



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	03 March 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present		
	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation		
	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat officer
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
Partial Attendees		
	[REDACTED]	Executive: Licensing
	[REDACTED]	Acting Executive: PRA
	[REDACTED]	SM: Spectrum Licensing
	[REDACTED]	SM: ICT Licensing Services
	[REDACTED]	SM: Strategy and Programme Management
	[REDACTED]	SM: Engineering and Facilities
	[REDACTED]	Audit Manager
	[REDACTED]	Manager: Cost Modelling
Apologies		
	[REDACTED]	Councillor
	[REDACTED]	CAE

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No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>Council was advised that Cllr [REDACTED] had resigned from the Authority.</p> <p>Apologies</p> <p>Cllr [REDACTED] was on leave.</p> <p>The CAE was on leave.</p> <p>The apologies were noted.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>2.1. The correct date on the agenda was inserted.</p> <p>2.2. Item D1 on the agenda will be presented by Cllr [REDACTED] and Cllr [REDACTED]</p> <p>2.3. Replacement of Cllr [REDACTED] on the Moderation Committee was added under general on the agenda.</p> <p>2.4. Department of Communications and Digital Technologies Strategy Planning Session was added under general on the agenda.</p> <p>2.5. Invitation from the Films and Publication Board on Stakeholder Meetings was added under general on the agenda.</p> <p>The agenda was ratified with the above changes.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	<p>Adoption of previous minutes.</p>	Council
4.1	<p>Minutes of a Council meeting -10 February 2021</p>	All

No.	Action Item	Person Responsible
	<p>The following corrections were made:</p> <p>4.1.1 Page 2.- The names of Cllr [REDACTED] and Cllr [REDACTED] were corrected.</p> <p>4.1.2 Paragraph 4.1 - Correct the surname of Ms [REDACTED] was inserted.</p> <p>4.1.3 Paragraph 5.1.1 – The paragraph needs to indicate the refereed participation ICASA was part of.</p> <p>4.1.4 Paragraph 5.1.4 - Indicate whether the letter was sent to TRAI (action item).</p> <p>4.1.5 Paragraph 5.1.5 - Indicate whether any action was taken as the result of the request from INACOM (action item).</p> <p>4.1.6 Paragraph 6.8.6.4 -The projected auction date was the 17th of April 2021, was inserted.</p> <p>4.1.7 Paragraph 9.1 – The paragraph was reworded to only say “the applications were received in terms of Form G of the Process and Procedures Regulations”.</p> <p>4.1.8 Paragraph 10 – The heading of the item was rewritten as “Voice Quality of Service Mpumalanga”</p> <p>4.1.9 Paragraph 10.5 – Need to verify with E&T whether the stated statement was correct.</p> <p>4.1.10 Paragraph 11.3- Rephrased to indicate the following: “The effect of the change was that the majority shareholding remained on the two shareholders”.</p> <p>4.1.11 Paragraph 12.8 –“in terms of clause 586 of the Stations MOI” was inserted.</p> <p>4.1.12 Paragraph 15 – The submission was noted and approved by Council.</p> <p>4.1.13 Paragraph 17.1 – 17.3 – Need to be reworded.</p> <p>The minutes were approved subject to the corrections made.</p>	
4.2	Minutes of 22 February 2021	All KM ₃

