

Independent Communications Authority of South Africa

Date 17 January 2017		
Time:		
Venue:	Block B, Council B	oardroom
Present		Acting Chairperson
		Member
		Member
		Member
By invitation		CEO
		CAE
		CFO
		COO
		Acting SM: Office of the Chairperson
		Secretariat Officer
Partial Attendees		Manager: Wholesale Services
		GM: Licensing
		Market Analyst: PRA
		SAPO
-		SAPO
		SAPO
		GM: Policy Research & Analysis: PRA
37		SAPO
		SAPO
		SAPO
Apologies		Member
		Member
		Member



	Action Item	Person Responsible
1.	Opening and apologies	Chairperson
	The Acting Chairperson, Cllr opened the meeting at 10h40 and welcomed all present.	
	There following apologies were noted:	
	Cllr and Cllr are attending the 41st International training program on utility regulatory and strategy in Gainesville, Florida and Cllr is attending the Senior Executive Fellows at Harvard Kennedy School.	
2.	Ratification of the Agenda	Council
	The following items were added to the agenda:	
	 Feedback from the meeting held with the DTPS on 15 December 2016 Cell C V ICASA-Universal Service Obligations Cell C V CellSaf (Pty) Ltd Telkom SA SOC LIMITED V Link 	
	The following items were deferred to a Council Meeting of 18 January 2017.	
	 Minutes of the meeting held on 29 November 2016 South African Post Office SOC Ltd.'s (SAPO) annual tariff increase application for 2017/2018 price control period Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance of clause 9.1 of its licence Documents requested from ICASA by the Parliament Portfolio Committee on the SABC enquiry Proposed CBARS Account Management Procedure Manual Feedback on REMCO 's resolution on the proposal to revise 	



	Action Item	Person Responsible
	 Delegation of Authority framework Requested information by Council relating to the strike update Application for the transfer of an individual Electronic Communications Network Service (I-ECNS) Licence and Individual Communications Network Services (I-ECS) by Digital Media Proprietary Limited (ODM) to StarTimes media (SA) Pty Ltd ('StarTimes") 	
	The agenda was approved with the amendments noted above Meeting of the 14th December did not take place. Submissions were deferred to the 17 January 2017 Council Meeting.	
3.	Declaration of interest	All
	There was no declaration of interest noted.	
4.	Adoption of previous minutes	Council
4.1	Minutes of the 13 December 2017 Council Meeting	
	The COO, was not present at the meeting 14.2 - incorporate the summary of the submission 14.3 -incorporate the summary of the submission 14.6 -should be removed 14.7 -incorporate the summary of the submission Point 6 - reasons for approval should be incorporated. Point4.5, bullet 2 - Council was corrected to Council committee It was resolved that the minutes of the meeting that was held on 13 December 2016 be approved with the above amendments.	5
4.2	Minutes of the 29 November 2016	Council





	Action Item	Person Responsible
	It was resolved that the minutes of the meeting that was held on 29 November 2016 be deferred to 18 January 2017 Council Meeting.	
5.	Matters arising	
5.1	CRASA-AGM – Progress report on the investigation by Hawks A memo is being prepared to Council recommending a way forward	CEO
	on this matter.	
5.2	Investigation into possible fraudulent activities conducted by	CEO
5.3	Council performance agreements	Council
	Department of Communications (DoC) proposed a workshop for 20 January 2017. A response will be prepared for the DoC indicating the non-availability of Councillors and a new date for the workshop will be proposed to the DoC.	
5.4	Council decisions for website publication	Council
	The team has requested more time to work on the documents. A submission will be tabled to Council no later than end January 2017.	
<i>-</i>	Strike Report	CEO
5.5		



	Action Item	Person Responsible
5.6	Expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee	Clir Batyi
	The positions were advertised and the closing date was on 11 December 2016.	
	CV's will be circulated to Clir Clir Clir Clir Clir Clir Clir Clir	
5.7	Draft 2 – Strategic plan 2017-2022 Draft 2 – Annual Performance Plan: 2017/18 Draft 2 – Indicator technical descriptors	CEO
	Submissions will be tabled on Thursday, 19 January 2017.	
5.8	Request for approval of the draft amendments for publication of USAO - item 28.1	Council
	The document has been sent to Legal Division for re-vetting.	
5.9	Sentech meeting	Council
5.9	Council requested that Sentech be invited to present a high level update on the rollout plan in line with coverage targets. Secretariat will arrange the meeting.	
5.10	Meeting with Department of Communications on DTT project	Council
	Council requested a meeting with the Project Management Office to provide an update to Council on projects.	
5.12	Head Office relocation	CEO
	The submission on Head Office relocation will be re- submitted after a further engagement with Department of Public Works has taken place.	



