Independent Communications Authority of South Africa
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Centurion

COUNCIL DECISIONS– 17 March 2020

ITEM NO.	AGENDA ITEM	DECISION
1.	**Licensing of IMT (Standing Item)** The purpose of the submission was to update Council on the status update on the Licencing of International Mobile Telecommunications (IMT) Spectrum. 1.1 The 1st phase was IMT700, IMT800, IMT2600 and could not be finalised due to litigation in 2016. 1.2 The 2nd phase, the IMT2300 and IMT3500 could not be finalised due to delayed policy directive. 1.3 Council had resolved to merge the two phases and gave effect to this decision by publishing the Information Memorandum in November 2019.	Council resolved in line with its decision to publish the IM in November 2019, that phase I and phase II be merged (collapsed into one process) due to (a) litigation that interdicted phase I; and (b) the timing of the release of the policy directive making it necessary that the processes be merged.
2.	**Application for transfer of the I-ECS and I-ECNS licenses from Air Communications (Pty) Ltd to Ubuntu Technology (Pty) Ltd** The purpose of the submission was to request Council to approve the transfer of the I-ECS and I-ECNS	**It was resolved that Council approve the application for transfer of the I-ECS and I-ECNS licenses from Air Communications (Pty) Ltd to Ubuntu Technology (Pty) Ltd.**

	licenses from Air Communications (Pty) Ltd to Ubuntu Technology (Pty) Ltd. 2.1 On 06 May 2019, the Authority received applications to transfer I-ECS and I-ECNS licences by Air Communications (Pty) Ltd to Ubuntu Technology (Pty) Ltd. 2.2 The applications were lodged in terms of Regulation 11 of the Processes and Procedures Regulations for Individual Licences, 2010 published in Government Gazette No. 33293 of 14 June 2010 as amended by the Amendment Individual Processes and Procedures Regulations 2015 published in Government Gazette No. 39871 of 30 March 2016, read with sections 13 (1), (2) and (6) of the Electronic Communications Act 2005, as amended. 2.3 On 28 June 2019, the Authority published a General Notice 944 in Government Gazette No. 42545 inviting all interested persons to make written representations in relation to the applications within fourteen (14) working days of the date of the publication of the notice in the Government Gazette.	
3.	**Increase of Administrative fees relating to Type Approval and Service Applications and annual Spectrum License fees relating to Radio Frequency Spectrum Licences.**	**It was resolved that Council approve the increase of Administrative fees relating to type approval and Service Applications and annual Spectrum License fees**

	The purpose of the submission was to request Council to approve the increase of Administrative fees relating to Type Approval and Service Applications and annual Spectrum License fees relating to Radio Frequency Spectrum Licences. 3.1 Regulation 10(3) of the Type Approval Regulations (the TA regulations), the Type Approval fees stated in Schedule 1 of the TA regulations would be adjusted annually by a maximum of the Consumer Price index (CPI) as published by Statistics South Africa. 3.2 Regulation 3(2)(b) of the General Licence Fees Regulations (the licence fees regulations) provides that the administrative fees stipulated in Schedule 1 of the licence fees regulations, might be adjusted by a maximum of the CPI as published by Statistics South Africa. 3.3 In terms of regulation 9A of the Radio Frequency Spectrum Licence Fees Amendment Regulations, 2015, the Authority would, on an annual basis, implement an automatic increase in the radio spectrum fee by the weighted average CPI of the previous calendar year. 3.4 The Radio Frequency Spectrum Fees Regulations	**relating to Radio Frequency Spectrum Licences.**

	relate only to the annual spectrum fees increases and not spectrum application, permit, examination and certificate fees. 3.5 The adjusted Type Approval and Service licence administrative fees, and Radio Frequency Spectrum annual licence fees might be published annually in the Government Gazette and will be effective from the 1st of April 2020. 3.6 Effective from 01 April 2020, all administrative fees associated with Type Approval would be increased by 4.1% based on the Average Consumer Price Index (CPI).	
4.	**Submission of fourteen (14) Broadcasting Annual Compliance Reports for Individual Sound Broadcasting Service Licensees** The purpose of the submission was to request Council to consider and approve fourteen (14) Annual Compliance Reports (ACR) for individual sound broadcasting service licensees as part of a total of sixty (60) ACRs to be compiled for the 2019/2020 Financial Year in line with the CCA's Operational Performance Plan (OPP) targets. All non-compliant licensees would be advised of the Authority's intention to refer the non-compliance findings, to the CCC and given an opportunity to make representations.	**It was resolved that Council approve submission of fourteen (14) Broadcasting Annual Compliance Reports for Individual Sound Broadcasting Service Licensees.**
5.	**Submission of ten (10) Broadcasting Annual Compliance Reports for Individual Sound Broadcasting Service**	**It was resolved that Council approve the submission of ten (10) Broadcasting Annual**

