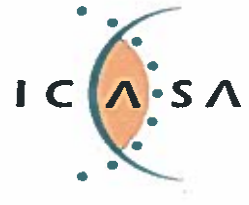




**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY COUNCIL MEETING</b>		
<b>Date</b>	<b>16 August 2017</b>	
<b>Time:</b>	<b>09h30</b>	
<b>Venue:</b>	<b>Block B, Council Boardroom</b>	
<b>Present</b>	████████████████████	Acting Chairperson
	████████████████	Member
	████████████████████	Member
	████████████████████	Member
	████████████████	Member
<b>By Invitation</b>	████████████████████	ACEO
	████████████████████	CFO
	████████████████	Acting CAE
	████████████████	Acting SM: Office of Chairperson
	████████████████████	Secretariat Officer
<b>Partial Attendees</b>	████████████████████	Senior Manager: Compliance: CCA
	████████████████████	SM: Legal (Regulatory Support & Legislative Drafting)
	████████████████████	GM: Compliance & Consumer Affairs
	████████████████	Executive: Legal, Risk and CCC
	████████████████████	Litigation & General Legal Support Specialist
	████████████████	Acting: GM Licensing
	████████████████████	Senior Manager: Litigation, Contracts & Legal Services
<b>Apologies</b>	████████████████████	CAE



	<b>Action Item</b>	<b>Person Responsible</b>



	<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 09H47 and welcomed all present.</p> <p><b>The following Apologies were noted</b> The CAE, [REDACTED] is on annual leave.</p>	<b>Chairperson</b>
2.	<p><b>Ratification of the Agenda</b></p> <p><b>The following amendments were made to the agenda:</b></p> <p><b>Items added to the agenda</b></p> <ul style="list-style-type: none"> <li>• Item 19 to be presented by an external service provider.</li> <li>• Feedback from meeting held with the DG of the DTSPS and the CEO – 10 August 2017.</li> <li>• Feedback from the meeting held with the Deputy Commissioner (Competition Commission) – 11 August 2017.</li> </ul> <p><b>Items to be deferred to the next meeting</b></p> <ul style="list-style-type: none"> <li>• ICT Regulation-Policy and Practice Capacity Building Programme in Co-operation with Sweden.</li> <li>• ICASA and Platoon Trade and Invest (Pty) Ltd CCC recommendation.</li> <li>• Establishment of the Fifth Generation (5G) Council Committee.</li> <li>• 2016/17 Q4: KwaZulu-Natal Province Quality of Service Report.</li> <li>• Tellumat (Pty) Ltd: Application for a trial Radio Frequency Spectrum Licence in the 1GHz band.</li> <li>• Risk and Compliance Management Annual Plan.</li> <li>• Business Continuity Plan.</li> <li>• Workshop on Report of the AdHoc Committee on the review of the Chapter 9 and associated institutions.</li> <li>• Amendment of the Radio Frequency Spectrum Resources Council Committee.</li> <li>• Developments around participation and contributions made within the ITU-R Study Group 5.</li> </ul>	<b>Council</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<b>It was resolved the agenda be ratified with the above additions and amendments.</b>	
<b>3.</b>	<b>Declaration of interest</b>  No conflict of interest was noted at the meeting.	<b>All</b>
<b>4.</b>	Adoption of previous minutes	<b>Council</b>
<b>4.1</b>	<b>Minutes of the meeting held on 18 July 2017</b>  The minutes were approved subject to changes indicated on the 08 August 2017.	<b>Council</b>
<b>5.</b>	<b>Matters arising from previous minutes</b>  It was resolved that the matters arising be deferred to the next meeting.	<b>Secretariat/CEO</b>
<b>6.</b>	<b>Standing items</b>	
<b>6.1</b>	<b>Inter Operator Disputes</b>  The Acting CEO presented the item.  The Cell C notification and its implication was discussed.  <ul style="list-style-type: none"> <li>• The notification has been received and it was shared with Councillors. The notification is requesting the Authority to update some contacts, a change of name and shareholding structure of Cell C.</li> <li>• An external legal opinion was sought by Council on the notification, the reply on the legal opinion is expected next week Tuesday 22 August 2017.</li> <li>• The Authority will write to Cell C to inform them that the</li> </ul>	<b>ACEO</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>agreement is invalid and acknowledge receipt of notification.</p> <p><i>GM: CCA and Executive: Legal, Risk &amp; CCC joined the meeting at 11h15 – 12h25.</i></p>	
<p>6.2</p>	<p><b>6<sup>th</sup> CRASA update ('Standing item')</b></p> <p>Cllr [REDACTED] presented the item.</p> <p>Report of the 6<sup>th</sup> CRASA Annual General Meeting.</p> <p><b>The SADC Ministerial meeting will be held on the 4-6 September 2017.</b></p> <p>The following Cllr's will attend:</p> <ul style="list-style-type: none"> <li>• Cllr [REDACTED]</li> <li>• Cllr [REDACTED]</li> <li>• Cllr [REDACTED]</li> </ul> <p><b>CRASA EXCO meeting is scheduled from the 4<sup>th</sup> – 7 September.</b></p> <ul style="list-style-type: none"> <li>• The Executive Corporate Services will arrange for the members attending the EXCO and also brief Counsel.</li> <li>• The Performance Management of the CRASA Secretaries are still outstanding. HRD is drafting the contracts.</li> </ul> <p><b>It was resolved that the invitation be noted.</b></p>	<p>Cllr [REDACTED]</p>
<p>6.3</p>	<p><b>Update on the relocation process</b></p> <p>Cllr [REDACTED] presented the item.</p> <p>The following were noted:</p> <ul style="list-style-type: none"> <li>• The new Treasury regulation that 30% should be collected for subcontracting is currently a concern.</li> <li>• If ICASA interprets the Treasury Regulation as is, the best way might be to opt for vacant land. However, it has also</li> </ul>	<p>Cllr [REDACTED]</p>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>been communicated that the 30% subcontracting is not compulsory.</p> <ul style="list-style-type: none"> <li>• Council indicated that they might be a need for a legal opinion on the Treasury Guideline.</li> <li>• A total of 20 company submissions were submitted for the advertised tender and 16 submissions were taken into consideration.</li> <li>• BEC will view the 6 vacant land and the 10 existing buildings and Council will view the recommended buildings during the coming week.</li> </ul> <p><b>Update on the relocation process was noted.</b></p>	
7.	<p><b>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and Plantoon Trade and Invest (Pty) Ltd</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	Cllr [REDACTED]
8.	<p><b>ICT Regulation-Policy and Practice Capacity Building Programme in Co-operation with Sweden</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	Cllr [REDACTED]
9.	<p><b>Change and updating of ICASA Licence information – Vuma 103 FM (Pty) Ltd</b></p> <p><b>Senior Manager: Compliance: CCA presented the time.</b></p> <p>The purpose of this memo is to advise Council of a notice from Vuma 103 FM (Pry) Ltd, requesting the Authority to effect changes to its contact details, addresses and shareholding structure and to recommend to Council to note the filing and approve accordingly.</p> <p><b>It was resolved that the Change and updating of ICASA Licence information – Vuma 103 FM (Pty) Ltd be approved.</b></p> <p><i>Senior Manager: Compliance: CCA and GM: CCA joined the meeting at 13h50 to 14h30.</i></p>	ACEO



