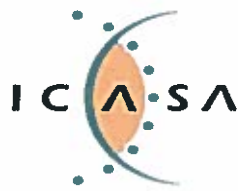




**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY COUNCIL MEETING</b>		
<b>Date</b>	<b>23 March 2017</b>	
<b>Time:</b>	<b>09h30</b>	
<b>Venue:</b>	<b>Block B, Council Boardroom</b>	
<b>Present</b>		
	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
<b>By invitation</b>		
	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	GM: Licencing obo COO
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>		
	[REDACTED]	SM: Spectrum Licensing
	[REDACTED]	GM: Engineering and Technology
	[REDACTED]	Manager: Quality of Service
	[REDACTED]	Specialist: GIS Geographer
	[REDACTED]	Manager: Broadcasting Compliance
	[REDACTED]	Manager: Cost Modelling
	[REDACTED]	SM: Forecasting
	[REDACTED]	GM: Compliance
<b>Apologies</b>		
	[REDACTED]	COO
	[REDACTED]	Member



	<b>Action Item</b>	<b>Person Responsible</b>
1.	<p><b>Opening and apologies</b></p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 09h15 and welcomed all present.</p> <p>There following apologies were noted:</p> <p>The COO is attending to a personal matter and the GM Licensing is s representing him.</p> <p>Councillor [REDACTED] is attending the Cybersecurity meeting in London.</p> <p>Councillor [REDACTED]s having an emergency meeting with attorneys on Subscription Broadcasting matters and will join the meeting late.</p>	Chairperson
2.	<p><b>Ratification of the Agenda</b></p> <p>It was resolved that Items requiring urgent attention and are APP targets must be given priority.</p> <p>Items 10 and 11 must be merged as one item.</p> <p>Items 14,15,16,17 are part of the APP targets and should be moved to the top of Agenda.</p> <p>Item 21 to be moved to the top of the Agenda.</p> <p>Items 22, 23,24,25,26 to be deferred to the first meeting in April 2017.</p> <p>Items 29.1 and 29.2 are urgent i and should also be prioritised.</p> <p>The following items were added on to the Agenda under General:</p> <ul style="list-style-type: none"> <li>• Numbering Plan Amendment.</li> <li>• Update on SADC Home and Away Roaming.</li> <li>• Invitation to attend Institutes Supporting Democracy in Parliament.</li> </ul> <p><b>The following item was withdrawn from the agenda:</b></p>	Council

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	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>Item 16: Change and update of ICASA Licensee Information Telkom SA</li> </ul> <p>The agenda was approved with the amendments.</p>	
3.	<p><b>Declaration of interest</b></p> <p>There was no conflict of interest noted.</p>	All
4.	<p><b>Adoption of previous minutes</b></p>	Council
4.1	<p><b>Minutes of the 07 March 2017</b></p> <p>Council considered the minutes of the previous meetings of the 07 and 14 March 2017.</p> <p><b>The following corrections were noted:</b></p> <p><b>Minutes 07 March 2017</b></p> <ul style="list-style-type: none"> <li>Page 7, point 5,17, should indicate Mr [REDACTED] as (Former CAE)</li> <li>Point 5.19- A memorandum to be prepared on the engagement with the Minister and subsequent meetings between ICASA and DTSPS. The CEO will provide feedback to Council.</li> </ul> <p><b>The minutes of the meeting held on 07 March 2017, were adopted subject to changes.</b></p> <p><b>Minutes of the 14 March 2017</b></p> <p>Page 1 –Indicate the title of Mr [REDACTED] (Specialist: Radio Frequency</p> <ul style="list-style-type: none"> <li>Point 5.11 A legal opinion from both Counsel and attorney not two legal opinions</li> <li>Pag8, p5.13 Indicate that it was a written legal opinion</li> <li>The Item on the National Frequency Plan was presented by Councillor [REDACTED], not CEO</li> </ul> <p><b>The minutes of the meeting held on the 14 March 2017 were adopted with the changes.</b></p>	Council

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	<b>Action Item</b>	<b>Person Responsible</b>
<b>5.</b>	<b>Matters arising</b>	<b>Secretariat/ CEO</b>
<b>5.1</b>	<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 was 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.</p> <p><b>The positions have been re-advertised and the closing date is on the 26 March 2017.</b></p>	Cllr [REDACTED]
<b>5.2</b>	<p><b>Council performance agreement</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>A letter was sent to the Minister and proposed that the item be made part of the Agenda when the bilateral meeting takes place.</p> <p><b>A letter is still to be prepared for the Minister proposing a meeting date for April.</b></p>	<b>Council</b>
<b>5.3</b>	<p><b>Council Decisions for Website Publication</b></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> <p>The team had requested more time to work on the document. A preliminary summary on what has done been so far will be submitted to Council.</p> <p>A concern was raised that the website publication has been outstanding since March 2016.</p> <p><b>Executive Legal and SM: Office of the Chairperson to look at the decision register for verification.</b></p>	<b>Council</b>
<b>5.4</b>		