	Action Item	Person Responsible
6.	Application for amendment of the Radio Frequency Spectrum Licence: Rainbow FM Community Radio	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council approves an amendment application of a Radio Frequency Spectrum Licence for Rainbow FM ("the applicant").	
	It was resolved that the application for an amendment of the Radio Frequency Spectrum Licence: Rainbow FM Community Radio be deferred subject to Council receiving a legal opinion. GM Licencing to provide the terms of reference.	2
	Reasons: Rainbo FM will cause an interference to the existing licenced broadcasters, and the spare coordinated frequencies when it uses the following technical specifications:	
	Transmitting from Knysna tower at the frequency of 87.9 MHz with ERP of 100 W using an omni-directional antenna; and	
	Transmitting from Riverdale tower at the frequency of 100.4 MHz with ERP of 500 W using a directional antenna.	
7.	Application for amendment of a Radio Frequency Spectrum Licence: Tubatse Community Radio	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council approves an application for amendment of the Radio Frequency Spectrum Licence of Tubatse Community Radio ("the applicant").	
	It was resolved that the application for an amendment of a Radio Frequency Spectrum Licence: Tubatse Community Radio be approved.	
	Reasons:	



	Action Item	Person Responsible
	 It is recommended that Council approves the amendment application for a Radio Frequency Spectrum Licence for Tubatse Community Radio 	= = =
	 The proposed technical specifications with the use of a directional antenna were evaluated and desktop study showed an improvement in terms of the coverage area and closure of dead spots 	
	 The proposed technical specifications with the use of a directional antenna will not cause interference to the existing licenced broadcasters. The amendment is in line with the provision of section 31(4) of the Electronic Communications Act No.36 of 2005 	
•	Application for a trial Radio Frequency Spectrum Licence in the 70/80 GHz E-Band: Aviat Networks (South Africa) Pty Ltd	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to request Council to approve an application for the issuing of a trial Radio Frequency Spectrum Licence in the 70/80 GHz E-band. The following inputs were noted:	7
	The licensee should provide the Authority with periodical reports during the trial	
	It was resolved that an application for a trial Radio Frequency Spectrum Licence in the 70/80 GHz E-Band: Aviat Networks (South Africa) Pty Ltd be approved.	18
	Reasons:	
	The Radio Frequency Spectrum will be used for trial purposes for a period eight (8) months	
	The application complies with the requirements of Section 40 of the Radio Frequency Regulations, 2015; and	
	To encourage research and development in the ICT sector in line with section 2 (1) of the Electronic Communications Act,	



	Action Item	Person Responsible
9.	Voice of the cape: Application for Radio Frequency Spectrum Licence amendment	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council rejects an application for Radio Frequency Spectrum Licence amendment by Voice of the Cape ("the applicant").	
	It was resolved that: Application for Radio Frequency Spectrum Licence amendment be rejected.	
	Reason:	
	The request is in contravention of the provisions of section 3 (1) of the regulations on Standard Terms and Conditions for Class licences 2010 as amended	
10.	SABC's application for a Digital Audio Broadcasting plus (DAB+) trail broadcasting Radio Frequency Spectrum Licence	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to request Council to approve the application by the South African Broadcasting Corporation (SABC's) for a Digital Audio Broadcasting plus (DAB+) trial broadcasting Radio Frequency Spectrum Licence for a period of eight (8) months.	
	The following inputs were noted:	
	The licensee should provide periodical reports during the trial	
	It was resolved that the SABC's application for Digital Audio Broadcasting plus (DAB+) trail broadcasting Radio Frequency Spectrum Licence be approved.	
	Reasons:	





	Action Item	Person Responsible
	The trail is to test the Quality of Experience (QoE)	
	The trail is for the benefit of the public	
	The application complies with the requirements of section 40 of the Radio Frequency Spectrum Regulations, 2015	
	There are no technical objections regarding the frequency of 239.2 MHz	=
11.	Bagaka FM – Applications to amend the Radio Frequency Spectrum Licence	CEO
	GM: Licensing presented the item.	
	The purpose of this submission is to recommend that Council approve the following:	
	The relocation of Bagaka FM's transmitter from Welgedacht to Kameeldrift East; and	
	To reduce the effective Monopole radiated power (EMRP) of Bagaka FM from 50Kw to 15KW.	
	It was resolved that the Bagaka FM – Applications to amend the Radio Frequency Spectrum Licence be approved.	
	Reasons:	
	This will assist Bagaka FM to be on-air;	
	The relocation puts Bagaka FM at the centre of the licensed area, and	
	Limited EMRP is required to cover the licensed area	
12.	Itheku FM: Application for amendment of the Radio Frequency	CEO



