



## MINUTES OF AN ORDINARY COUNCIL MEETING

<b>Date</b>	14 March 2017	
<b>Time:</b>	09h30	
<b>Venue:</b>	Block B, Council Boardroom	
<b>Present</b>	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	
<b>By invitation</b>	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	COO & ACEO
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
	[REDACTED]	
<b>Partial Attendees</b>	[REDACTED]	Communications Officer: Com&IR
	[REDACTED]	
	[REDACTED]	Detecon & Acacia
	[REDACTED]	Detecon & Acacia
	[REDACTED]	Detecon & Acacia
	[REDACTED]	Acting Executive: Legal, Risk and CCC
	[REDACTED]	GM: Engineering & Technology: E&T
	[REDACTED]	Specialist: Type Approval Frameworks & Numbering Standards: E&T
	[REDACTED]	GM Policy Research & Analysis: PRA
	[REDACTED]	Executive: CA
	[REDACTED]	Executive: HR
	[REDACTED]	Sentech
	[REDACTED]	Sentech
	[REDACTED]	Sentech
	[REDACTED]	Sentech
	[REDACTED]	Specialist: Legislative and Regulatory



		Drafting
	[REDACTED]	GM: Licensing
<b>Apologies</b>	[REDACTED]	CEO

WR



	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 09h40 and welcomed all present.</p> <p>There following apologies were noted:</p> <ul style="list-style-type: none"> <li>• The CEO [REDACTED] is on sick leave</li> <li>• The CFO T [REDACTED] attending to a personal matter and will join the meeting later, ([REDACTED]) standing in for the CFO</li> </ul> <p><i>The CFO joined the meeting at 10h50.</i></p>	Chairperson
2.	<p><b>Ratification of the Agenda</b></p> <p>The following item was added to the agenda:</p> <ul style="list-style-type: none"> <li>• The Department of Communications' DTT Imbizos</li> <li>• The planned Oversight visit by the Parliamentary Portfolio Committee on Communications</li> <li>• The passing of [REDACTED] a former SM: Legal Legislative Drafting and Regulatory support</li> <li>• Meeting with Microsoft</li> </ul> <p>The agenda was approved with the amendments noted above.</p>	Council
3.	<p><b>Declaration of interest</b></p> <p>There was no conflict of interest noted at the meeting.</p>	All
4.	<p><b>Adoption of previous minutes</b></p>	Council
4.1	<p><b>Minutes of the 28 February 2017:</b></p> <p>The following corrections were noted:</p>	Council

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	Action Item	Person Responsible
	<ul style="list-style-type: none"> <li>• Point 1- The CFO joined the meeting at 11h40. Michael Hove left the meeting</li> <li>• Point 1 - Cllr [REDACTED] joined the meeting at 12h30</li> <li>• Point 4- BBB was corrected to BBEE</li> <li>• Point 4- "Council requested that the submission should contain all information that was previously submitted in respect of the Head Office relocation"</li> <li>• Point 4 – Inter-connection was corrected to Inter Operator Disputes</li> <li>• Point 5.6 – [REDACTED] title is Radio Frequency Specialist: Radio Communications: E&amp;T</li> <li>• Point 5.7 – Standing item on the agenda</li> <li>• Point 5.9 – 700 MHz – 800 IMT Band</li> <li>• Point 5.20- a comprehensive report</li> <li>• Point 6.2- A submission will be prepared for Council for noting</li> <li>• Point 7 – The COO requested Council to make inputs and comments on the strategy document</li> <li>• Point 9- compiled was corrected to Complied</li> <li>• Point 9 – sent was corrected to send</li> <li>• Point 9 – The submission will be "resubmitted upon confirmation of the clause referred to"</li> <li>• Point 9- The statement that SMP constitutes the criteria or justification to form part of the SMP should not form part of the memo</li> <li>• Point 12- indicate that the submission would be re-tabled</li> <li>• Point 16.2 – Invitation by Minister of Communications South Africa with Nigeria NCC</li> <li>• Point 16.4 – The Competition Commission has requested a meeting with ICASA. Council to discuss complaints within the Telecommunications and Broadcasting sector that the commission is currently investigating</li> <li>• Point 16.4 – ceased was corrected to empowered</li> <li>• Point 16.9 – Council requested that minutes of all meetings with operators should be recorded</li> </ul> <p><b>The minutes of the meeting of 14 February 2017 were adopted subject to changes.</b></p>	
5.	Matters arising	