WV



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>Strike Report</b></p> <p>Council resolved to table this item at a Special meeting after the meeting of the 14<sup>th</sup> March 2017.</p> <p>Additional information provided did not address the concerns previously raised by Council.</p> <p>The Council minutes of the meeting of the 21<sup>st</sup> October 2016 should be re-sent to the CEO for ease of reference.</p>	<b>Council</b>
5.5	<p><b>6<sup>th</sup> CRASA AGM (“Standing Item”)</b></p> <p>Update on the planning of the AGM.</p> <p><b>On Agenda</b></p>	Cllr [REDACTED]
5.6	<p><b>Bilateral Meeting with the Minister of Communications</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 for the meeting should be further explored.</p> <p>A letter was sent to the Ministers 'office to request that the Bilateral meeting be postponed to a later date.</p>	
5.7	<p><b>Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance of clause 9.1 of its licence condition.</b></p> <p>Potential beneficiaries should be engaged.</p> <p>An update on the engagement with beneficiaries will be tabled by the end of the financial year.</p> <p><b>The submission will be tabled by end of March.</b></p>	<b>CEO</b>
5.8	<p><b>Documents requested from ICASA by the Ad hoc Committee on the SABC enquiry</b></p>	<b>CEO</b>

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Council requested two legal representatives to meet in order to clarify their positions.</p> <p><b>A feedback to Council should be tabled at the next meeting.</b></p>	
5.9	<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
5.10	<p><b>Cellsaf</b></p> <p>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>Secretariat will make a follow up on the matter including a follow on an opinion to engage with Cellsaf.</b></p>	
5.11	<p><b>CRASA/SAPRA AGM – Progress report on the investigation</b></p> <p>For purposes of reflecting on the control measures for the 6<sup>th</sup> CRASA AGM. It has been proposed by Council that management will use the PWC Forensic Report of 2015 to mitigate and ensure quality control on supply chain management</p>	
5.12	<p><b>Investigation into possible fraudulent activities conducted by [REDACTED]</b></p>	CEO



	Action Item	Person Responsible
	<p>The purpose of the submission was:</p> <ul style="list-style-type: none"> <li>• [REDACTED]</li> </ul> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
5.13	<p><b>Head Office Relocation</b></p> <p>A comprehensive memo for Council with all information, specifications and project plan including the engagement with DPW to be tabled at Council.</p> <p>ICASA met with Department of Public Works (DPW) Property Management Team on Thursday 19 January 2017.</p> <p>ICASA and DPW must explain why specifications were changed.</p> <p>A Dedicated project team should be constituted to manage the Project.</p> <p>A document on preliminary Costing has been signed.</p> <p><b>Terms of reference for the Relocation Committee to be established.</b></p>	CEO
5.14	<p><b>Feedback from the meeting of 13 December 2016 held with the DTPS</b></p> <p>It was 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>A memo to be prepared on engagement with Minister and subsequent meetings between the DTPS led teams, and CEO ICASA led team to provide feedback to Council.</p> <p><b>CEO to engage on the status and to report to principals whether</b></p>	CEO

*WRC*



	Action Item	Person Responsible
	there is a deadlock.	
5.15	<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> <p><b>The investigation report is in progress, a report to be tabled on the next meeting</b></p>	CEO
5.16	<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 in the Legal Division should be prioritised and was to be resolved by the end of February 2017</li> <li>• Human Resources should explain the difference between generic positions and technical positions</li> </ul>	CEO
5.16	<p><b>Claw back strategy- An update on the Claw back strategy.</b></p> <p>The report should be tabled to Council for approval on the first meeting of the new financial year.</p> <p>The report should include all information on costing.</p>	CEO
5.17	<p><b>5G Forum-Council Requested to elect the Chairperson for the 5G Forum</b></p> <p><b>Councillor [REDACTED] was elected to Chair the opening meeting of the 5G Forum on the 17 March 2017.</b></p>	

