



Independent Communications Authority of South Africa

MINUTES OF A SPECIAL COUNCIL MEETING		
Date	19 November 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present	[REDACTED]	Chairperson
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
By Invitation	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
Partial Attendees	[REDACTED]	Executive: Licensing and Compliance
	[REDACTED]	Acting Executive: Engineering and Technology
	[REDACTED]	Acting Executive: LRCCC
	[REDACTED]	SM: ICT Licensing services
	[REDACTED]	Manager Service ECS
	[REDACTED]	RF Specialist: Licensing
	[REDACTED]	External Attorney
	[REDACTED]	External Attorney
Apologies	None	

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No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>1.2. There were no apologies noted.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Declaration of conflict of interest</p> <p>No conflict of interest was noted.</p>	Council
3.	<p>Ratification of the Agenda</p> <p>The agenda was ratified without changes.</p>	All
4.	<p>Notice to publish the consultation document on the composite ITA WOAN</p> <p>4.1. The purpose of this memorandum was to recommend that Council approves the draft notice regarding the approach the Authority intends to follow in respect of the draft amended/reconsidered composite Invitation to Apply ("ITA") for Individual Electronic Communications Network Service ("I-ECNS") and Radio Frequency Spectrum ("RFS") Licences for the purpose of operating a Wireless Open Access Network ("WOAN").</p> <p>4.2. On 02 October 2020, the Authority published the ITA, for the Licensing of I-ECNS and RFS licences for the purpose of operating a WOAN ("the composite ITA").</p> <p>4.3. On 01 October 2021, the Authority published a truncated timetable with milestones outlining its plans for the expedited licensing of high demand spectrum and the WOAN. In terms of the truncated timetable, the Authority committed to conduct</p>	Cllr [REDACTED]

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	<p>the following activities in respect to its intention to publish a consultation document:</p> <p>4.3.1 On 01 October 2021, commence the process to reconsider the composite ITA;</p> <p>4.3.2 On 19 November 2021, publish a consultation document in respect of the draft amended composite ITA; and</p> <p>4.3.3 On 10 January 2022, receive written representations on the consultation document in respect of the composite ITA.</p> <p>4.4. In reviewing/reconsidering the composite ITA the Committee conducted desk top research on the WOAN construct drawing from experiences from Kenya, Mexico, Russia and Rwanda. The desktop research sought to establish how South Africa can best learn from prior experience and best practices that can be applied to the South African environment.</p> <p>4.5. During the reconsideration process, the committee did not identify any issues in the ITA warranting further consultation, save for the contestation over the 80 MHz RFS assignment for the WOAN. Following from this, the committee concluded that a consultation document should not be published.</p> <p>4.6. Further, the Committee concluded that it would await the finalisation of the second round of public consultations in respect of the updated Information Memorandum (IM) on the licensing process for International Mobile Telecommunications in order for it to proceed with the publication of the reconsidered composite ITA.</p> <p>4.7. Following the desktop studies and to enhance the Authority's knowledge and developing a holistic approach to the WOAN process, the Authority will be conducting an in-depth study on the WOAN model in other jurisdictions with the main focus on Mexico and Rwanda.</p>	

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	<p><u>Recommendation to Council</u></p> <p>4.8. It was recommended that Council approves the attached draft notice for publication as well as the Media Release.</p> <p><u>The following comments were made:</u></p> <p>4.9. Council was of the view that the Authority should conduct studies on the international benchmark exercises, following which at the appropriate time between February or March 2022 the process must be kick started.</p> <p>4.10. Council made a recommendation that in addition to the study there should be a business case for the WOAN. Council was of the view that the question should be whether the WOAN will bring the necessary competition, and if it will be a fit for purpose vehicle to achieve the transformation imperatives of the whole IMT process.</p> <p>4.11. Council raised that the wording in paragraph 2.6 might suggest that the Authority did not perform any study before. Council raised that the wording should be amended to avoid confusion.</p> <p>4.12. Council raised that the WOAN has been widely condemned around the market by critics and commentators. The Authority should be clear that the research being undertaken, is to amongst others find out what went wrong with iterations like <i>red-compartida</i> and some of the other models. This exercise will allow the Authority an opportunity to craft the process to make the WOAN as likely a success as possible.</p> <p>4.13. Council raised a question on whether there will be consultations on the study. Council was of the view that the process should be called a review.</p> <p>4.14. Council inquired about the timeframe that the Committee has resolved on to conclude the review. Council further inquired</p>	

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	<p>if the truncated timelines would be affected by the process being embarked on.</p> <p>4.15. The Committee informed Council that the notice tried to avoid stating a specific date. The notice states that the review process will be concluded, and communication will be shared by no later than the March 2022.</p> <p>4.16. The Committee raised a clarity seeking question on using the term review and further inquired if Council would be amenable to the term “research”, as a review means something else.</p> <p>4.17. Council inquired if the Committee would open the process for public consultation. Council further inquired what it would mean if the findings showed that WOAN has never been successful in the past and that there is no merit to advise the Authority to proceed with the licensing of WOAN.</p> <p>4.18. Council requested that it be clear that the Authority through this Notice was not abandoning WOAN, and further that the Authority was not opposed to the WOAN.</p> <p>4.19. Council requested that the external legal team give assurance that the Notice was well drafted and that it does not give way for litigation.</p> <p>4.20. Council resolved that the media statement should include the fact that there will be spectrum set aside for the WOAN. Council resolved that the off-take requirements should be mentioned.</p> <p>4.21. The external legal team advised that the Notice has been reviewed extensively to ensure that the Authority is not contradicting itself, as the matter is highly litigious. The legal team stated that with the current Notice and wording, there is a view that there will not be problems, with the Authority's current stance.</p>	

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	<p>4.22. The External legal team informed Council that any amendments to the Notice and annexing documents will be reviewed to give assurance.</p> <p>4.23. Council resolved that the Communications Manager draft the final media statement incorporating the inputs of Council and share the same with Councillors at 10:30 this morning for approval and that same be published at 13:00.</p> <p>4.24. Council resolved the process be referred to as follows “in the intervening period the Authority will engage on the WOAN model in other jurisdictions around the world.”</p> <p>4.25. Council resolved that the Committee clean up the Notice and the submission. Council further resolved that the cleaned Notice be shared with Council accompanying the Media statement.</p> <p>The submission was approved by Council.</p>	
5.	General	All
6.	Date of next meeting: 22 November 2022	Secretariat
7.	Closure The Chairperson thanked all who were present at the meeting and closed it at 09:06 am.	Council

Signed:  _____

Date: 26/04/2022

(Chairperson)