No.	Action Item	Person Responsible
	<p>The following corrections were made:</p> <p>4.2.1 Page 1 – The correct month (February) when the meeting was held to be inserted.</p> <p>4.2.2 Paragraph 3 - Include section on Conflict of Interest.</p> <p>4.2.3 Paragraph 3.20.3 and 3.20.4 – The paragraph needs to be reworded.</p> <p>The minutes were approved, subject to the corrections made.</p>	
4.3	<p>Minutes of 23 February 2021</p> <p>4.3.1 Page 1-correct the date of the meeting to 23 February 2021.</p> <p>4.3.2 Paragraph 4.4 is incomplete.</p> <p>4.3.3 The resolution on item 5 should be rephrased to indicate the following: "Council resolved not to take part in the proposed mediation process and would await judgement on the matter and that the Minister be informed of the decision. Council further resolved that if the outcome of the Court matter was in favour of other parties to the litigation on spectrum licensing, the Authority will exhaust all available legal remedies.</p> <p>The Minutes of the 23 February 2021 were approved, subject to the corrections made.</p>	
5.	<p>Matters Arising (Standing item)</p> <p>The Matters Arising document was deferred to the next meeting of Council.</p>	CEO/Secretariat
6.	<p>International Engagements (Standing item)</p> <p>There was no updated submission. A formal submission will be tabled at the next meeting of Council.</p>	CEO
7.	<p>Update on the Invitation to Apply (ITA) for Licensing of International Mobile Telecommunications (IMT) Spectrum.</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>The purpose of the submission was to update Council on the project progress and status update on the Licensing of IMT Spectrum.</p> <p>SM: Spectrum licensing presented the item:</p> <p>The following update was provided:</p> <p>7.1 The procurement process for sourcing the Auctioneer was complete. The appointed Auctioneer was a consortium consisting of the National Economic Research Associate (NERA), Optimal Auctions Inc and Tirhana Auctioneer, (the credentials of the Consortium can be made available to Council members on request.)</p> <p>7.2 Contracting with the Consortium was concluded on 2 February 2021 and the kick-off meeting took place 23 February 2021.</p> <p>7.3 The Committee has set up a task team which will engage with the Auctioneer on regular basis, with formal Committee/plenary meetings with the Auctioneer scheduled as a standing meeting item for every Wednesday.</p> <p>7.4 The Committee will hold a second meeting with the auctioneer to look on the Assignment round, Opting round and the auction.</p> <p>7.5 The Auctioneer was currently engaged with Pre-Qualification Stage. The Committee has concluded on the templates that will be used to analyse the applications using the disqualification criteria as set out in the ITA.</p> <p>7.6 The Auctioneer was currently analysing applications, and that activity should be concluded by 09 March 2021.</p> <p>7.7 The Internal Audit reported that an external auditor has been appointed.</p> <p>7.8 The Corporate Services has been continuously engaged on the required facilities</p> <p>7.9 There was a scheduled meeting on the 03 March 2021 with the Auctioneer, and the IMT Committee for onboarding.</p> <p>7.10 The Auctioneer will give an analysis report during the week.</p> <p>The following comments were made:</p>	

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No.	Action Item	Person Responsible
	<p>7.11 An Auditor has been appointed, and will be available when the mock auction commences.</p> <p>The submission was noted by Council.</p>	
8.	<p>Application for the transfer of an Individual Electronic Communications Service(I-ECS) and Individual Electronic Communications Network Service (I-ECNS) Licences from Olova Technologies (Pty) Ltd to Roshel Investments (Pty) Ltd t/a Roshcomms ad accompanying vetted Reasons Document</p> <p>The purpose of that memorandum was to recommend that Council approves the transfer of I-ECS and I-ECNS licences as well as the attached vetted Reasons Document from Olova Technologies (Pty) Ltd ("the Applicant") to Roshel Investment (Pty) Ltd t/a Roshcomms ("the Transferee").</p> <p>The Executive Licensing presented the item:</p> <p>8.1 On 12 October 2020, the Independent Communications Authority of South Africa received applications from the Applicant to transfer its I-ECS and I-ECNS licences to the Transferee.</p> <p>8.2 The applications were submitted in terms of applicable Processes Procedures and Regulations.</p> <p>8.3 On 10 November 2020, the Authority published General Notice 637 in Government Gazette No. 43892 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.</p> <p>8.4 On 11 November 2020, the Licensing Division forwarded an e-mail to the Compliance and Consumer Affairs (CCA) Division, Finance Division and Complaints and Compliance Committee ("CCC") to ascertain whether the Applicant was financially compliant with regards to its payments of the annual licence fees and Universal Service and Access Fund (USAF) contributions and whether the CCC did not have any issues raised against the Applicant brought before it.</p> <p>8.5 On 11 November 2020, CCC stated that they were no compliance issues raised against the Applicant.</p>	CEO/ Licensing