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	<b>Action Item</b>	<b>Person Responsible</b>
5.1	<p><b>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</b></p> <p>The purpose of this submission is to advise Council that the contract of the six part-time members of the Complaints and Compliance Committee (the "CCC"), three (3) members' contracts expired on 31 January 2017.</p> <p>The HR pre- screening process had gaps and the matter was referred back to HR for review.</p> <p>It was resolved that the positions should be re -advertised. The advert should be circulated to universities and law societies.</p> <p>Previous applicants need not re-apply.</p> <p><b>The positions have been advertised, the closing date is 26 March 2017.</b></p>	Cllr [REDACTED]
5.2	<p><b>Council performance agreements</b></p> <p>Council indicated that it is still awaiting the Ministers' feedback on the performance agreements sent to the Department of Communications.</p> <p>The Council decision of 13 December 2016, to draft a letter to the minister was withdrawn.</p> <p>The Minister has acknowledged receipt of the letter proposing that the bilateral include Council performance as part of the agenda. No response has been received yet.</p> <p><b>Council resolved that alternative dates, preferably Fridays afternoon be proposed to the Minister.</b></p>	Council
5.3	<p><b>Council Decisions for Website publication</b></p> <p>The purpose of the submission was to request Council to approve the publication of Council decisions the period starting June 2015 to February 2016, on the ICASA website.</p> <p>The team working on the Decisions Document requested more time</p>	Council



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>to work on the document. Thus far, a preliminary summary was submitted to Council.</p> <p>A concern was raised that this has been pending since March 2016.</p> <p><b>The team is working on the minutes.</b></p>	
5.4	<p><b>Strike Report</b></p> <p>Council resolved that this will be the first agenda item for the meeting of 23 March 2017.</p>	<b>Council</b>
5.5	<p><b>Sentech meeting</b></p> <p>Council requested that Sentech be invited to present a high level update on the rollout plan in line with its coverage targets.</p> <p>Sentech will make a presentation to Council today at 16h00.</p>	<b>Council</b>
5.6	<p><b>Hosting 6<sup>th</sup> CRASA AGM</b></p> <p>An update on the preparations of the CRASA AGM remains a standing item on the agenda.</p>	<b>Cllr</b> <span style="background-color: black; color: black;">████████</span>
5.7	<p><b>Bilateral Meeting</b></p> <p>A response letter will be prepared for the DoC, the letter should indicate that the Acting Chairperson and CEO will be travelling and therefore, not available to attend the meeting on 24 February 2017. A new date should be proposed for the meeting.</p> <p><b>A letter will be drafted for the Minister proposing a meeting date for April.</b></p>	<b>Council</b>
5.8	<p><b>Application for amendment of the Radio Frequency Spectrum Licence: Rainbo FM Community Radio</b></p> <p>A request for a legal opinion regarding the amendment application of the radio frequency spectrum licence by Rainbo FM was submitted to</p>	<b>CEO</b>