	Action Item	Person Responsible
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council declines the application for amendment of the Radio Frequency Spectrum Licence of Itheku FM.	
	It was resolved that the Itheku FM, application for amendment of its Radio Frequency Spectrum Licence be rejected.	3:
	GM: Licensing presented the item.	
	Reason: It is recommended that Council declines the amendment application for Itheku FM based on the following reasons:	
	The additional transmitter and the approximate coverage footprint proposed will be outside Itheku's licensed area	
	 The amendment will contravene regulation 3 (1) of the Standard Terms and Conditions Regulations 2010, as amended; and 	
	The amendment will be contrary to the spirit of section 2 (e) read with section 31(4) of ECA.	
13.	Application for a trial Radio Frequency Spectrum Licence in the 70/80 GHz E-Band: Vodacom (Pty)Ltd	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to request Council to approve an application for the issuing of a trial Radio Frequency Spectrum Licence in the 70/80 GHz E-Band to Vodacom (Pty) Ltd for a period of eight (8) months.	
	It was resolved that the application for a trial Radio Frequency Spectrum Licence in the 70/80 GHz E-Band; by Vodacom (Pty) Ltd be approved.	





	Action Item	Person Responsible
	Reasons:	
	The radio frequency spectrum will be used for testing purposes for a period of eight (8) months form the date of the test	
	The applicant complies with the requirements of section 40 of the Radio Frequency Spectrum Regulations 2015	
	To encourage research and development in line with section 2 (1) of the Electronic Communications Act, 2000	
14.	Application for Radio Frequency Spectrum Licence amendment: Litha- Thaa Community Radio	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to request Council to reject the application for amendment of the Radio Frequency Spectrum Licence of Litha- Thaa Community Radio (LA FM)	
	It was resolved that the application for Radio Frequency Spectrum Licence amendment: Litha- Thaa Community Radio is rejected.	
	Reasons:	
	The fact that proposed frequency is already categorized for Public Broadcast Service	
	The level of the co-channel interferences that will be caused between the LA FM and co-ordinated PBS spare; and	
	The amount of radio spillage that will be concentrated outside its licensed area	
		CEO





	Action Item	Person Responsible
	Licence: Wecodec	
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council approves Wecodec's UHF and L-Band trial Radio Frequency Spectrum Licence application.	
	It was resolved that the application for UHF and L-Band trial Radio Frequency Spectrum Licence: Wecodec be deferred to Legal Division for a legal opinion.	
	Reasons:	
	The purpose of the trial will have a public benefit component	
	The trial is to test digital broadcasting in the L-Band frequencies and compare with the UHF; and	
	For research and development into and the use of new technologies	
	There was an objection from Cllr Batyi which was noted.	
16.	Application for the transfer Individual Electronic Communications Service (I-ECS) and Individual Electronic Communications Network Service (I-ECNS) from Sibanye Dot Net (Pty) to Fibre Borwood Communications (Pty) Ltd	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to provide Council with an analysis of the applications submitted by Sibanye Dot Net (Pty) Ltd for the transfer of the I-ECS and I-ECNS licences and a recommendation that the transfer be approved.	
20	It was resolved that the application for the transfer Individual Electronic Communications Service (I-ECS) and Individual	



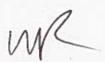


	Action Item	Person Responsible
	Electronic Communications Network Service (I-ECNS) from Sibanye Dot Net (Pty) to Fibre Borwood Communications (Pty) Ltd is approved.	
	Reason:	
	The application met the requirements of the Electronic Communications Act, 2005 and the Processes and Procedures Regulations, 2010	
17.	Application for the transfer of Individual Electronic Communications Services (I-ECS) and Individual Electronic Communications Network Services (I-ECNS) from KSS Technologies (Pty)Ltd to Lycamobile South Africa (Pty) Ltd	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to provide Council with an analysis of the applications submitted by KSS Technologies (Pty) Ltd for the transfer of the its I-ECS and I-ECNS licences and recommend that the application be approved.	
	The following inputs were noted:	
	The licensee should provide identity information of all shareholders	
	Details of the company should be provided	
	It was resolved that the application for the transfer of Individual Electronic Communications Services (I-ECS) and Individual Electronic Communications Network Services (I-ECNS) from KSS Technologies (Pty) Ltd to Lycamobile South Africa (Pty) Ltd be approved subject to confirmation of the identity of the parties involved in the transfer application.	
	Reason:	
	The application met the requirements of the Electronic Communications Act, 2005 and the Processes and Procedure Regulations, 2010	1