No.	Action Item	Person Responsible
	<p>8.6 On 12 November 2020, the Finance Division stated that the Applicant was non-compliant with submission, and the payment of General Licence Fees Regulations. The Applicant subsequently submitted an affidavit to the Finance Division, indicating that they are non-trading, therefore no payment was outstanding.</p> <p>8.7 No written representations were received by the closing date of 29 November 2020.</p> <p>8.8 The Reasons Document was sent to Legal, Risk and CCC ("LRCCC") Division for vetting on 04 February 2021.</p> <p>8.9 On 08 February 2021, Licensing Division requested the Applicant to provide revised independent competition report and consumer interest report as the original reports did not clearly indicate how the transaction will impact on competition and consumers.</p> <p>8.10 On 15 February 2021, the Licensing Division received the two reports from the Applicant.</p> <p>8.11 The Licensing Division has addressed all the legal comments.</p> <p>8.12 On 24 February 2021, EXCO/OPCO approved the submission, for tabling at Council.</p> <p>Recommendation to Council.</p> <p>8.13 It was recommended that Council approves the transfer applications for I-ECS and I-ECNS for the following reasons:</p> <p>8.13.1 The applicant had not been found guilty of any contravention by the CCC.</p> <p>8.13.2 The applicant had paid the licence fees due and payable at the date of the applications.</p> <p>8.13.3 The Transferee had 100% ownership interest held by HDIs'.</p> <p>8.14 It was further recommended that Council approves the vetted Reasons.</p> <p>The following comments were made:</p>	

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No.	Action Item	Person Responsible
	<p>8.15 Council enquired about the number of individual licences which are dormant, and subsequently transferred to other organisations.</p> <p>8.15 The submission should indicate the Rand value of the proposed transaction.</p> <p>8.16 Council enquired whether the same dispensation that was applied on dormant broadcasting licences, be also applied on dormant individual licences</p> <p>Council resolved to approve the submission.</p>	
<p>9.</p>	<p>2020/21 Q3: Mpumalanga Province Quality of Service Report for Mobile Data Services</p> <p>The purpose of the submission was for Council to approve for publication ,Engineering and Technology(E&T)'s Quality of Service ((QoS) Monitoring Report for Mobile Data Services conducted during Q3 of 2020/21 in the Mpumalanga Province</p> <p>The Acting Executive: E&T presented the item.</p> <p>9.1 South Africa like the rest of the world in recent years had experienced significant growth in Mobile Data Services demand. The introduction of Mobile devices such as Smartphones and tablets as well as the range of internet-based applications that they support had created significant demand for (an expectation of) high levels of quality of service by consumers of the mobile data services.</p> <p>9.2 End -users of electronic communications services were increasingly using services that relied on mobile data network. that led to Engineering and Technology's expansion of its monitoring plan for 2020/21 to include data reports.</p> <p>9.3 The aim of monitoring process was to assess the QoS for Mobile data services provided by the Mobile Operators. The objective of the test campaign was:</p> <p>9.3.1 To assess the quality of service for mobile data services as currently provided by the Mobile Network Operators ("MNO") in the Mpumalanga Province.</p>	<p>CEO/E&T</p>