	<b>Action Item</b>	<b>Person Responsible</b>
10.	<p><b>Change and updating of ICASA Licence information – Rhythm FM (Pty) Ltd</b></p> <p>The purpose of this memo is to request Council to consider and approve the filing of the changes to its shareholding by Rhythm FM (Pty) Ltd and the Licensee’s request for condonation for late filing.</p> <p><b>It was resolved that Change and updating of ICASA Licence information – Rhythm FM (Pty) Ltd be approved.</b></p> <p><i>Senior Manager: Compliance: CCA and GM: CCA left the meeting at 14h30.</i></p>	ACEO
11.	<p><b>Establishment of the Fifth Generation (5G) Council Committee</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	ACEO
12.	<p><b>2016/17 Q4: KwaZulu-Natal Province Quality of Service Report</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	ACEO
13.	<p><b>Tellumat (Pty) Ltd: Application for a trial radio frequency spectrum licence in the 1GHz band</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	ACEO
14.	<p><b>Risk and Compliance Management Annual Plan</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	ACEO
15.	<p><b>Business Continuity Plan</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	ACEO

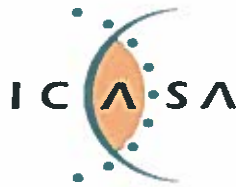


	Action Item	Person Responsible
16.	<p><b>Workshop on Report of the AdHoc Committee on the Review of the Chapter 9 and associated institutions</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	ACEO
17.	<p><b>Amendment of the Radio Frequency Spectrum Resources Council Committee</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	Cllr [REDACTED]
18.	<p><b>Developments around participation and contributions made within the ITU-R Study Group 5</b></p> <p><i>Item was deferred to the next scheduled meeting.</i></p>	Cllr [REDACTED]
19.	<p><b>Discussion document on the inquiry into Subscription Television Broadcasting</b></p> <p>The purpose of this memo is to present to Council to Discussion Document on the Inquiry into subscription television broadcasting; and Recommend that Council note and approve the submission for publication in the Government Gazette.</p> <p><b>It resolved that the Discussion document on the inquiry into Subscription Television Broadcasting be approved and noted.</b></p> <p><i>Evolut consulting joined the meeting at 12h00 -13h00.</i></p> <p><i>Type Approval Specialist: Licensing, Manager: Cyber Security: PRA joined the meeting at 12h00 to 13h00.</i></p>	Cllr [REDACTED]
20.	<p><b>Postal Service Bill</b></p> <p>Executive: Legal, Risk and CCC presented the item.</p> <p>The purpose of this memorandum is to request Council to approve the attached submission to the Department of Telecommunications and Postal Services ("the Department") on the Postal Services and</p>	ACEO