	Licensees The purpose of the submission was to request Council to consider and approve ten (10) Annual Compliance Reports (ACR) for individual sound broadcasting service licensees as part of a total of sixty (60) ACRs to be compiled for the 2019/2020 Financial Year in line with the CCA's Operational Performance Plan (OPP) targets 5.1 The reports were submitted pursuant to: 5.1.1 Section 192 of the Constitution of the Republic of South Africa which enjoined the Authority to regulate broadcasting services in the public interest; and 5.1.2 Section 17F (5)(a) and (b) read with section 4 (3)(d) of the ICASA Act, Act No.13 of 2000; which provides for the monitoring of compliance with licence terms and conditions.	**Compliance Reports for Individual Sound Broadcasting Service Licensees as presented.**
6.	**Reasons Document in respect of the renewal of an I-CSBS license and RFS Licence by Yired (Pty) Ltd** The purpose of the submission was to provide Council with the Reasons Document in respect of the renewal of an I-CSBS license and RFS Licence by Yired (Pty) Ltd (the Applicant); and to request that Council approve the Reasons Document for the Acting Chairperson's signature. 6.1 On 30 May 2018, Applicant submitted applications to the Authority to renew both its I-CSBS and RFS licences. 6.2 On 06 March 2019, Council	**It was resolved that the Reasons Document in respect of the renewal of an I-CSBS license and RFS Licence by Yired (Pty) Ltd be approved as presented.**

	approved the Renewals Committee's recommendation to renew both licences held by the Applicant. 6.3 The Applicant did not seek any amendment to the Licence in terms of Section 10 of the EC Act. 6.4 The Authority's Annual Compliance Reports indicated that the Applicant had been sufficiently compliant with its licence terms and conditions during licence period. 6.5 There had been no findings against the Applicant by the CCC, nor had there been any sanction imposed against them by the Authority.	
7.	**Amendment of the Numbering Plan Regulations to implement the provision of 116 for Child Helpline** The purpose of the submission was to request Council to approve the Notice wherein, the Authority had amended the Numbering Plan Regulations to give effect to the short code "116" for the provision of Child Helpline services. 7.1 On 01 of March 2019, the Authority published a notice pertaining to the draft amendment of the Numbering Plan Regulations Government Gazette 39861 (the Regulations) The amendment sought to implement the provision of the short code 116 for Child Helpline services. 7.2 The amendments emanated, in part, from a resolution adopted by SADC to harmonise the short code "116" for Child Helpline services across the region. 7.3 The amendments were beneficial as follows:	**It was resolved that the Amendment of the Numbering Plan Regulations to implement the provision of 116 for Child Helpline be approved as presented.**

	7.3.1 The objective of the Numbering Plan was to promote efficient use of numbering resources – in that the short code "116" would be the exclusive number for Child Helpline services; and 7.3.2 To the intended users of the short code, that it would be easier to remember and would be common across the region. 7.3.3 The Authority received 3 submissions in which there were no objections to the proposed amendment.	
8.	**The Official List Regulations** The submission sought to request Council to approve the regulations in respect of technical standards for electronic communications equipment for publication. 8.1 Section 36 (1) of the Electronic Communications Act (Act no. 36 of 2005) stipulated that: "The Authority may, subject provisions of the Standards Act, 2008 (Act no. 8 of 2008), prescribe standards for the performance and the operation of any equipment of electronic communications facility, including radio apparatus". 8.2 On 11 December 2000, ICASA together with the South African Bureau of Standards, concluded a Memorandum of Understanding which paved way for the establishment of the ICASA/SABS technical committee. 8.3 The role of the TC080 was to adopt standards in the field of telecommunications and broadcasting and harmonise applicable standards with	**It was resolved that the Official List Regulations be approved.**

	international standards. 8.4 The national compulsory standards were compiled into an enforceable official list of regulated standards.	
9.	**Project status on the Licensing process for the I-ECNS and RFS Licenses and request for approval** The purpose of the submission was to appraise Council of the progress in respect of the licensing of an I-ECNS and accompanying Radio Frequency Spectrum (RFS) Licences and to request Council to approve the vetted Notice on the licensing process to be followed in the regard for publication in the Gazette. 9.1 Council resolved to establish a special committee to undertake the process to licence I-ECNS and accompanying RFS Licences. 9.2 In line with the Annual Performance Plan (APP) for the year in review, 2019/20 financial year, the Authority was required to issue a Notice pursuant to the Policy Direction outlining the process on the licensing of an I-ECNS and accompanying RFS licence for the WOAN. Additionally, the APP target for the 2020/21 financial year requires the Authority to make a decision on the licensing process of the WOAN. 9.3 It was for the above reasons that the Committee had drafted a notice outlining the Authority's intention and the project status for publication in the Government Gazette for approval by Council.	**It was resolved that the Notice outlining the process for the licensing of an I-ECNS (and accompanying RFS licence for the WOAN) be approved for publication.**
10.	**Approval of the Final Unreserved Postal Services Regulations and Reasons Document for publication** The purpose of the submission was to request Council to approve the final Regulations on Unreserved Postal	**It was resolved that the Final Unreserved Postal Services Regulations and Reasons Document for publication be approved.**

	Services and Reasons Document for publication. 10.1 The ruling about POSTNET that was passed was not dwelling on the regulations. 10.2 POSTNET was concerned about the principles that were contained in the current legislation. 10.3 POSTNET questioned a principle on the jurisdiction of reserved and unreserved postal services that was contained in the legislation. 10.4 The interim relief that POSTNET sought to interdict the Authority from enforcing its decision pending the determination of the main review application was granted. 10.5 In relation to the current review matter, the draft regulations before Council had no bearing on POSTNET. **It was resolved that the Final Unreserved Postal Services Regulations and Reasons Document for publication be approved.**	

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ISSUED BY: Secretariat Office
on behalf of Council