regulator; and 3.4.2 The number of members of Council. The DTPS has subsequently engaged the Authority and other relevant stakeholders to develop a business case for the Bill.	
4.	**Role and Participation of the Independent Communications Authority of South Africa on Digital Terrestrial Television Migration.** The purpose of the submission was for Council to note the role and participation of ICASA on the Digital Terrestrial Television (DTT) Migration. 4.1 The Authority was actively playing its role in ensuring that the DTT was realised in South Africa through the development	**The submission was noted.**

	of related regulations and participating in different forums. 4.2 The Authority had made great strides towards implementing the Broadcasting Digital Migration Policy for South Africa through the promulgation of regulations in support of the DTT Policy. 4.3 The Authority had authorised twelve digital incentive channels for MNET and four digital incentive channels for the SABC. Those channels started broadcasting as of 1 February 2016, that was immediately after the Minister of Communications pronounced on the date of commencement of the Dual Illumination period. 4.4 Furthermore, the Authority had completed the licensing process of the Free to Air Television Broadcasting Service and 55% capacity of the Radio Spectrum Frequencies of MUX3 and will commence a process to license 45% of MUX1 to Community Television Broadcasters.	
5.	**Update on the Implementation of Council Decision directing MTN to port Transnet numbers to Vodacom** The purpose of the submission was to provide Council with an update in relation to the implementation of its order dated 3 May 2018, wherein Council directed MTN to port Transnet numbers to Vodacom within seven days from the date of the order. 5.1 On the 3 May 2018, Council issued an order to Transnet and MTN, in terms of which MTN was directed to port Transnet numbers to Vodacom within seven days from when the order	**The recommendation was approved**

	was issued by Council **("May Decision**"). 5.2 MTN challenged the May decision and on 1 June 2018, the Authority received MTN's application seeking an order reviewing and setting aside the May Decision. 5.3 The Authority opposed the review application and the matter had been pending in the High Court with parties exchanging pleadings accordingly. 5.4 The Authority requested MTN to submit written representations explaining why the Authority should not invoke the enforcement provisions stipulated under section 17 (H) of the Independence Communications Authority of South Africa. 5.5 After extensive deliberations on the matter and consideration of the letters, it appeared that the parties had reached an arrangement in respect of the implementation of the May Decision. Consequently, Council resolved that the Legal, Risk and CCC division should request a comprehensive update from parties concerned. 5.6 MTN and Vodacom have since responded to the Authority's letter of 26 April 2019.MTN restated its commitment to cooperate and approve port requests from Vodacom and more importantly undertook to withdraw the review application. Having stated the above, Vodacom simply confirmed that the parties had commenced	

	implementation of the May Decision. **Recommendation** Considering the above, it was recommended that Council: 5.7 Notes the responses from the parties; and 5.8 Resolved to acknowledge the status update from the parties and encourage them to send further updates in the future.	
6.	**Report on the sixth meeting of the Council of African Regulators.** The purpose of the memorandum was to request Council to take note of the report on the Sixth Meeting of CAR which was held in Cairo, Egypt on the 29-30 November 2018.	**The Report was noted.**
7.	**Application for the transfer of Individual Electronic Communication Service(I-ECS) and Individual Electronic Communications Network Service (I-ECNS) Licences from Amber Falcon Properties 187 (Pty) Ltd ("the Applicant") to Sonke Telecommunications (Pty) Ltd ("the Transferee").** The purpose of the submission was to recommend that Council approves the transfer of I-ECS, I-ECNS licences from the Applicant to the Transferee and vetted reasons. 7.1 On the 18 September 2018, ICASA received applications for the transfer its I-ECS and I-ECNS licences to the Transferee. 7.2 That the applications met the requirements of the Electronic	**The recommendation was approved**

	Communications Act 2005 and the Processes and Procedures, 2016. **Recommendation** It was recommended that Council approves the transfer applications and the Reasons Document.	
8.	**Application for the transfer of I-ECS and I-ECNS Licences from Leon Torien (Estate of Leon Torien) to Pioneer Connect (Pty) Ltd.** The purpose of the submission was to recommend that Council approves the transfer of I-ECS, I-ECNS licences from Estate of Torie Leon ("the Applicant") to the Pioneer Connect (Pty) Ltd ("the Transferee") and the vetted reasons.	**The recommendation was approved**.
9.	**Recommendation by CCC to Council on the matter between Extriserve (Pty) Ltd t/a LM Radio and Hot 91.9** The purpose of the submission was to table the recommendation of the CCC on the matter between Extriserve (Pty) Ltd t/a LM Radio and Hot 91.9 FM. • On 25 October 2018, the CCC received a complaint from Extriserve (Pty) Ltd t/a LM Radio against Hot 91.1 alleging that Hot 91.9 FM was non-compliant with ICASA 2017 Annual Report as following: ✓ Hot FM failed to provide information in accordance with the Compliance Manual Regulations of ICASA. ✓ • Hot FM has contravened its license conditions regarding 60% local content.,30 % talk and 70% music. • During the 2015/2016 financial	**The recommendation was noted**

	period, HOT FM failed to comply with its license conditions regarding community participation. Extrieserve (Pty) complained that Hot 91.9 FM behaved like a commercial Radio Station. Extrusive (Pty) Ltd conducted its own 36-hour day-part monitoring during the period 2 October 2018 to 10 October 2018 and alleged that "Hot FM played just 7% local music". The CCC dismissed the complaint against Hot 91.9 FM on the basis that it was based on hearsay. **Recommendation to Council** The CCC dismissed the complaint against Hot 91.1 FM on the basis that it was based on hearsay	
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Keabetswe Modimoeng

Acting Chairperson

ISSUED BY: Secretariat Office on behalf of Council