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	Action Item	Person Responsible
5.18	<p>██████████ (Secretariat Officer)</p> <p>Colleagues have visited her in hospital.</p> <p>Councillor ██████████ and other Councillor will visit the employee on the first week of April 2017.</p> <p><b>The Acting SM: Office of the Chairperson will coordinate the trip.</b></p>	Council
5.19	<p><b>Final National Radio Frequency Plan (Round Robin Resolution)</b></p> <p>Circulated on the 14 March 2017.</p> <p>The letter has not been signed by Acting Chairperson.</p>	Council
5.20	<p><b>Oversight Committee Visit by Parliamentary Portfolio Committee</b></p> <p><b>Councillors deliberated on a preparatory meeting prior to the visit.</b></p>	Council
6.1	<p><b>Hosting arrangements of the 6th CRASA ('Standing item).</b></p> <p>The purpose of this submission was to provide an update to Council on the progress that has been made on the planning of the CRASA AGM.</p> <p>An updated progress report that was presented.</p> <p>The following was noted:</p> <p>The Executive: Corporate Services was already in Durban.</p> <p>MTN came on board as one of the sponsors.</p> <p>A programme of events was presented.</p> <p>The Acting Chairperson must take charge of proceedings at CRASA.</p> <p>The budgeted amount was exceeded and there was a request for virement which was approved.</p> <p><b>The progress update on hosting of the 6th CRASA AGM was noted by Council.</b></p>	Cllr ██████████

*Wk*



	<b>Action Item</b>	<b>Person Responsible</b>
6.2	<p><b>Strike Update</b> The purpose of this memorandum was to provide feedback to Council on the resolution of the Industrial Action.</p> <p>The CEO presented this item:</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] t.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO
7.	<p><b>Recommendation by Complaints Compliance Committee ('CCC') to Council in the complaint lodged by Consumer Complaints and Dispute Resolution of ICASA against Nkomazi FM to be tabled next week.</b></p> <p>Councillor [REDACTED] presented this item:</p> <p>The purpose of the document was to table the recommendation of the CCC in the complaint lodged by Consumer Complaints and Dispute Resolution of ICASA against Nkomazi FM</p> <p>On 27 January 2016, the Consumer Complaints and Dispute Resolution of ICASA received a Complaint from a certain Mr [REDACTED]</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>           [REDACTED] alleging that certain statements and remarks had been broadcast on Nkomazi FM Radio Station.         </p> <p>           The Complainant further alleged that substantial damages had been done to his company and what its stand for as a result of this broadcast.         </p> <p>           On 4 February 2016, the Authority requested the Radio Station to submit recordings in terms of section 53(1) of the Electronic Communications Act No.36 of 2005 (ECA) to verify the allegations of contravention against Nkomazi FM. Nkomazi FM responded advising ICASA that the said recordings were not available and that they were not aware of the alleged comments that offended the complainant.         </p> <p>           The parties appeared on 24 November 2016 to argue the matter before the CCC.         </p> <p>           The Independent Communications Authority of South Africa (ICASA) hereby resolves that it has:         </p> <ul style="list-style-type: none"> <li>• <i>Recognized</i> the recommendations of the Complaints and Compliance Committee dated 24<sup>th</sup> November 2016;</li> <li>• <i>Recognized</i> the nature and gravity of the non-compliance;</li> <li>• <i>Recognized</i> the consequences of the non-compliance;</li> <li>• <i>Recognized</i> the circumstances under which the non-compliance occurred; and</li> <li>• <i>Resolved</i> that in terms of section 17E(2)(a) of the ICASA Act, Nkomazi FM desist from future omission to record a broadcast and keep it for 60 days as provided by section 53(1) of the ECA</li> <li>• <i>Resolved</i> that it orders Nkomazi FM to accordingly pay a fine of Fifteen Thousand Rands (R15 000) be imposed on the Station payable within a period of three months, the period running from the end of the month that the</li> </ul>	

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>judgement is published by the Council of ICASA through the Coordinator of the CCC.</p> <ul style="list-style-type: none"> <li>• <i>Council is advised in terms of section 17 B (b) of the ICASA Act to consider directing the Senior Management of the Consumer and Compliance Affairs Division to meet with the Manager of the Radio Station at the Offices of ICASA and discuss the Radio Station's alleged laxity in its reporting relationship with the Consumer and Compliance Affairs Division. Such a meeting must, if supported by Council take place within 30 days from when this judgement is published. The outcome of the meeting must be filed with the CCC Co-ordinator.</i></li> </ul> <p><b>Reason:</b> In line with section 17E (2) (a) of the ICASA Act No. 13 of 2000 (As amended) read with section 53 (1) of the Electronics Communications Act 2005.</p> <p>Correct the title of Customer Complaints and Dispute Resolution.</p> <p><i>GM: Engineering and Technology, Manager: Quality of Service, and Specialist :GIS Geographer joined the meeting at 14:30.</i></p>	
8.	<p><b>2016/17 Q3: Eastern Cape Province Quality of Service Report</b></p> <p>The GM: Engineering and Technology presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the Quality of Service (QoS) Monitoring Report on measurements conducted during Q3 of 2016/17 in the Eastern Cape Province for publication.</p> <p>The following was noted:</p> <p>The Report covered places like Bizana, Tsolo Mt Fletcher, and Umtata.</p>	CEO

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>None of the operators reach the average of 98%.</p> <p>Council resolved that the regional averaging was misleading.</p> <p>Pg. 11.3.1 – Remove provincial.</p> <p>The report should be send to the Province s' Premier</p> <p><b>It was resolved that 2016/17 Q3 Eastern Cape Quality of Service Report be and is hereby approved for publication.</b></p>	
9.	<p><b>2016/17 Q2: Northwest Quality of Service Report.</b></p> <p>The Manager: Quality of Service presented this item</p> <p>The purpose of this memorandum was to request Council to approve the Quality of Service (QoS) Monitoring Report and the abridged report on measurements conducted during Q2 of 2016/17 in the Northwest province for publication.</p> <p>The Report should be send to the Premier.</p> <p><b>It was resolved that the 2016/17 Q2: North west Quality of Service Report be and is hereby approved for publication.</b></p>	
10.	<p><b>Grant Confidentiality to Cell C coverage data</b></p> <p><b>The GM: Licensing presented this item:</b></p> <p>The purpose of this submission was to request Council to grant Cell C confidentiality for the coverage data submitted in respect of the Broadband Mapping Project.</p> <p>In order for the broadband maps to be developed and published on ICASA website, Mobile Operators have been approached to submit their respective coverage data for 3G, LTE, CDMA and WiMAX technologies. Cell C has requested confidentiality for the data it has submitted for this project in terms of Section 4D of the ICASA Act, 2000 as amended.</p> <p>The following was resolved:</p>	

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The division should test with Legal whether the information requires confidentiality.</p> <p>To assist Council to make a decision a submission should be referred to legal to check whether the request complies with the ICASA Act.</p> <p><b>It was resolved that the request for confidentiality by CELL C be and is hereby not approved</b></p> <p><i>Councillor ██████ left the meeting at 16:04 am</i></p>	
11.	<p><b>Publishing of Broadband Service Maps</b></p> <p>The GM: Engineering and Technology presented this item:</p> <p>The purpose of this submission was to request Council to approve the publication of Broadband Service Maps and grant confidentiality to Cell C coverage data</p> <p>The purpose of this submission was to request Council to grant Cell C confidentiality for the coverage data submitted in respect of the Broadband Mapping Project.</p> <p>The Annual Performance Plan sets out to acquire broadband service coverage data from mobile operators for publication on ICASA's website.</p> <p>ICASA procure ESRI (South Africa) Geographic Information System (GIS) software to process, host and publish online broadband maps. The purpose of the maps is to indicate broadband service availability throughout South Africa. The maps will be available to the public on the Authority s' website.</p> <p>It was resolved that the disclaimer on the document be referred to Legal.</p> <p>Operators should be consulted.</p> <p>The item may be resubmitted to Council.</p> <p><b>It was resolved that the Publishing of Broadband Service Maps be and is hereby not approved</b></p> <p><i>The SM: Spectrum Management and the Specialist Radio Frequency</i></p>	CEO

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	<b>Action Item</b>	<b>Person Responsible</b>
	<i>joined the meeting at 14:15 am</i>	
12.	<p><b>Position paper on Dynamics and Opportunistic Spectrum Management and the Draft Television White Space Regulation.</b></p> <p>The Specialist: Radio Frequency presented this item:</p> <p>The purpose of this submission was to request Council to:</p> <p>1.1 Approve the position paper on the Framework for Dynamic And Opportunistic Spectrum Management 2017</p> <p>1.2 Approve the consultation document regarding the Draft Regulations for use of the Television White Spaces (TWWS).</p> <p>1.3 Approve the publication of the Position Paper on the Framework for Dynamic and Opportunistic Spectrum Management 2017 in the Government Gazette and on ICASA Website.</p> <p>1.4 Consider noting: Study Case on the availability of Television Whitespaces for improving Broadband capacity in South Africa (Research Report for ICASA by CSIR Meraka).</p> <p><b>It was resolved that the Position Paper on Dynamics and Opportunistic Spectrum Management and the Draft Television White Space Regulation be and is hereby approved.</b></p>	CEO
13.	<p><b>The Standard Procedure and guidelines regarding the use of Radio Frequency in the E-Band (71-76 GHZ paired with 81-86 GHz)</b></p> <p>The Specialist: Radio Frequency presented this item:</p> <p>The purpose of this memorandum was to request Council to:</p> <p>Approve the Standard Procedure and Guidelines on E-Band Radio Frequencies.</p> <p>Approve the publication of the Standard Procedure and Guidelines on Government Gazette ICASA website.</p> <p>Approve the publication of Standard procedure and Guidelines on the</p>	CEO

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>ICASA Website.</p> <p>The following was noted:</p> <p>On 22 November 2016 the Authority published the Radio Frequency Spectrum Management Regulations 2016, which amongst others, introduced the concept of light licensing for the E band 73.375-75.875 GHz paired with 83.375-85.375GHz</p> <p>The Annual Performance Plan (APP) requires that the Authority also publish the Standard procedure on the use of E-band.</p> <p>Numbering should be corrected.</p> <p><b>It was resolved that the Standard Procedure and Guidelines regarding the use of Radio Frequency in the E-Band (71-76 GHz paired with 81-86 GHz be and is here approved</b></p> <p><i>The GM: Compliance and Consumer Affairs and Manager: Broadcast Compliance joined the meeting at 16:11 pm.</i></p> <p><i>Councillor [REDACTED] left the meeting at 16:13 pm.</i></p>	
<p><b>14.</b></p>	<p><b>Submission of 19 Broadcasting annual Compliance Reports for sound and television service licensees</b></p> <p>The GM: Compliance and Complaints presented this item:</p> <p>The purpose of this submission was to request Council to consider and approve the 19 Broadcasting annual Compliance Report (ACRs) compiled for the period under review as part of the Fifty (50) ACRs be submitted for Council consideration and approval.</p>	<p><b>CEO</b></p>
<p><b>15.</b></p>	<p><b>Submission of 14 Broadcasting Annual Compliance Reports for sound on television licensees and revised E-tv Report.</b></p> <p>The GM: Compliance and Complaints.</p> <p>The purpose of this memorandum was to request Council to consider and approve the 14 Broadcasting Annual Compliance Reports (ACRs,) and the revised E-tv report as per the Council meeting of 28 February 2017, compiled for the period under review, as part of the Fifty (50) ACRs to be compiled in terms of the Annual Performance</p>	

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Plan (APP).</p> <p>The following was noted:</p> <p>Every year, the Compliance Unit Compiles Annual Reports for class and individual radio and television (including subscription) services in accordance with the Annual Performance Plan (APP) target.</p> <p><b>Summary of combined reports of item 14,15 and 17</b></p> <p>It was recommended to Council to approve the 16 Broadcasting Annual Compliance Reports as follows: Tru FM,567 Cape Talk, Smile FM, Heart FM, OFM, KFM, Radio IGAGASI, Classic FM, Capricorn FM, Makhado FM, Radio Tygerberg FM, Jozi FM, Wild Coast FM,Nongoma FM and revised e.tv report WOW should be recommended to CCC It was recommended that those that do not comply be given six months to comply.</p> <p><b>It was resolved the submission of the 14 Broadcasting Annual Compliance Reports for Sound on television licensees and revised E-tv Report be and is hereby approved.</b></p>	
16.	<p><b>Change and update of ICASA licensee Information, Telkom SA SOC Limited</b></p> <p>The purpose of this memorandum was to request Council to consider and approve the notice from Telkom SA (SOC) Limited, requesting the Authority to effect the changes to its licence.</p> <p>The following was noted:</p> <p>The matter was a resubmission for consideration of the response by Telkom, to certain queries that were raised in a Council meeting that was held on the 06 February 2017.</p> <p>Based on input from inputs from Council, CCA sent a letter dated 10 February 2017 to Telkom requesting clarity on the following:</p> <p>(a)How is the revised shareholding of 15% computed? (b) What are the implications of the recent Telkom exemption from PMFA on this application?</p>	Council

*MPR*



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Telkom (per letter dated on 22 February 2017) responded as follows:</p> <p>-</p> <p><i>'As a listed company, Telkom's free float shares that are listed on the JSE Stock Exchange and are traded daily. It is therefore difficult to monitor and report on the movement in the ownership of these shares'.</i></p> <p><i>"Thus the change the change in HDG ownership that is reported in our annual B-BBEE verification report reflects the status quo as at the date of verification"</i></p> <p><b>It was resolved that the request to change and update of ICASA Licensee Information, Telkom SA SOC Limited be and is hereby deferred to the next meeting of Council.</b></p>	
<p><b>17.</b></p>	<p><b>Submission of 20 Broadcasting annual Compliance Reports for Sound and Television services licensees.</b></p> <p>The purpose of this memorandum was to request Council and approve the 20 Broadcasting Annual Compliance Reports (ACRs) compiled for the period under review, as part of the Fifty (50) ACRs to be compiled in terms of the Annual Performance Plan (APP).</p> <p>The following was noted:</p> <p>Every year, the Compliance Unit Compiles Annual Reports for class and individual radio and television (including subscription) services in accordance with the Annual Performance Plan (APP) target.</p> <p>All commercial broadcaster reports are compiled annually, expect for SABC TV. There are no specific criteria used to compile reports for commercial broadcasters. It is of utmost importance to monitor and compile reports for the commercial sector given the extent of the coverage (geographical and or population).</p> <p><b>It was resolved that the Submission of 20 Broadcasting Annual Compliance Reports for Sound and Television Services Licensee be and is hereby approved.</b></p>	<p><b>Council</b></p>
<p><b>18</b></p>	<p><b>An analysis of Standard prepaid retail voice and data tariffs notified to ICASA for the period 01 July 2016 to 30 September</b></p>	<p><b>CEO</b></p>

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>2016</b> The SM: Cost Modelling presented this item:</p> <p>To submit the report on the analysis of mobile prepaid voice and data tariffs to Council for approval before publication on the Authority's website.</p> <p>The following was noted:</p> <p>The first Mobile Retail Tariff Analysis report for the period 1 April 2015 to September 2015 was published on the Authority's' website on 9 December 2015.</p> <p>The second Mobile Retail Tariff Analysis was contained in the Annual Report for the period 1 April 2015 to 31 March 2016.</p> <p>This was published on the Authority's website on April 2016.</p> <p>The division has structured the report as follows.</p> <p>The report focuses on standard prepaid tariffs, SIM only contract packages and prepaid promotions filed by different operators during the period under review. The report directly compares tariffs of both voice and data tariffs between the following mobile operators.</p> <p>Vodacom MTN Cell C Telkom Mobile</p> <p>The following was noted:</p> <p>Operators were not cooperative and evasive on the in bundle and out bundle cost.</p> <p>Verify their claims on costing.</p> <p>Operators should own the glossary of terms not the Authority.</p> <p>The Authority has not satisfied itself that whether the out bundle or in bundle is appropriate in South Africa.</p> <p>Note that tariffs have changed in March 2017 and complaints on per second billing is communicated to communication people</p>	



	Action Item	Person Responsible
	<p>Draft a High level summary and update for media briefing.</p> <p><b>It was resolved that the attached report for publication on the Authority's website be and is hereby approved subject to the above inputs and changes.</b></p>	
<p><b>19.</b></p>	<p><b>2<sup>nd</sup> Report on the State of the ICT Sector on South Africa 31<sup>st</sup> March 2017.</b></p> <p>The SM: Forecasting presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the attached 2<sup>nd</sup> Report on the State of the ICT Sector.</p> <p>The following was noted:</p> <p>The Authority aims to be the authoritative source of relevant sector statistics for consumers, government, industry and other stakeholders.</p> <p>To this end the Authority publishes the State of the Information and Communication Technology (ICT) Sector annually, with the inaugural version published in March 2016.</p> <p>The following was noted:</p> <p>South African Post Office is the only licensee in SA. Have a Summary of the findings and comparative analysis.</p> <p><b>It was resolved that the attached 2<sup>nd</sup> Report of the State of the ICT Sector on South Africa 31<sup>st</sup> March 2017 be and is hereby approved with changes.</b></p>	<p><b>CEO</b></p>
<p><b>20.</b></p>	<p><b>Wireless Business Solution (Pty) Ltd: Application for a trial Radio Frequency Licence in the 2.6 GHz band</b></p> <p>The GM: Licencing presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the application submitted by Wireless Business Solution (Pty) Ltd (WBS) for the issuing of a trial Radio Frequency Spectrum Licence in the 2.6 Ghz Band.</p>	<p><b>CEO</b></p>

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	Action Item	Person Responsible
	<p>The following was noted:  WBS is in possession of a Radio Frequency Spectrum Licence to provide multipoint broadband services, utilising a 15 MGz TDD within the FDD block in the 2.6 GHz International Mobile Telecommunications (IMT) band.</p> <p>According to the Radio Frequency Spectrum Assignment Plan (RFSAP) for IMT Regulation No. 38640 of 2015, WBS must migrate (in-band migration) from its current assignment of 2550-2565 MHz (FDD) to 2575-2595 MHz (TDD).</p> <p>WBS has applied for a Radio Trial Frequency Spectrum Licence in 2575-2595 MHz(TDD) as outlined in the RFSAP of IMT in preparation of the pending in –band migration for a period of six (6) months.</p> <p>WBS will be migrating from the existing licensed 2575-2595 and therefore seeks approval of this trial in preparation to the correct channels within the 2.6 GHz band as per the RFSAP Gazette No.38640 Notice 277 of 2015.</p> <p><b>It was resolved that the application submitted by Wireless Business Solution (Pty) Ltd for the issuing of a trial Radio Frequency Spectrum Licence in the 2.6 GHz Band be and is hereby approved.</b></p> <p><b>WBS should indicate the time of when are they going to start the trial</b></p>	
21	<p><b>Extension of the sealed Bid Submission deadline for MUX 3 Radio Frequency Spectrum Licence</b></p> <p>Councillor [REDACTED] presented the item on behalf of Councillor [REDACTED]</p> <p>The purpose of this memorandum was to request Council to approve the extension of the closing date for the submission of sealed bids by ODM and Siyaya TV for the Radio Frequency Spectrum Licence for 45% of Multiplexer 3 (MUX 3) capacity.</p> <p>Council resolved that in responding to Siyaya, the committee must prepare a response to legal not only to consider the extension but to confirm substantial compliance with procedural fairness.</p> <p><b>It was resolved that the Extension of the sealed Bid Submission deadline for MUX 3 Radio Frequency Spectrum Licence be and is hereby approved to the 24<sup>th</sup> April 2017.</b></p>	Council



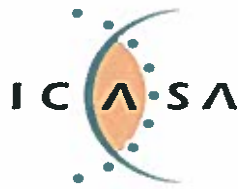
	<b>Action Item</b>	<b>Person Responsible</b>
22	<p><b>Review of the Regulatory Division Structure</b></p> <p>The purpose of this memorandum was to request Council to consider proposed revisions to the structures and associated positions within the Regulatory Divisions and where appropriate recommend the grading/regrading of identified positions by the Job Evaluation Committee ('JEC') for Council resolution.</p> <p><b>It was resolved that this item be deferred to the next meeting of Council in the new financial year.</b></p>	CEO
23	<p><b>Q3 2016/17 South African Maritime Safety Authority (SAMSA) Inspector Report.</b></p> <p>The purpose of this memorandum was to request Council to note ICASA's 2016/2017 Q3 Inspection results for inspector certifications issued nationwide by the South African Maritime Safety Authority(SAMSA).</p> <p><b>It was resolved that the Q3 2016/17 South African Maritime Safety Authority (SAMSA) Inspection Report be deferred to the next meeting of Council on the next financial year.</b></p>	CEO
24	<p><b>Spectrum Monitoring for International Mobile Telecommunications and Public Protection Disaster Recovery Bands, Limpopo Q3 2016/2017.</b></p> <p>The purpose of this memorandum was to request Council was to note the Spectrum Monitoring Report for Monitoring the IMT and PPDR bands in the Limpopo Province, for Quarter 3 of 2016/17.</p> <p><b>It was resolved that this item be deferred to the next meeting of Council in the new financial year.</b></p>	
25.	<p><b>Report on the 2016 annual meeting of the International Special Committee on Radio Interference.</b></p> <p>The purpose of this memorandum was to brief the Council on the 2016 annual meeting of the International Special Committee on Radio Interference a.k.a Comite International Special des Perturbations Radioelectriques (CISPR), and to request the Council to encourage and support the continuous participation of the Authority in the meetings.</p>	

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>It was resolved that this item be deferred to the next meeting of Council in the new financial year.</b></p>	
<p><b>26</b></p>	<p><b>ICASA-SAMSA Quarter 1 and Quarter 2 Combined Inspections.</b></p> <p>The purpose of this memorandum was to request Council to note ICASA's 2016/17 Q1 and Q2 inspection results for inspector/operator certifications issued nationwide by SAMSA.</p> <p><b>It was resolved that this item be deferred to the next meeting of Council in the next financial year.</b></p>	<p><b>CEO</b></p>
<p><b>27</b></p>	<p><b>Potential Disregard for Legislative Requirements-Vodacom Proprietary Limited.</b></p> <p>The GM: Licensing and Leah presented this item:</p> <p>The purpose of this memorandum was to advise Council of the Complaints by Mobile Telephone Networks Proprietary Limited ('MTN') and Cell C Proprietary Limited ('Cell C') with respect to the infrastructure sharing agreements entered into by Vodacom and WBS and advise on the Authority's proposed course of action.</p> <p>On 15 September 2016, Vodacom filed a copy of the Facilities Leasing Agreement ('the agreement') concluded between itself and WBS on 13 September with the Authority. This was done in terms of section 45 of the Electronic Communications Act, 36 of 2005 as amended ("the ECA").</p> <p>The Authority reviewed the agreement in line with the provisions of the Facilities Leasing Regulations, 2010 published in Government Gazette No 33252 dated 31 May 2010('the Regulations') and found the agreement to be compliant with the Regulations. This was communicated to Vodacom in a letter dated 21 November 2016.</p> <p>On 13 July 2016 Cell C wrote a letter to the Authority alerting it to a 'possible Vodacom approach to WBS' based on information that has been 'widely reported to the media' that Vodacom and WBS have entered into a network and spectrum sharing agreement.</p> <p>In its letter Cell C:</p> <p>Refers to Vodacom's 2012 announcement on collaboration on network sharing to establish a WIMAX network in which it stated that there was no spectrum agreement between Vodacom and WBS as 'this</p>	<p><b>CEO</b></p>

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p><i>action would constitute a contravention of regulatory requirements.</i></p> <p>Refers to the 2016 High Court ruling on the transfer of Nextel 's licence to Vodacom stating that any attempt by Vodacom to gain spectrum from another licensee without following the proper processes would flout the provisions of the Promotion of Administrative Justice Act of 2000('PAJA').</p> <p>Alleges that the anticipated agreement would have the effect of entrenching Vodacom's dominance in the market.</p> <p>Alleges the anticipated agreement would offer WBS services on a non-competitive basis which contravenes among others regulation 9 of the Regulations.</p> <p>Queries whether WBS is utilising its spectrum efficiently and if not proposes that the 'use it or loose it principle' be applied.</p> <p>Requests the Authority to confirm whether the Authority has been approached about any facilities leasing agreement; transfer of control; or ownership; creation of an MVNO or reseller agreement; or agreement for national roaming on either network, by either Vodacom or WBS.</p> <p>Vodacom and WBS has not responded to the request to provide the details of the Infrastructure Sharing Agreement. A project team has been established to investigate the matter Complainants have not invoked any provision in the Act.</p> <p>Use the Werkmans and Cell C and other instruments to demand that they lodge a proper complaint.</p> <p><b>It was resolved that Council has noted the agreement between Vodacom and WBS has the potential to disregard legislative requirements.</b></p>	
28.	<p><b>Proposed Training and development strategy and leadership development programme</b></p> <p>The purpose of this submission was for Council to approve the proposed Training and Development Strategy as well as the accompanied proposed Leadership Development Programme.</p> <p><b>It was resolved that the Proposed Training and Development</b></p>	





	<b>Action Item</b>	<b>Person Responsible</b>
	<b>Strategy and Leadership Development Programme be deferred to the next meeting of Council.</b>	
	<b>General</b>	
29.1	<p><b>Mid-Year Budget Adjustment Report.</b></p> <p>The CFO presented this item:</p> <p>The purpose of this memorandum was to request Council for an approval of budget adjustments identified by the divisions and allowed overrun by Finance during April to October 2016. The memo further serves to indicate the impact of in-year budget virements in relation to their respective original budgets.</p> <p>The following was noted:</p> <p>In the first half of the current financial year, the following divisions (Corporate Services, Council, Licensing, Policy Research and Analysis and Regions) requested additional funding due to pressing.</p> <p>The overruns were allowed with savings that were already identified mainly from vacant positions that were not filled in the first six months of the year.</p> <p>The divisions also moved funds from accounts that were either over-budgeted for or did not have immediate use of their respective available funds to accounts that were in need of additional funding.</p> <p><b>It was resolved that the Mid Term Adjustment Report be and is hereby approved.</b></p>	CEO
29.2	<p><b>Finance Policies</b></p> <ul style="list-style-type: none"> <li>-Materiality Framework</li> <li>-Related Party Policies</li> <li>-Unauthorised, Irregular, Fruitless Expenditure Policy</li> </ul> <p>The CFO presented this item:</p> <p>The purpose of this memo was to request Council to approve the above Finance Policies.</p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>All policies were presented to both EXCO and the Audit, Risk Ethics and Disclosure Committee.</p> <p>The policies were also vetted by legal division.</p> <p>The materiality Framework should be workshopped.</p> <p><b>It was resolved that the above Finance Policies as presented by Finance division be and are hereby approved.</b></p>	
29.3	<p><b>Numbering Plan Amendment</b></p> <p>Councillor [REDACTED] presented this item:  Eskom and Transnet and Vodacom have not complied  MTN requested exemption from because of their Rhino poaching project.  Legal advised that no exemptions can be made, publish an amended regulation stating that the date is extended to next year (September 2018).  Request Council to for amendment of the regulation 22 of the Numbering Plan Regulation and advice received from legal.</p> <p><b>It was resolved that the request for amendment of Regulation 22 of the Numbering Plan Regulation be and is hereby approved.</b></p>	Cllr [REDACTED]
29.4	<p><b>Update on SADEC Home and Away Roaming</b></p> <p>Councillor [REDACTED] presented this item:</p> <p>The purpose was to update Council on a letter to be send to the Minister of Communications  Councillor should attach a brief update on the raw data instead of a letter.</p> <p><b>It was resolved that a detailed submission will be made to Council on the update at the next meeting.</b></p>	Council
29.5	<p><b>Invitation to attend a Forum for Institutions Supporting Democracy in Parliament</b></p> <p>An invitation was received to attend the Forum for Institutions Supporting Democracy meeting with presiding officers at Parliament in Cape Town on the 28<sup>th</sup> march 2017.</p>	Council



	Action Item	Person Responsible
	It was resolved that Councillor Modimoeng will attend this meeting.	
30	Date for Next Meeting: 28 March 2017	Secretariat
31	Closure Meeting was adjourned at 19h00.	Chairperson

Signed:   
(Acting Chairperson)

Date: 16/03/2016