



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	06 February 2017
Time:	09h30
Venue:	Block B, Council Boardroom

Present	████████████████████	Acting Chairperson
	████████████████	Member
	████████████████	Member
	████████████████████	Member
	████████████████	Member
By invitation	████████████████████	CEO
	████████████████	CAE
	████████████████	ACFO
	████████████████	COO
	████████████████	Acting SM : Office of the Chairperson
	████████████████	Secretariat Officer
Partial Attendees	████████████████	Snr Manager: ICT Licensing Services: Licensing
	████████████████	Manager: Broadcasting Compliant: CCA
	████████████████	Radio Frequency Specialist: Radio Communications: E&T
Apologies	████████████████████	Member
	████████████████	CFO

WR 1



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 10h00 and welcomed all present.</p> <p>There following apologies were noted:</p> <p>Cllr [REDACTED] attending the Senior Executive Fellows at Harvard Kennedy School and the CFO [REDACTED] is attending A CRASA MEETING the in Maputo.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>The following items were added to the agenda</p> <ul style="list-style-type: none"> • SAPOA Meeting in Durban • Durban Public awareness • Inter- connect Dispute • Invitation to CTO • Letter from Werkmans • Research ICT Africa • Confidentiality <p>The following item will be a standing item on the Council agenda:</p> <ul style="list-style-type: none"> • Interconnection disputes. <p>Council agreed that write-ups be provided for feedback items.</p>	Council
3.	<p>Declaration of interest</p> <p>There was no declaration of interest noted.</p>	All
4.	<p>Adoption of previous minutes</p>	Council
4.1	<p>Minutes of the 17 January 2017</p> <p>The following corrections were noted:</p>	Council



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Page 1 -The SAPO CEO surname was corrected to [REDACTED] • Point 5.3 – scheduled was corrected to propose. • Point 5.6 – Curriculum vitae will be circulated to Cllr [REDACTED] Cllr [REDACTED] and [REDACTED] the three Councillors were delegated to interview the delegates. • Point 21- The objection by Cllr [REDACTED] falls off, due to point 5.1.6 of the submission being rephrased. • Point 25 – GM PRA not GM: Licensing as indicated. • Point 10 – trail was corrected to trial. • Point 21 -The reason were corrected. • Kw was corrected to kW. • Point 22 and Point 24 – The reason was noted as follows “To comply with the requirements of section 5(2) of the PAJA act No.3 of 2000”. • Point 26 – The CEO was approved with one delegate from the Regulatory divisions. • GHZ was corrected to GHz. • Point 27.1 was moved to Point 25. Also indicate that the GM presented the submission. <p>The minutes of the 17 January were approved subject to changes.</p>	
4.2	<p>Minutes of the previous 18 January 2017</p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> • Number the document. • The meeting started at 10h00. • Point 6 - The reason on was changed to, “The submission needs to be revised due to the reason that the recommendation of scenario 3 are contrary to the legislation. • Item 14 – Should indicate the points that were discussed. The BBBEE, Spectrum plan, The Minister • Point 14 – Indicate that the meeting was attended by the CEO, Cllr [REDACTED] and Cllr [REDACTED]. The items discussed were amongst others the Spectrum plan, ICT white paper and BEE. • Point 15 – First bullet was removed. • Point 15 – progress of migrating was corrected to process of transferring. • Point 16 – The resolution was rephrased to “Council resolved that the letter to Cell C be approved”. 	Council



	Action Item	Person Responsible
	<ul style="list-style-type: none"> Item 18 – Item was presented by Cllr [REDACTED] and not Cllr [REDACTED] as indicated. <p>It was resolved d that the minutes of the 18 January be approved subject to changes.</p>	
5.	Matters arising	
5.1	<p>CRASA/SAPRA AGM – Progress report on the investigation by Hawks</p> <p>Memo is being drafted for submission to Council.</p>	CEO
5.2	<p>Investigation into possible fraudulent activities conducted by [REDACTED]</p> <p>The purpose of the submission was:</p> <ul style="list-style-type: none"> [REDACTED] <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO
5.3	<p>Council performance agreements</p> <p>Council indicated that they're still waiting for the Ministers' feedback of the performance agreements sent to the Department of Communications.</p> <p>Communication sent to DoC to propose a new date for workshop.</p>	Council
5.4	<p>Council Decisions for Website publication</p> <p>The purpose of the submission was to request Council to approve the decisions of Council for the period starting June 2015 to February 2016 for publication to the ICASA website.</p>	Council



