Independent Communications Authority of South Africa
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COUNCIL DECISIONS – 24 June 2019

ITEM NO.	AGENDA ITEM	DECISION
1.	**Lifting of the Moratorium on Community Sound Broadcasting Licence Applications** The purpose of the submission was to provide Council with the proposed implementation plan of the reviewed Community Framework Regulations once the moratorium had been lifted. As part of Council approval, Council requested an implementation plan to be put in place after the final lifting of the moratorium. The following was resolved: . The division should include a communication plan that will deal with the moratorium.	**The proposed implementation plan was approved**.
2.	**K2015351513 SA (Pty) Ltd: Application for a Trial Radio Frequency Spectrum Licence in the 3.7 GHz(3680-3740MHz) Band** The purpose of the submission was to approve the application submitted by K2015351513 SA (Pty) Ltd (the Applicant) for a Trial Radio Frequency Spectrum Licence in the 3.7 GHz (3680-3740MHz) band. 2.1 The Applicant applied for a Trial Radio Frequency	**The application was approved.**

		Spectrum Licence in the 3.7 GHz (3680-3740 MHz) band on 28 November 2018.	
	2.2	On 23 April 2019, the Authority rejected the application due to unavailability of the spectrum in the band applied for.	
	2.3	On 2 May 2019, the Applicant submitted an amended application for a Trial Radio Frequency Spectrum Licence in the 3690-3740 MHz band.	
	2.4	The Applicant requests permission to conduct Proof of Concept and to do trials in the 3.7 GHz (3680-3740) band.	
	2.5	For the applicant to evaluate specific equipment suitability and performance in 3.7 GHz band, the Applicant needed to test and trial such equipment un a “real” network environment situation.	
	2.6	The 3.7 GHz (3680-3740 MHz) frequency band was currently primarily used for fixed satellite services, sharing with terrestrial point to point fixed services on a coordinated basis.	
	2.7	Similar applications have been approved for Telkom, Cell Vodacom and other entities and there were no grounds for deviation.	

3.	**Recommendation by CCC in the matter between the Compliance and Consumer Affairs and Giyani Community Radio** The purpose of the submission was to table the recommendation of the CCC on the matter between CCA and Giyani Community Radio 3.1 On 25 January 2019, the CCA lodged a complaint against Giyani Radio Station alleging the following: 3.1.1 Mr. Maswanganyi, a community member of the Giyani Community Radio alleged that the licensee failed to broadcast news accurately, fairly and truthfully in that, on 1 November 2018 in a news broadcast by the Radio Station he was referred to as "***nsulavoya***" loosely translated as "**an armed thief**"). 3.1.2 That the licensee failed to keep the record of broadcast of programmes in accordance with section 53 of the ECA, as requested by the CCA to enable investigation of the complaint. 3.1.3 The CCC found both contraventions to be serious in nature and made a finding against Giyani Community Radio. **Recommendation to Council**	**The CCC recommendation was approved.**

	3.1.4	CCC recommended that Giyani Community Radio Station be fined R20 000 of which R10 000, be suspended for three years from the issue of the order. The fine must be paid to ICASA before 01 August 2019.	
	3.1.5	That if Giyani Radio Station was found to have contravened section 53(1) (a) of the ECA, within three years from the date of the order issued by ICASA, the suspended fine should come into effect immediately.	
	3.1.6	That Giyani Radio Station be ordered to broadcast the prescribed apology, as a first item of its news after 07:00 on the first Monday to Friday after the issue of the order, in Tsonga and English directly after each other.	
	3.1.7	That an electronic copy of the broadcast ordered be copied to ICASA within seven working days after the broadcast, accompanied by an affidavit by Station Manager that the apology was broadcast, including	

	the time and dates thereof.	
4.	. **Recommendation by the Compliance and Consumer Affairs Division of ICASA and Linkinc Telecommunications (Pty) Ltd.** The purpose of the submission was to table the recommendation of the CCC in the matter between CCA and Linkinc. 4.1 On 22 October 2018, the CCA received a complaint that Linkinc failed to obtain prior written permission from the Authority before transferring the control of its ECS and ECNS licenses and that, the conduct amounted to contravention of section 13(1) of the ECA. 4.2 The CCA referred a complaint to the CCC for investigation. 4.3 CCA alleged that Linkinc transferred the control of its ECS and ECNS licenses from Philip John Scheel and Simone Nicole Halcrow to Fayzel Kader Hoosen without having obtained prior written permission of the Authority. The change in the shareholding structure translated to, Fayzel Kader Hoosen acquiring 100% shareholding and control in Linkinc. The CCC recommended that Council issue the following order in terms of 17E (2) of the ICASA Act: 4.4 That the transfer of control to Linkinc was null and void. 4.5 Linkinc to immediately cancel the registration with	**The recommendation was approved**

	the Companies and Intellectual Property Commission (CIPC) and copy such cancellation and de-registration with the CIPC to ICASA. 4.6 Linkinc to re-apply to ICASA for the transfer of control of its licenses.	

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ISSUED BY: Secretariat Office on behalf of Council