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Legal on the 27<sup>th</sup> January 2017.</p> <p><b>The item is on the agenda.</b></p>	
5.9	<p><b>Application for UHF and L-Band Trial Radio Frequency Spectrum Licence: Wecodec</b></p> <p>A request for a legal opinion on whether an entity can trial a service or a new technology on a band allocated for a different service, in this instance Mobile IMT (700 MHz – 800 IMT band), was submitted to Legal on the 30<sup>th</sup> January 2017.</p> <p><b>The item is on the agenda.</b></p>	CEO
5.10	<p><b>Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance of clause 9.1 of its licence conditions</b></p> <p>An update on the engagement will be tabled by the end of the financial year.</p> <p><b>The submission will be tabled by end of March.</b></p>	CEO
5.11	<p><b>Documents requested from ICASA by the Ad hoc Committee on the SABC enquiry</b></p> <p>The opinion was received and will be shared with Council.</p> <p><b>The two legal councils met on the matter and a resolution will be drafted to Council for the matter to be finalised.</b></p>	CEO
5.12	<p><b>Cell C v ICASA –Universal Service Obligations (USO)</b></p> <p>ICASA filed its Notice of intention to oppose Cell C court application on the USO.</p> <p>It was agreed that a Council shared folder be created in order to provide periodical updates to Council on the matter.</p> <p><b>Information will be shared with Council as and when it is available.</b></p>	CEO

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	Action Item	Person Responsible
5.13	<p><b>Cellsaf</b></p> <p>A request for a meeting with ICASA to discuss a possible sale of shares transaction between Cell C and Blue Label Telecoms.</p> <p>Awaiting legal opinion on whether ICASA can meet with Cellsaf.</p> <p>Council wanted to know what options are available to the Authority if the transaction was effected.</p> <p><b>A written opinion will be provided.</b></p>	CEO
5.14	<p><b>Cell C</b></p> <p>Cell C has requested to meet with Council on the 22<sup>nd</sup> February 2017</p> <p>Cell C was requested to provide the agenda for the proposed meeting. Cell C has to date, failed to provide the agenda before the meeting. The meeting did not take place.</p>	CEO
5.15	<p><b>CRASA/SAPRA AGM – Progress report on the investigation by Hawks</b></p> <p>The report should include control measures/ systems that will mitigate that incidents of this nature do not occur in the future.</p> <p>The PWC report on Supply Chain Management will be circulated to Council. The item will be tabled at the next Council meeting.</p>	CEO
5.16	<p><b>Investigation into possible fraudulent activities conducted by</b>  <span style="background-color: black; color: black;">[REDACTED]</span></p> <p><span style="background-color: black; color: black;">[REDACTED]</span></p> <p><span style="background-color: black; color: black;">[REDACTED]</span></p> <p><span style="background-color: black; color: black;">[REDACTED]</span></p>	CEO
5.17	<p><b>Head Office relocation</b></p>	CEO

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>A comprehensive memo for Council with all information, specifications and project plan including the engagement with the DPW to be tabled at Council.</p> <p>The submission was tabled on the 7<sup>th</sup> March 2017. Project team is being finalised.</p> <p>The CEO has met with staff to brief them on the relocation.</p>	
<b>5.18</b>	<p><b>Feedback from the meeting held with the DTPS</b></p> <p>The report is being finalised with the output from the workshop. The report will be tabled at Council.</p>	<b>CEO</b>
<b>5.19</b>	<p><b>Durban Public Awareness</b></p> <p>A request for an investigation into the conduct of the Executive: Corporate Services handling of the campaign including suspected fraudulent activities by service providers.</p> <p>The Report by CAE on the investigation of the complaint raised around Durban Public Awareness campaign is being prepared. To be tabled at next Council meeting.</p>	<b>CEO</b>
<b>5.20</b>	<p><b>Re-grading of positions within Legal, Risk and CCC division- An update from HR on the re-grading process.</b></p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• A discussion will be held separately with Council, Executive: HR, and the CEO</li> <li>• Council requested Human Resources to provide a detailed explanation as to why it took over a year to resolve the issue</li> <li>• The issue from legal division should be prioritised and was to be resolved by the end of February 2017</li> <li>• Human Resource should explain the difference between generic positions and technical positions</li> </ul>	<b>CEO</b>
<b>5.21</b>	<p><b>Claw back strategy- An update on the Claw back strategy.</b></p>	<b>CEO</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The report will be tabled to RemCo then to Council for Approval.</p> <p><b>The submission will be tabled on the 23 March 2017.</b></p>	
<b>5.22</b>	<p><b>5G Forum – Council is requested to elect the Chairperson for the Forum</b></p> <p><b>Councillor Mashile was nominated as Chairperson</b></p>	<b>Council</b>
<b>5.23</b>	<p><b>Meeting with Competition Commission</b></p> <p>The Competition Commission has requested a meeting with the Council of ICASA to discuss complaints in the telecommunications and Broadcasting sector that the Commission is currently investigating.</p> <p>Council Resolved that Management attend the proposed meeting with the Competition Commission.</p>	<b>Council</b>
<b>6.</b>	<b>Standing Items</b>	
<b>6.1</b>	<p><b>Hosting arrangements of the 6th CRASA AGM (Standing item)</b></p> <p>Executive: Corporate Affairs presented the item.</p> <p>The purpose of this memo to seek Council approval of the proposed programs for the CRASA AGM.</p> <p><b>The following updates was noted:</b></p> <ul style="list-style-type: none"> <li>• Cllr [REDACTED] will open the Morning session on 25 March 2017</li> <li>• The CEO [REDACTED] will open the evening session on 25 March 2017</li> <li>• The programme should indicate that 26 March is courtesy of Vodacom</li> <li>• The programme should be consisted with names, titles and Countries</li> <li>• The elections should be indicated on the programme.</li> <li>• MTN, Cell C and Telkom should be offered the platform to</li> </ul>	<b>Cllr [REDACTED]</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>           speak           <ul style="list-style-type: none"> <li>• A document on new created positions should be shared with Council in advance</li> <li>• The Authority will nominate employees that can benefit from the workshops offered during the AGM</li> </ul> </p> <p><b>The Hosting arrangements of the 6th CRASA AGM update was noted by Council.</b></p> <p>Executive: Corporate Affairs joined the meeting at 17h45- 18h12.</p>	
7.	<p><b>Recommendation by the Complaints and Compliance Committee (“CCC”) to Council in the complaint lodged by customer complaints and dispute resolution of ICASA against Nkomazi FM</b></p> <p>The purpose of this memo was to table the recommendation of the CCC in the matter between Consumer Complaints and Dispute Resolution of ICASA and Nkomazi FM.</p> <p>The item was deferred to the 23 March 2017.</p>	Cllr [REDACTED]
8.	<p><b>The final national radio frequency plan 2017</b></p> <p>Cllr [REDACTED] presented the item.</p> <p>The purpose of this submission is to request Council to approve:</p> <ul style="list-style-type: none"> <li>• The Final National Radio Frequency Plan 2017; and</li> <li>• A letter requesting the Honourable Minister to approve publication of the notice of the final National Radio Frequency Plan 2017;</li> </ul> <p><b>The following points were resolved:</b></p> <ul style="list-style-type: none"> <li>• The band plan document will be shared with Councillors and approved by Round Robin Resolution by Thursday 16 March 2017</li> <li>• Two letters should be drafted, one to the Minister of Communications notifying her of the intention to publish the band plan and another to the Minister of Telecommunications and Postal Services to approve the publication of the band plan,</li> </ul>	CEO

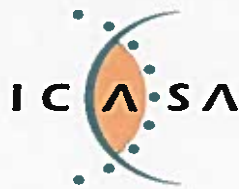


	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>It was resolved that the final national radio frequency plan 2017 be approved by Council round robin resolution by Thursday 16 March 2017.</b></p> <p><i>Radio Frequency Specialist: Radio Communications: E&amp;T joined the meeting at 18h20 -18h30.</i></p>	
<p><b>9.</b></p>	<p><b>Wecodoc: UHF and L-Band Radio Frequency Spectrum Licence Application</b></p> <p>Specialist: Legislative and Regulatory Drafting presented the item.</p> <p>The purpose of this memo is to recommend that Council approves Wecodoc's UHF and L-Band Trial Radio Frequency Spectrum Licence application.</p> <p><b>The following inputs were noted from the legal opinion:</b></p> <ul style="list-style-type: none"> <li>• Wecodoc can be allowed to trial as the frequency is not in use</li> <li>• This can be done in accordance with the framework as outlined in regulation 40 of the Radio Frequency Spectrum Regulations</li> </ul> <p><b>Council resolved that the Wecodoc UHF and L-Band Radio Frequency Spectrum Licence Application be declined.</b></p> <p><b>Reason:</b> Is not in line with the assignment plan.</p> <p>Two objections to the decision were noted:</p> <ul style="list-style-type: none"> <li>• Cllr ██████ objected on the basis that the decision of Council is not in line with Regulation 40 of the Radio Frequency Spectrum Regulations.</li> <li>• Cllr ██████ objected that the primary purpose of this application is to compare the propagation properties. Based on the legal advice, Wodec can be issued a 6 months' trial licence.</li> </ul> <p><i>Specialist: Legislative and Regulatory Drafting &amp; Acting Executive: Legal, Risk &amp; CCC joined the meeting 18h30.</i></p>	<p><b>CEO</b></p>



	Action Item	Person Responsible
10.	<p><b>Rainbo FM community Radio: Application for amendment of the Radio Frequency Spectrum Licence</b></p> <p>Specialist: Legislative and Regulatory Drafting presented the item.</p> <p>The purpose of this memo is to recommend that Council rejects the amendment application of Radio Frequency Spectrum Licence for Rainbo FM ("the applicant")</p> <p><b>It was resolved that the Rainbo FM application for amendment of the Radio Frequency Spectrum Licence be rejected.</b></p> <p><b>Reason:</b> The reason for refusal is based on the Legal, Risk &amp; CCC recommendations that you cannot grant an applicant a licence on a frequency that was not applied for.</p> <p><i>Specialist: Legislative and Regulatory Drafting &amp; Acting Executive: Legal, Risk &amp; CCC left the meeting at 19h10.</i></p>	CEO
11.	<p><b>IT Review Governance Findings</b></p> <p><b>The CAE presented the item.</b></p> <p>The purpose of this memo is request Council to confirm the suggested comments on the findings for the IT Governance Review Report.</p> <p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>• The ITRC needs to present a report to Council</li> <li>• Circulate the self-assessment to ITRC members</li> <li>• The Terms of Reference should be revised to include IT audit and also a third member</li> <li>• New committee members should be appointed upon end of term of the current committee members</li> </ul> <p><b>It was resolved that the IT Review Governance Findings be noted.</b></p>	CAE

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	Action Item	Person Responsible
12.	<b>Presentations</b>	
12.1	<p><b>Detecon &amp; Acacia Economist</b></p> <p>Presentations by Detecon &amp; Acacia Economist were noted by Council.</p> <p><i>Detecon &amp; Acacia Economist, GM Policy Research &amp; Analysis: PRA, Acting Executive: Legal, Risk and CCC, GM: Engineering &amp; Technology, GM: Licensing and Specialist: Type Approval Frameworks &amp; Numbering Standards: E&amp;T joined the meeting at 11h45 – 15h28.</i></p>	<b>Detecon &amp; Acacia</b>
12.2	<p><b>Sentech</b></p> <p>Presentation by Sentech was noted by Council.</p> <p><i>Sentech joined the meeting at 16h20 -17h05.</i></p>	<b>Sentech</b>
13.	<b>General</b>	
13.1	<p><b>eStrategies Africa 2017</b></p> <p>An invitation to attend <i>The e-Strategies South 2017</i> was extended to Councillor [REDACTED]</p> <p><b>It was resolved that Cllr Mashile attend the eStrategies South 2017.</b></p>	
13.2	<p><b>Quarterly Meetings ICASA &amp; SAPO</b></p> <p><b>A letter by SAPO requesting quarterly meetings with the Authority.</b></p> <p>The proposed agenda items are as follows: -</p>	<b>Council</b>



	Action Item	Person Responsible
	<ul style="list-style-type: none"> <li>• Payment of Licence fees</li> <li>• SAPO quarterly report</li> <li>• International engagements</li> <li>• Enforcement</li> <li>• The development of a regulatory framework to support the long term financial stability of SAPO</li> </ul> <p><b>The following inputs were noted: -</b></p> <ul style="list-style-type: none"> <li>• Enforcement should be removed from the agenda.</li> </ul> <p><b>Council has agreed to meet with SAPO during the month of April 2017.</b></p>	
13.3	<p><b>Imbizo's</b></p> <p>Councillor ██████ requested Council to note that Imbizo dates have been changed.</p> <p>Council requested that Councillors note new Imbizo dates and topics.</p>	Council
12.4	<p><b>Oversight visit of the Portfolio committee on Communications</b></p> <p>The Portfolio Committee will be conducting an oversight visit to the Department of Communications and entities in Gauteng on 28-31 March 2017.</p> <p>A letter will be drafted to the PC to request that they meet with ICASA Council on the 28 March 2017, as ICASA is hosting the CRASA AGM in Durban and all Councillors will be traveling on the 29 March 2017.</p> <p>The Acting Chair of ICASA will call the Portfolio Committee Chair to inform him of his unavailability as he will be in Durban.</p>	Council
12.5	<p><b>The passing of ██████████ a former SM: Legal Legislative Drafting and Regulatory support.</b></p> <p>Executive: HR presented the Funeral Benefit and Support Policy.</p> <p><b>The policy indicates that:</b></p>	Council



	Action Item	Person Responsible
	<ul style="list-style-type: none"> <li>• The policy is applicable to Council and all permanent staff members of ICASA</li> <li>• Benefits shall only be for the duration of employment with the Authority and terminates immediately upon termination of service</li> </ul> <p>Executive: Corporate Affairs presented the following:</p> <ul style="list-style-type: none"> <li>• According to the Treasury Instruction, a memorial service of a former Accounting authority can be carried by a former employer. Provided the said person was not dismissed</li> <li>• Clarity was given on the memorial service of the former Chairperson [REDACTED]. ICASA carried costs for the platters and water, the rest of the cost was carried by the Communications Forum</li> <li>• It was not clear on who carried the cost for the former ARC member [REDACTED]</li> </ul> <p><b>Council resolved that ICASA will not be involved in the funeral activities of [REDACTED] as he was not in the employment of the Authority when he passed on.</b></p> <p>Cllr [REDACTED] objected to the decision of council the reason for the objection is that ICASA had hosted memorial service for at least 3 people who have since left ICASA. viz [REDACTED] [REDACTED] [REDACTED] and [REDACTED]</p> <p><i>Executive: HR &amp; Executive: Corporate Affairs joined the meeting at 15h45 – 16h15.</i></p>	
13.6	<p><b>Meeting with Microsoft</b></p> <p>Microsoft has requested to meet with ICASA to discuss cloud computing and new technologies.</p> <p><b>A meeting with Microsoft will be held on the 22 March 2017 at 10h00.</b></p>	Council
13.7	<p><b>Project Office Questionnaire</b></p>	Cllr [REDACTED]

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Cllr [redacted] presented the item.</p> <p>A questionnaire was shared with Council by the COO during the past week. Cllr [redacted] had requested that the questionnaire be tabled for Council, however the item was not tabled.</p> <p>Cllr [redacted] indicated that she was ignored despite requesting that the questionnaire be tabled at Council. In addition, during 2016 Council requested a methodology to be submitted to Council and the request was not fulfilled.</p> <p><b>The following inputs were noted: -</b></p> <ul style="list-style-type: none"> <li>• The COO indicated that the questionnaire is part of a work in progress</li> <li>• The COO indicated that the methodology is being worked on and will not be submitted in the 2015/16 financial year</li> </ul>	
14.	<b>Date of Next Meeting: 22 March 2017</b>	
15.	<p><b>Closure</b></p> <p>Meeting was adjourned at 20h00.</p>	<b>Chairperson</b>

Signed:   
 (Acting Chairperson)

Date: 17 May 2017