	Action Item	Person Responsible
	The team has requested more time to work on the document. Submission will be tabled during the month of February.	
5.5	Strike Report Deferred to the 14 February 2017.	Council
5.6	Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee The purpose of this submission is to advise Council that, of the six part-time members of the Complaints and Compliance Committee (the "CCC"), three (3) members' contracts expired on 31 January 2017. Cllr [REDACTED] has prepared a round robin resolution requesting that contracts be extended until matters have been heard.	Cllr [REDACTED]
5.7	Draft 2 – Strategic plan 2017-2022 Draft 2 – Annual Performance Plan: 2017/18 Draft 2 – Indicator technical descriptors The purpose of the submission was to present Draft 2 Strategic Plan: 2017 – 2022; Annual Performance Plan 2017/18 and Indicator Technical Descriptors of the organization to Council for approval. <i>Item is removed from the list.</i>	CEO
5.8	Request for approval of the draft Amendments for publication of USAO - item 28.1 The purpose of the submission was to request Council to approve the publication of the intention to amend the USO of Telkom, Sentech and WBS. The document has been published. <i>Item is removed from the list.</i>	Council

WR 5



	Action Item	Person Responsible
5.9	<p>Sentech meeting</p> <p>Council requested that Sentech be invited to present a high level update on the rollout plan in line with coverage targets.</p> <p>A letter of invitation to be forwarded to the office of the Acting Chairperson for signature.</p>	Council
5.10	<p>Meeting with project management office</p> <p>Council request a meeting with the Project management office to update Council with projects. Alignment</p> <p>A letter has been drafted to request a meeting with the DoC.</p>	Council
5.11	<p>Head Office relocation</p> <p>To seek Council approval for Corporate services to manage the relocation of Head Office premises when the current lease expires</p> <p>Management has started engaging with DPW. Council requested that the submission to Council should include all the spec of the new Head Office.</p>	CEO
5.12	<p>Application for amendment of the Radio Frequency Spectrum Licence: Rainbo FM Community Radio</p> <p>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").</p> <p>Awaiting legal opinion.</p>	CEO
5.13	<p>Application for UHF and L-Band Trial Radio Frequency Spectrum Licence: Wecodec</p> <p>Awaiting legal opinion.</p>	CEO
5.14	<p>Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance</p>	CEO



	Action Item	Person Responsible
	<p>of clause 9.1 of its licence conditions</p> <p>Potential beneficiaries should be engaged: obtain the wording from the submission.</p>	
<p>5.15</p>	<p>Documents requested from ICASA by the Ad hoc Committee on the SABC enquiry Information was collated by the Authority and sent to the legal representative. There was one outstanding issue and the Ad Hoc committee directed that ICASA's should prepare a submission on section 8 (J) of the Broadcasting Act</p>	<p>CEO</p>
<p>5.16</p>	<p>Proposed CBARS Account Management Procedure Manual The final Procedure Manual will be noted by way of a round robin resolution. The Procedure manual should be vetted by Legal Division</p>	<p>CEO</p>
<p>5.17</p>	<p>Delegation of Authority Framework The item was deferred to 19 January 2017.</p>	<p>CEO</p>
<p>5.18</p>	<p>Feedback from the meeting held with the DTPS It was then agreed that a workshop be held and that the administrative heads (the Director General of the Department and the CEO of ICASA) will map a way forward for presentation to the Minister and Council.</p>	<p>CEO</p>
<p>5.19</p>	<p>Cell C v ICASA –Universal Service Obligations (USO) ICASA's legal representative are preparing a letter to Cell C to discuss the process of transferring the USO and the timelines forecasted. Council decided that there will be an administrative process to remove the USO conditions form the Spectrum Licences and put them in the Individual Network Services Licence</p>	<p>CEO</p>

W 7



	Action Item	Person Responsible
5.20	<p>Telkom SA SOC limited v Link</p> <p>Telkom SA SOC Limited V Link was brought before the CCC, The CCC chairperson will submit a write up to provide feedback and it will be submitted to Council. Telkom to re-launch, matter to be referred where appropriate to the CCC.</p>	CEO
5.21	<p>SADC Roaming</p> <p>It was decided that ICASA look into any legal challenges and the legal team will meet with the DTSPS legal team to look at options at how to implement the SADC Roaming</p>	
5.22		CEO
6.	<p>Change and update of ICASA Licensing information Telkom SOC Limited</p> <p>The COO presented the item.</p> <p>The purpose of this memo is to request Council to note and approve the notice from Telkom SA SOC Limited requesting the Authority to effect the changes to its shareholding.</p> <p>The following input was noted:</p> <ul style="list-style-type: none"> • Council requested that the submission be re-tabled with more information on the ownership of shareholders. <p>It was resolved that Change and update of ICASA Licensing information Telkom SOC Limited be re-tabled to Council.</p> <p>Reason:</p>	CEO
7.	<p>Cell C request for confidentiality</p> <p>The COO presented the item.</p>	CEO

MP 8



	Action Item	Person Responsible
	<p>The purpose of this memo is to advise Council of the request by Cell C for confidentiality on terms of section 40 of ICASA Act and recommend Council approval thereof.</p> <p>It was resolved that the Cell C request for confidentiality be approved.</p> <p>Reason: The request for confidentiality meet the requirement of section 4D of ICASA Act.</p>	
<p>8.</p>	<p>2016 Municipal elections coverage report</p> <p>Manager: Broadcasting Compliant: CCA presented the item.</p> <p>The purposes of this memo is to request Council to consider and approve the attached 2016 Municipal Elections Coverage report.</p> <p>The following points were noted:</p> <ul style="list-style-type: none"> • The submission will be tabled before Parliament. • A letter will be drafted to the speaker of Parliament and will be accompanied by the report. • A copy of the report should be send to IEC and also be gazetted. <p>It was resolved that the 2016 Municipal elections coverage report be approved.</p> <p><i>Manager: Broadcasting Compliance: joined the meeting at 12h00 – 12h15.</i></p>	<p>Cllr [REDACTED]</p>
<p>9.</p>	<p>HDI Committee</p> <p>Cllr [REDACTED] presented the item.</p> <p>The purpose of this memo is to recommend that Council approve the publication of the discussion document Equity Ownership by historically disadvantaged persons and the applications of the ICT sector code in the ICT sector.</p> <p>The following comments were noted:</p> <ul style="list-style-type: none"> • [REDACTED] 	<p>Cllr [REDACTED]</p>



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Coloured with a capital "C". • The paragraphs should be numbered. • Rephrase the "disabilities white female" to "white females". <p>It was resolved that the HDI Committee be approved subject to changes.</p>	
10.	<p>Hosting arrangements of the 6th CRASA AGM</p> <p>Cllr ██████ presented the item.</p> <p>The purpose of this submission is to request Council to approve:</p> <ol style="list-style-type: none"> 1. The hosting arrangements for the 6th Annual General Meeting (AGM) and the Pre AGM sessions of the Communications Regulatory Association of Southern Africa 's (CRASA) scheduled for 25th to 31st March 2017. 2. The mandate or the organising team to communicate the hosting City, to enable CRASA Secretariat to issue a notice on behalf of the 2nd Deputy Chair (ICASA), inviting the CRASA members to the 6th Annual General (AGM) and the Pre-AGM events; and 3. The mandate to the organising team to draft invitation letters for the Chairperson's signature, to the Honourable Minister(s) Premier and or Mayor as well as the Acting Chairperson, to officiate at the official Opening ceremonies of the 6th AGM and Pre-AGM sessions. <p>The following comments were noted:</p> <ul style="list-style-type: none"> • Council requested that an event management team be established, the team should be chaired by Cllr ██████ and managed by Executive: Corporate Affairs. • The proposed venue is Durban, Convention centre. • Letters to the Ministers of Communications and DTPS, and the Portfolio Committee on Communications and Telecoms and Postal Services should be drafted. <p>It was resolved that the hosting arrangements of the 6th CRASA</p>	Cllr ██████

A handwritten signature in black ink, appearing to be 'WPK', is located at the bottom right of the page.



	Action Item	Person Responsible
	<p>AGM be approved.</p> <p><i>Radio Frequency Specialist: Radio Communications: E&T joined the meeting at 12h30- 13h00.</i></p>	
<p>11.</p>	<p>Reasons document for decision on the licensing process for Individual Commercial Free-To-Air Sound Broadcasting Services Licences: Northern Cape</p> <p>Cllr [REDACTED] presented the item.</p> <p>The purpose of this memo is to recommend that Council approves the attached reasons document for publication in the Government Gazette.</p> <p>It was resolved that the reasons document for decision on the licensing process for Individual commercial Free-To-Air Sound broadcasting Services Licences: Northern Cape be approved.</p> <p>Reason: To provide clarity on the administrative processes and procedures followed by ICASA in writing in its decision as well to provide reasons for ICAS's decisions on this matter.</p>	<p>Cllr [REDACTED]</p>
<p>12.</p>	<p>Application for Individual Commercial Free To Air Television Broadcasting Service & Radio Frequency Spectrum licence for MUX 3 Frequencies</p> <p>Snr Manager: ICT Licensing Services: Licensing presented the item.</p> <p>To recommend that Council approves the attached composite invitation to Apply (ITA) in respect of Individual Commercial Free To Air television broadcasting licence (FTA) applications and that the ITA be duly published.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • Provide a guide to completing the questionnaire, indicate what is needed to be considered as proof. • There will be workshops held on the ITA. • Council requested that the availability of the MUXes be discussed with Sentech. 	<p>Cllr [REDACTED]</p>



	Action Item	Person Responsible
	<p>It was resolved that the application for Individual Commercial Free To Air Television Broadcasting Service & Radio Frequency Spectrum licence be approved.</p> <p><i>Snr Manager: ICT Licensing Services: Licensing joined the meeting at 14h00 – 14h30.</i></p>	
13.	<p>Removal of Universal Services Obligation from Radio Frequency Spectrum Licences for the 1800 and 1200 MHz Bands imposed to Cell C, Vodacom, MTN and Neotel</p> <p>The purpose of this memo is to request Council to approve the transfer of conditions pertaining to Universal Service Obligations (“USOs”) from radio frequency licences in the 1800/900 and 2100 MHz bands issued to Cell C, Vodacom, MTN and Neotel to their respective service licences.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • Council requested clarity on the conflict expressed by Cllr Zimri on the round robin resolution • • Council highlighted that the Act enjoins Council to make decisions, however a member that is conflicted can be excused. <p>It was resolved that the Removal of Universal Services Obligation from Radio Frequency Spectrum Licences for the 1800 and 2100 MHz Bands imposed to Cell C, Vodacom, MTN and Neotel is withdrawn.</p> <p>.Cell C has not accepted the proposal by the Authority that it pend the legal proceedings.</p>	CEO
14.	General	CEO
14.1	Invitation to the Coffee Bay Youth Career Expo	Council



	Action Item	Person Responsible
	<p>In invitation</p> <p>Cllr [REDACTED] will attend the Career Expo. Ten Graduate Trainees will be delegated to also attend. Cllr will attend the event with 10 graduate trainees.</p>	
14.2	<p>SAPOA Meeting in Durban</p> <p>Cllr [REDACTED] presented the item.</p> <p>An invitation to Cllr [REDACTED] to attend the 5th Annual Conference and also present under the topic "is the current regulatory framework working and when must intervention take place?"</p> <p>Council resolved that Cllr [REDACTED] and one member from PRA will attend.</p>	Cllr [REDACTED]
14.3	<p>Durban Public awareness</p> <p>Cllr [REDACTED] presented the item</p> <p>On 11 November 2016 Cllr [REDACTED] wrote an email to the CEO, COO and CAE to request that an investigation be conducted on the event that took place on the 4 November 2016 at the Gugu Dlamini Stadium.</p> <p>The core of the investigation are as follows</p> <ul style="list-style-type: none"> • The conduct of the Executive Corporate Services. • Suspected fraudulent activities including collision of suppliers. <p>Council resolved that the matter should be investigated.</p>	Cllr [REDACTED]
14.4	<p>Interconnect Disputes</p> <p>Council decided that the item should be a standing item for the Council meetings.</p>	Cllr [REDACTED]
14.5	<p>Invitation to CTO</p>	



	Action Item	Person Responsible
	<p>Clr [REDACTED] presented the item.</p> <p>CTO send an invitation for the Authority to participate on the panel and to chair the panellist. The topic is Promoting ICT Entrepreneurship.</p> <p>Council resolved that the COO nominates delegates to attend.</p>	
14.6	<p>Letter from Werkmans</p> <p>The COO presented the item.</p> <p>The Executive Legal will send an acknowledgement of the letter to Verkman who is acting on behalf of MTN. There will be an engagement with Vodacom and WBS on the allegations made by MTN. The matter will be taken forward based on the information received.</p>	CEO
14.7	<p>Research ICT Africa</p> <p>The COO presented the item.</p> <p>Research ICT Africa is conducting an indicator assessment, they will compile a report inclusive of a number of Countries. For South Africa to be included they need about One Million Rands. They indicated that the assessment will be useful for the Regulator and the Country.</p> <p>The CEO, COO will draft a recommendation to Council.</p>	CEO
14.8	<p>Confidentiality request on the subscription inquiry</p> <p>Clr [REDACTED] presented the item.</p> <p>Information was requested for Subscription enquiry. Multichoice and e.tv requested confidentiality, the information was assessed against the Act to determine if confidentiality should be granted. Multichoice and e.tv qualified for confidentiality terms of Section 4D.</p> <p>Siyaya and SACF did not meet the requirement of section 4D of the ICASA Act. Confidentiality.</p> <p>Council approved that Multichoice and E-Tv be granted</p>	CEO



	Action Item	Person Responsible
	confidentiality. Siyaya and SACF's request for confidentiality was rejected	
15.	Closure The Acting Chairperson thanked everyone for their contribution and adjourned the meeting at 16h30.	Council
16.	Date of Next Meeting: 13 February 2017	

Signed:  _____
Acting Chairperson

Date: 17/05/2017