	<b>Action Item</b>	<b>Person Responsible</b>
	<p>South African Post Office SOC Limited Bills 2017.</p> <p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>• The sentence that indicate "letters are dying should be rephrased".</li> <li>• Page 4, under Point 7.7 the "shared responsibility" should indicate between which industries.</li> </ul> <p><b>It was resolved that the Postal Service Bill be approved subject to changes.</b></p> <p>Acting GM: Licensing, Senior Manager: Litigation, Contracts &amp; Legal Services and Executive: Legal, Risk and CCC joined the meeting at 15h30.</p>	
21.	<p><b>Proposed Digital Development Fund Bill</b></p> <p><b>Executive: Legal, Risk and CCC presented the item.</b></p> <p>The purpose of this memorandum is to request Council to approve the attached submission to the Department of Telecommunications and Postal Services ("the Department") on the Digital Development Fund Bill 2017.</p> <p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>• Add paragph 4.4 and be explicit on proposals made by the Authority.</li> <li>• The Kadar Asmal report should be made as reference to how the fiscal fund should be dealt with.</li> </ul> <p><b>It was resolved that the Proposed Digital Development Fund Bill be approved subject to changes.</b></p> <p><i>Acting GM: Licensing, Senior Manager: Litigation, Contracts &amp; Legal Services and Executive: Legal, Risk and CCC left the meeting at 16h00.</i></p>	ACEO
22.	<p><b>Invitation – King IV Seminar</b></p>	Cllr [REDACTED]




	<b>Action Item</b>	<b>Person Responsible</b>
	<p>An invitation for Cllr ██████ to attend the King IV Seminar was tabled.</p> <p><b>It was resolved that Cllr ██████ attends the King IV Seminar and an invitation can be extended to ARC members.</b></p>	
<b>23.</b>	<b>General</b>	
<b>23.1</b>	<p><b>Meeting with the DG of DTPS</b></p> <p>The meeting was held between the DG of DTPS and ACEO of ICASA ON 10 August 2017 at the DTPS office.</p> <p><b>The following items were on the agenda</b></p> <p><b>1. Radio Frequency Plan</b></p> <ul style="list-style-type: none"> <li>• The Authority was updated on the CSIR commission study</li> <li>• The DG indicated they would like to see the litigation between CSIR and ICASA settled.</li> <li>• ICASA requested the ToR for the CSIR.</li> </ul> <p><b>2. Rapid deployment</b></p> <ul style="list-style-type: none"> <li>• Submission will be tabled at the next Council meeting.</li> </ul> <p><b>3. E-strategies</b></p> <ul style="list-style-type: none"> <li>• The Department has been publishing documents on e-strategies.</li> <li>• ICASA advised that E-strategies should comply with the legislation.</li> </ul> <p><b>4. SADC Roaming</b></p> <ul style="list-style-type: none"> <li>• ICASA gave an update on SADC Roaming. An update letter was sent to DTPS.</li> </ul> <p><b>5. Broadband Markets Review</b></p> <ul style="list-style-type: none"> <li>• DTPS advised on the Competition Commission process.</li> </ul>	<b>ACEO</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>6.Legislative Program</b></p> <ul style="list-style-type: none"> <li>• Discussed the timelines on bills sent to the Authority.</li> <li>• International events -ICASA needs to participate in sponsorship and funding for international initiatives. The DTSPS will communicate planned initiatives in time.</li> </ul> <p><b>7.Radio Frequency Plan</b></p> <ul style="list-style-type: none"> <li>• A date to discuss the Radio Frequency Plan will be followed up with the DTSPS.</li> </ul>	
23.2	<p><b>Meeting with the Competition Commission</b></p> <p><b>The following items were discussed.</b></p> <p>1.Proposed amendment end-user and subscription Charter</p> <ul style="list-style-type: none"> <li>• ICASA gave an update on the process and timelines.</li> </ul> <p>2. Proposed enquiry in the data market.</p> <ul style="list-style-type: none"> <li>• Send a letter to the Commission in line with the MOU and propose a joint working group. The draft letter will be shared with Council.</li> </ul> <p>3.Update on the Vodacom investigation</p> <ul style="list-style-type: none"> <li>• The draft findings will be send to the commission.</li> </ul> <p>4.Cell C capitalisation</p> <ul style="list-style-type: none"> <li>• The Commission had received a complained from Cellsaf and they have met with Cellsaf management on the matter.</li> </ul>	ACEO
24.	<p><b>Closure:</b></p> <p><b>The Chairperson thanked all who attended the meeting and adjourned the meeting at 17h00</b></p>	
25.	<b>Date of next meeting: 22 August 2017</b>	<b>Secretariat</b>



	Action Item	Person Responsible

Signed:   
(Chairperson)

Date: 01/12/2017