	Action Item	Person Responsible
18.	Application for amendment a Radio Frequency Spectrum Licence: Radio Kransberg	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council rejects the amendment applications for Radio Frequency Spectrum Licence of Radio Kransberg ("the applicant").	
	It was resolved that the application for amendment of the Radio Frequency Spectrum Licence: Radio Kransberg be rejected.	
	Reasons:	
	The proposed relocation of the transmitter and increase in ERP from 0.2 kW to 0.5 kW was evaluated and the desktop study showed that a small increase in coverage will be realised in the licensed area of the applicant	
	 The relocation of the transmitter from Thabazimbi 1 to Thabazimbi and the increase of ERP from 0.2 kW to 0.5 kW will cause interference to the frequency of 103.7 MHz of Maghaneng transmitter based in Botswana and Nylstroom transmitter's coordinated spare frequency of 103.6 MHz for Public Broadcasting Service; and 	Œ
	The amendment is not in line with the provision of section 31 (4) of the Electronic Communications Act No. 36 of 2005	
19.	Application for amendment of the radio frequency spectrum licence: East Coast Radio	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council approves the	





	Action Item	Person Responsible
	application for amendment of the Radio Frequency Spectrum Licence of East Coast Radio (ECR)	
	It was resolved that the application for amendment of the Radio Frequency Spectrum Licence: East Coast Radio be approved.	
	Reason: It is recommended that the Authority approves the application for amendment for Radio Frequency Spectrum Licence for ECR for the following reasons:	
	The relocation of the Nongoma site to Ulundi with the increased ERP will meet the applicant's requirements and also increase the coverage footprint significantly	
	The transmitter relocation and ERP increase to 30 Kw will not introduce any harmful interference to the existing broadcasters	
	There are no technical objections to the proposed amendments	
	The application is in line with section 9 of the Radio Frequency Spectrum Regulations 2015.	
20.	Reasons Document: Application for the amendment of Individual Commercial Sound Broadcasting Service Licence –VUMA FM Proprietary Limited	CEO
7	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council approves the reasons document for granting a licence amendment application by VUMA FM Propriety Limited (VUMA FM).	BB CONTRACTOR
	The following inputs were noted:	
	 Licensing Division should consult the broadcaster to establish if it seeks confidentiality on information contained in item 4.1.2 and 4.1.3 of the submission 	



	Action Item	Person Responsible
Ŋ	It was resolved that the Reasons Document for the amendment of an Individual Commercial Sound Broadcasting Service Licence –VUMA FM proprietary Limited be approved.	50
	Reason:	
	 To provide clarity on the administrative processes and procedures followed by ICASA in arriving at its decision. 	æ
	 To comply with the requirement of section 5(2) of the Promotion of Administrative Justice Act No. 3 of 2000. 	
21.	Reasons Document: Application for the amendment of Individual Commercial Sound Broadcasting Service licence – PRIMEDIA (Pty) Ltd (94.5 KFM)	
	GM: Licensing presented the item.	
	The purpose of this memo is to recommend that Council approves the Reasons Document for granting a licence amendment application by PRIMEDIA (Pty) Ltd ('94.5 KFM")	
	The following inputs were noted:	
	Point 5.1.6 of the submission, should be rephrased	
	It was resolved that the Reasons Document: Application for the amendment of Individual Commercial Sound Broadcasting Service licence – PRIMEDIA (Pty) Ltd (94.5 KFM) be approved.	
	Reason:	
	To provide clarity on the administrative processes and procedures followed by ICASA in arriving at its decision.	
	To comply with the requirement of section 5(2) of the Promotion of Administrative Justice Act No. 3 of 2000	
22.	Reasons Document for decision on the application for transfer of Individual Electronic Communications Network Service (I-ECNS)	CEO