No.	Action Item	Person Responsible
	<p>9.3.2 To inform the end users on the state of service quality and the remedies of improvement.</p> <p>9.4 Currently, there were no regulations with targets for the Mobile Data Services. The Authority relies on international guidelines and best practices to gauge the performance of mobile operators.</p> <p>9.5 ICASA had conducted measurements were conducted in the Mpumalanga Province during the period 19 to 30 October 2020. A total distance of over 800 kilometres was covered on 3G and 4G preferred test scenarios respectively.</p> <p>9.6 The following areas were targeted, Boschfontein, Mbombela, Acornhoek, Bushbuckridge and Hazyview.</p> <p>9.7 The measurements were conducted by E&T with Regions (Mpumalanga and Northwest) as part of skills sharing between the two divisions.</p> <p>9.8 The Monitoring conducted was based on the South African Bureau of Standards (SABS) standard SANS 1725-2:2019 <i>End User related Quality of Service parameter definitions and Measurements-Part B Mobile Data</i> which provides definitions of QoS parameters and calculation methods.</p> <p>9.9 The Standard used was a guideline to conduct QoS data drive test in the absence of targets for data metrics in the End User and Subscriber Service Charter of 2016.</p> <p>9.10 The four main Key Performance Indicators (KPIs) measured were as follows:</p> <p>9.10.1 HTTP Download Throughput – is the rate at which data (such as downloading apps, music or other files) is transferred from the server to the user over the Internet.</p> <p>9.10.2 FTP Download Throughput - is the rate at which data (such as downloading apps, music or other files) is transferred from the server to the user over the Internet using an FTP application.</p> <p>9.10.3 FTP Upload Throughput - is the rate at which data (such as uploading, music or other files) is transferred from the device to the server over the Internet using an FTP application.</p>	

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No.	Action Item	Person Responsible
	<p>9.10.4 Latency – the responsiveness of the network, measured by recording the time it takes for a small piece of data to travel to one point and return a response to the user’s device.</p> <p>9.11 A detailed report was shared with the Mobile Operators for them to share their plans and remedial actions to address issues of poor performance.</p> <p>9.12 Vodacom shared the remedial and action plans which include RAN modernization, additional sectors upgrade and bandwidth expansion. These remedial actions are being executed to permanently remedy poor performance situation in tested areas.</p> <p>9.13 Furthermore, Vodacom indicated that it strives to provide minimum Download Throughput not less than 5 Mbps, and Upload Throughput not less than 3 Mbps to support broadband services in the country.</p> <p>9.14 MTN provided feedback and network improvement plans that are in place for the areas, that were identified to be negatively affecting customer experience by the Authority’s QoS monitoring report. MTN shared the remedial and action plans.</p> <p>9.15 Furthermore, MTN has indicated that it remains committed to continual investment on the network infrastructure to ensure that, MTN achieves the highest KPI scores, and leads in network performance to ensure that consumers experience the highest quality of service for both data and voice services in the network.</p> <p>9.16 Telkom has noted the Authority’s report, and further indicated that it views these test results as significant, and use them as additional input to further improve the quality of its mobile network.</p> <p>9.17 Furthermore, Telkom emphasised that it continues to use 1800 MHz as a coverage layer, in absence of permanently assigned 700/800 MHz spectrum. Telkom has been deploying coverage sites in the 700/800 MHz bands since July 2020 using the temporary spectrum. Permanent assignment of spectrum in these sub-1 GHz bands to Telkom will assist to deliver increased performance and better customers experience.</p> <p>9.18 Cell C has noted the findings of the Authority, specifically the latency challenges, and indicated that it will continue to provide improved services to its subscribers by working with its national</p>	

No.	Action Item	Person Responsible
	<p>roaming services provider to address these challenges in the affected areas.</p> <p>9.19 The report illustrated a snapshot of the Mobile Network Performance and customer experience within the measured time and location context.</p> <p>9.20 In summarising the results, MTN leads in most of the KPIs in the respective areas on 4G and 3G preferred scenarios followed by Vodacom, Cell C and Telkom.</p> <p>9.21 In terms of overall results for 3G preferred mode, MTN leads in 4G HTTP download throughput Download, FTP upload throughput and latency.</p> <p>Recommendation to Council.</p> <p>9.22 It was recommended that Council approve the Mpumalanga Province Mobile Data QoS report for publication on the ICASA website.</p> <p>The following comments were made:</p> <p>9.23 Council enquired as to when will QoS measurement regulations be developed.</p> <p>9.24 The submission should indicate the boundaries of the Kruger Park which will show the population density.</p> <p>9.25 The conclusion in the section 5 of the Executive Summary (page 6), should be reworded.</p> <p>Council resolved to approve the submission.</p>	
10	<p>Analysis of South African Post Office (SAPO) Regulatory Financial Statements as of 31 March 2020 and Operating Procedure Manual.</p> <p>The purpose of this memo is to request that Council approve the evaluation of SAPO's 2019/2020 Financial Year ("FY") (i.e., 01 April 2019 to 31 March 2020) Regulatory Financial Statements ("RFS")</p> <p>The Acting Executive: PRA presented the item.</p> <p>10.1 ICASA, in terms of section 8 and section 30 of the Postal Services Act approved the Accounting Separation Regulations for Reserved Postal Services ("the Accounting Separation</p>	CEO/PRA



No.	Action Item	Person Responsible
	<p>Regulations) for publication and implementation on 10 March 2011.</p> <p>10.2 The purpose of the Accounting Separation Regulations was to prescribe a structured accounting and regulatory reporting framework for SAPO's reserved postal services to achieve uniformity and consistent reporting of elements required to determine fees and charges for reserved postal service before the said fees and charges were implemented. That was done in accordance with the Price Cap Regulations</p> <p>10.3 The accounting and regulatory framework also guides SAPO in preparing its (Regulatory Financial Statements (RFS), ensuring that information in respect to revenues, cost structure, expenditure and profits was prepared and submitted in a form that allows the Authority to evaluate SAPO's RFS.</p> <p>10.4 According to section 6(1) of the Accounting Separation Regulations, annual RFS must be submitted to the Authority within six months after the operator's financial year end.</p> <p>10.5 SAPO was therefore required to submit its RFS for the 2019/20FY by 30 September 2020.SAPO submitted its 2019/20 FY RFS on the 23 of Nov 2020 after being granted an extension by the Authority.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approve the evaluation of SAPO's 2019/2020 FY Regulatory Financial Statements (RFS) (i.e., 01 April 2019 to 31 March 2020.</p> <p>The following comments were made:</p> <p>10.6 Council noted the appointment of the new Chief Executive Officer (CEO) for SAPO.</p> <p>10.7 The Secretariat should confirm as to when the newly appointed CEO will resume her duties.Upon confirmation Council will send a congratulatory letter and request a meeting.</p> <p>Council resolved to approve the submission.</p>	
11.	Recommendation by Complaints, Compliance and Committee in the matter between Johan Smit and Radio Rosestad.	Cllr 

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No.	Action Item	Person Responsible
	<p>The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee (“CCC”) in the matter between Johan Smit and Radio Rosestad</p> <p>Cllr Qocha presented the item.</p> <p>11.1 On 27 September 2019, Johan Smit (“Complainant”) referred the aforesaid matter for investigation by the CCC in terms of Section 17B(a) of the ICASA Act.</p> <p>11.2 The Complainant made the following allegations of contravention against Radio Rosestad:-</p> <p>11.2.1 The Chairperson of the Board of Radio Rosestad interfered with the daily operations of the station, by influencing the broadcast content, and directly communicating with Complainant and his staff.</p> <p>11.2.2 During the period, when the Complainant was the Station Manager of Radio Rosestad (a period of eight months), three labour related disciplinary hearings were held against him. The contents of the labour related hearing were not before the CCC.</p> <p>11.2.3 He further made allegations that the Board was dysfunctional, and was not assuming responsibility for their oversight role in accordance with the 2019 Community Broadcasting Regulations. He substantiated that allegation by stating the following in his complaint.</p> <p>11.3 On 5 July 2019, the Complainant escalated his concerns in writing about the Chairperson ‘s meddling in the station’s affairs with the Trust.</p> <p>11.4 On 08 July 2019, an extra-ordinary Trust meeting was called to discuss the concerns that the complainant raised with the Board. The Complainant advised that his concerns were deliberated in his absence although he plays an ex -officio role within the Trust.</p> <p>11.5 On 09 November 2020, the CCC heard oral arguments from the Complainant and Respondent.</p> <p>For Noting by Council</p>	



No.	Action Item	Person Responsible
	<p>11.6 The CCC held that the Board was entitled to intervene given the surrounding circumstances. A licensee cannot permit the Station Manager to assume full executive responsibility lied with the Board.</p> <p>11.7 The CCC further held that the Complainant 's broad references to a list of charges without factual substantiation amounted to <i>plus petito</i> (overloaded/vague application) and that the complainant were not <i>bona fide</i>.</p> <p>11.8 The Complaint was not upheld by the CCC.</p> <p>Council noted the submission.</p>	
<p>12.</p>	<p>ICASA's Projected Year End Performance for 2020/21 FY</p> <p>The purpose of the submission was to present the ICASA, Projected Year End Performance Report 2020/21 to Council for consideration and adoption and for use during the Council's Performance Tracking meeting scheduled for 2nd March 2021.</p> <p>The SM: Strategy and Programme Management presented the item:</p> <p>12.1 On 23 February 2021, Council took a decision to hold an Organisational Performance Tracking meeting on 2 March 2021. The purpose of the meeting was to establish progress to date towards achievement of annual targets and whether all APP annual targets will be achieved by the end of the financial year.</p> <p>12.2 To assist the meeting, Strategy and Programme Management Unit was requested to collect data from Programmes and do analysis showing implementation progress to date and projected annual performance per target programme.</p> <p>12.3 Forty-eight (48) project annual targets were planned across all ICASA Programmes and Sub-Programmes based on the approved APP 2020/21.</p> <p>12.4 Ten (10) annual targets have already been achieved. Thirty-three (33) annual targets will be achieved. Five (5) annual targets will not be achieved.</p> <p>12.5 The projected annual performance for the organisation is forty-three (43) annual targets out of forty-eight (48).</p>	<p>CEO/SPM</p>

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No.	Action Item	Person Responsible
	<p>12.6 The targets that will not be achieved at the end of the financial year were highlighted red on the template, and the proposed remedial/corrective actions were also highlighted.</p> <p>12.7 Failure by any Programme or Sub-programme to meet any of the targets it has reported as "Will be Achieved", will result in drop in the projected year-end organisational performance percentage figure of 89.6%.</p> <p>The following comments were made:</p> <p>12.8 Council noted the proposed remedial actions, and noted that as the financial year was coming to an end, some of the targets will not be achieved.</p> <p>12.9 Finance division's supply chain management deficiencies need to be addressed.</p> <p>12.10 The current status update on the process to assign broadband spectrum, needs to be reworded.</p> <p>12.11 Council urged Management to be mindful of external commentary made about how ICASA was being perceived and projected.</p> <p>12.12 Council enquired about the procurement of laptops for employees.</p> <p>Council resolved to note the submission.</p>	
14.	General	All
14.1	<p>Replacement of Cllr [REDACTED] on the Moderation Committee.</p> <p>The item was to request Council to replace Cllr Matthews from the Moderation Committee as he had resigned from the Authority as a Councillor.</p> <p>Council resolved that the Moderation Committee will be composed of Cllr [REDACTED] and Cllr [REDACTED]</p>	CEO
14.2	<p>Department of Communications and Digital Technologies Strategic Planning Session Follow up</p>	CEO

No.	Action Item	Person Responsible
	<p>The Department of Communications and Digital Technologies (DCDT) Strategic Planning Session will hold a last day session on the 04 March 2021</p> <p>The DCDT requested the Authority to do a presentation on the targets set for new financial year.</p> <p>Council resolved to nominate Cllr Lewis and the CEO to do the presentation.</p>	
14.3	<p>Invitation from the Films and Publication Board (FPB) to the Meeting of Stakeholders</p> <p>Council was invited by the Films and Publications Board to the Meeting Stakeholders on the 12 March 2021.</p> <p>The meeting will be held on a virtual platform (Microsoft Teams) at 09:00</p> <p>Council resolved to nominate Cllrs [REDACTED] and Cllr [REDACTED] to represent the Authority.</p>	All
13.	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and closed the meeting at 11:32</p>	Chairperson
14.	Date of next meeting: 16 March 2021	Secretariat

Signed: [REDACTED]

Date: 20/09/2021

(Chairperson)