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	Action Item	Person Responsible
	licence and Individual Electronic Communications Service (I-ECS) licence from Legadima Communications to SMS cellular services (Pty) Ltd.	
	GM: Licensing presented the item.	
	The purpose of this memo is to request Council to approve the attached vetted reasons document.	
	The following inputs were noted:	
	Paragraph 17, should provide details of shareholders.	
	It was resolved that the Reasons document for decision on the applications for transfer of Individual Electronic Communications Network Service (I-ECNS) licence and Individual Electronic Communications Service (I-ECS) licence from Legadima Communications to SMS cellular services (Pty)Ltd be approved subject to changes	
	Reason:	
	To provide clarity on the administrative processes and procedures followed by ICASA in arriving in its decision	
	To comply with the requirement of section 5(2) of the Promotion of Administrative Justice Act No. 3 of 2000	
23.	Reasons Document – Application for an amendment of an Individual Commercial Sound Broadcasting Service Licence – IGAGASI 99.5 (Pty) Ltd (IGAGASI 99.5)	CEO
	GM Licensing presented the item.	
	The purpose of this memo is to recommend that Council approves the reasons document for granting the licence amendment application by Igagasi 99.5 for publication	
	The following inputs were noted:	

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	Action Item	Person Responsible
	Point 4.1 should be linked to the regulation.	
	It was resolved that the Reasons Document – Application for an amendment of an Individual Commercial Sound Broadcasting Service Licence – IGAGASI 99.5 (Pty) Ltd (IGAGASI 99.5) be approved.	
	Reasons:	
	To provide clarity on the administrative processes and procedures followed by ICASA in arriving at its decisions, as well as to provide reasons for ICASA's decision on this matter	
	To comply with the requirements of section 5(2) of the Promotion of Administrative Justice Act No.3 of 2000.	
24.	Reasons document for the decision on an application for the amendment of Individual Electronic Communications Network Service(I-ECNS) licence and Individual Electronic Communications Service (I-ECS) licences from Ingelosi Trading 181 CC to fibre Core Network (Pty) Ltd	CEO
	GM: Licensing presented the item.	
	The purpose of this memo is to request Council to approve the vetted reasons document.	
	It was resolved that the Reasons Document for the decision on an application for the amendment of an Individual Electronic Communications Network Service (I-ECNS) licence and Individual Electronic Communications Service (I-ECS) licences from Ingelosi Trading 181 CC to fibre Core Network (Pty) Ltd be approved.	
	Reason:	



	Action Item	Person Responsible
	 To comply with the requirement of section 5(2) of the Promotion of Administrative Justice Act No. 3 of 2000 	
25.	South African Post Office SOC Ltd.'s (SAPO) annual tariff application for 2017/2018 price control period	CEO
	A presentation by SAPO was noted.	
	South African Post Office SOC Ltd.'s (SAPO) annual tariff application for 2017/2018 price control	•
	GM: PRA presented the item.	
	The purpose of this memo is to request Council to approve an average increase of 4.19 % (R133million) in revenue for Reserved Postal Products and Services for the 2017/2018 price control (i.e. 01 April 2017 to 31 March 2018) Council requested that the The following inputs were noted:	
	Under the reasons the word "is" was replaced with "May".	
	Licensing division will confirm with Licensee on trial dates.	
	It was resolved that request by SAPO to approve an average increase of 4.19 % (R133million) in revenue for Reserved Postal Products and Services for the 2017/2018 price control (i.e. 01 April 2017 to 31 March 2018) be reworked on.	
	Reasons:	
	The submission was presented by GM: PRA, Council requested the submission be re-tabled on the 18 January 2017.	
	SAPO joined the meeting 12h20 – 13h10.	
	Market Analyst: PRA and GM: Policy Research & Analysis: PRA joined the meeting at 12h20 – 13h30.	

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	Action Item	Person Responsible
26.	Ministerial Programme GSMA World Mobile Congress from 27 February 2017 to 01 March 2017, Barcelona, Spain The CEO presented the item. The purpose of this memo is to request Council to approve that the COO, Mr Willington Ngwepe and one delegate to attend the Ministerial programme GSMA World Mobile Congress as from 27 February 2017 to 01 March 2017, Barcelona, Spain. It was resolved that the Ministerial Programme GSMA World Mobile Congress, Barcelona, Spain be approved. Item 13.3 on the agenda.	CEO
27.	General	
28.	Date of Next Meeting: 18January 2016	
29.	Closure Meeting was adjourned at 18h00.	Chairperson

Signed: (Acting Chairperson)

Date: