



**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY COUNCIL MEETING</b>		
<b>Date</b>	<b>28 November 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 (Joined the meeting via Teleconference)
	[REDACTED]	Member
<b>By Invitation</b>		
	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Acting SM: Office of Chairperson
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>		
	[REDACTED]	Senior Manager: Litigation, Contracts & General Legal Support
	[REDACTED]	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
	[REDACTED]	General Manager: CCA
	[REDACTED]	Litigation & General Legal Support Specialist
	[REDACTED]	Senior Manager:HR
	[REDACTED]	Executive: Corporate Services
	[REDACTED]	Manager: IT Auditor: Internal Audit
	[REDACTED]	Manager: Broadcasting Compliant: CCA
	[REDACTED]	Manager: Service Broadcasting: Licensing
	[REDACTED]	Manager: Service ECS\ECNS\Post: Licensing
	[REDACTED]	Senior Manager: Network Systems & Research: E&T
<b>Apologies</b>		
	[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 9h35 and welcomed all present.</p> <p><b>The following apologies were noted: -</b></p> <ul style="list-style-type: none"> <li>• Cllr [REDACTED] was off-sick.</li> </ul> <p><i>Cllr [REDACTED] joined the meeting via teleconference from 9h30-12h30.</i></p> <p><i>Cllr [REDACTED]'s delayed and will join the meeting later.</i></p>	Chairperson
2.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted at the meeting.</p>	All
3.	<p><b>Adoption of previous minutes</b></p>	Council
3.1	<p><b>Meeting held on 21 November 2017</b></p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> <li>• Page 3, point 4.4 – The second paragraph should be rephrased.</li> <li>• Shut down was corrected to shut-down.</li> <li>• Point 6.4 – the matter should be indicated as the WWRF.</li> </ul> <p><b>It was resolved that the minutes of 21 November 2017 be approved subject to the above changes.</b></p>	Council
4.	<p><b>Matters arising from previous minutes</b></p>	Secretariat/CEO



	Action Item	Person Responsible
4.1	<p><b>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</b></p> <p>A tentative date for Interviews has been set for 20 January 2018.</p> <p>Cllr [REDACTED] has tendered her apology as a panellist as she will be on maternity leave as from 1 December 2017. Cllr [REDACTED] will sit-in for the interviews.</p> <p>It was indicated that CCC members can only serve two terms and those in the employ of government cannot serve a second term.</p>	CEO
4.2	<p><b>Council performance agreements and bilateral meeting with Minister</b></p> <p>A letter on Council remuneration was send to the Minister on 16 November 2017.</p>	Council
4.3	<p><b>Council Decisions for publication on the website</b></p> <p>Item is on the agenda.</p>	Council
4.4	<p><b>Industrial Relations</b></p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	Council
4.5	<p><b>Status report on the 5G Forum Project</b></p> <p>A report will be tabled at Council in December 2017.</p> <p>A Steering Committee will be meeting by the end of November 2017. Council resolved that that decision on the WWRF matter be put on hold until the steering committee meeting takes place.</p>	Cllr M [REDACTED]



	Action Item	Person Responsible
4.6	<p><b>Developments around participation and contributions made within the ITU-R Study Group 5</b></p> <p>Work in progress.</p>	Cllr [REDACTED]
4.7	<p><b>Competition Commission Market Enquiry</b></p> <p>Meeting with the Competition Commission (CC) took place on 14 November 2017. Periodic meetings will be scheduled going forward.</p> <p>A working group will be formed to deal with matters of common interest. Secretariat to confirm with the CC on the legal opinion on matters of common interest. Secretariat to develop minutes of the meeting with the CC, to capture action items from both parties.</p>	Council
4.8	<p><b>Inquiry into subscription TV</b></p> <p>Status has not changed; the inquiry is still underway.</p>	Cllr [REDACTED]
4.9	<p><b>SADC Roaming Cost Model Funding</b></p> <p>Report will be submitted to Council.</p> <p>There is ongoing consultation on the funding model. Deadline for the RFQ is end November 2017. The RFQ will assist with the costs estimates and how the funding can be shared equally amongst the SADC Countries.</p>	Cllr [REDACTED]
4.10	<p><b>Cell C v ICASA –Universal Service Obligations (USO)</b></p> <p>Confirmation of Court date will be communicated before the office shut down period.</p>	CEO
4.11	<p><b>Release of existing bandwidth</b></p> <p>An updated report will be submitted at the meeting of 28 November</p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>2017.</p> <p>This was a request from the former Minister, submission will be considered by Council for information purposes.</p>	
<b>4.12</b>	<p><b>Update on the settlement agreement with Ministry of DTPS</b></p> <p>A follow up letter on the settlement discussions with the Ministry of DTPS has been drafted and will be shared with Council.</p> <p>A follow-up letter has been drafted to remind the DTPS on the National Frequency Band plan that needs to be finalised and published. The Minister of Communications will be copied in the correspondence to the DTPS.</p> <p>It was indicated that the delay in reaching a settlement with the Minister does have an impact on the APP.</p>	<b>CEO</b>
<b>4.13</b>	<p><b>Appeal to renew a Class Community Sound Broadcasting Service License – Lephalale Community Radio</b></p> <p>A submission will be tabled in the next Council meeting.</p> <p>Reports will be vetted by Legal, Risk and CCC Division before submission to Council.</p> <p>A letter will be sent to Sentech to propose a meeting with Council during December 2017.</p> <p>Council should be provided with maps of spectrum for noting in the next Council meeting.</p>	<b>CEO</b>
<b>4.14</b>	<p><b>Investigation into possible fraudulent activities conducted by</b> [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<b>CEO</b>

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	<b>Action Item</b>	<b>Person Responsible</b>
4.15	<b>Inter Operator Disputes</b> Item is on the agenda.	CEO
4.16	<b>Phase 1 of Standard Operating Procedures Optimisation Project</b> Item is on the agenda.	CEO
4.17	<b>Governance Framework</b> Secretariat will confirm dates for the Governance Framework workshop.	Secretariat
4.18	<b>SANDF and SAPS outstanding licensing fees</b> Item is on the agenda	CEO
4.19	<b>Proposed amendments to the organisational structure (ICASA)</b> Item is on the agenda.	CEO
4.20	<b>International Engagement Strategy</b> The strategy will be tabled in January 2018.	CEO
4.21	<b>Office Shut -down</b> Council noted that a communique has already been issued to staff members regarding the December office shutdown. It was further agreed that stakeholders should also be informed of the shut-down period which commences on 22 December 2017.  HR Division should consolidate a leave report for Council to note.	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
<b>5.</b>	<b>Standing items</b>	
<b>5.1</b>	<p><b>Inter Operator Disputes</b></p> <p>The CEO presented the item.</p> <p><b>Vodacom and WBS</b></p> <p>A follow up was made with the Competition Commission. The Commission will provide the Authority with a formal response by the 30<sup>th</sup> November 2017.</p> <p><b>Telkom and Vodacom duct disputes</b></p> <p>Parties were requested to make representations and the parties requested an extension until the 7<sup>th</sup> December 2017.</p> <p><b>Cell C Recapitalization</b></p> <p>The purpose of this submission is to: -</p> <p>Update Council on the representations received from CellSaf on 27 November 2017 in relation to the above subject matter; and</p> <p>Recommend to Council to accept the notification filed by Cell C in terms of regulation 2 of the Standard Terms &amp; Conditions for Electronic Communications Services, 2010.</p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• A Council Committee should be established to expedite resolutions of the loopholes.</li> <li>• The three areas with loopholes are facilities leasing regulations, spectrum trading and cross media ownership.</li> <li>• The loopholes should be identified in the Authority's Risk register.</li> <li>• A detailed reasons document will be prepared for Council on the Cell C Recapitalization.</li> </ul>	<b>ACEO</b>

	Action Item	Person Responsible
	<p><b>Council resolved to accept the notification by Cell C.</b></p> <p><i>Senior Manager: Litigation, Contracts &amp; Legal Services, Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting), Senior Manager: Compliance: CCA and GM: CCA joined the meeting at 10h00 -11h00.</i></p>	
5.2	<p><b>CRASA update ('Standing item')</b></p> <p>Awaiting the CRASA minutes and final report. Submission will be tabled at Council.</p>	Cllr [REDACTED]
5.3	<p><b>Update on the relocation process</b></p> <p>A tender has been advertised in the tender bulletin during the past weekend and the advertisement will close after 14 days.</p> <p>A Compulsory tender briefing has been scheduled for the 7<sup>th</sup> December 2017</p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• There was a suggestion to make the working environment more comfortable in the new office space.</li> <li>• Cllr [REDACTED] will form part of the relocation committee.</li> </ul>	Cllr [REDACTED]





	Action Item	Person Responsible
7.	<p><b>Re-submission of the recommendation of the Complaints and Compliance Committee("CCC") in the matter between Mobile Telephone Networks (Pty)Ltd ("MTN") and Cell C (Pty)</b></p> <p>Senior Manager: Litigation, Contracts &amp; General Legal Support presented the item.</p> <p>The purpose of this memo was to resubmit the 2014 recommendation of the Complaints and Compliance Committee to Council in order to validate the approval, which took place in 2014.</p> <p>The CCC's recommendation to Council dated 21 November 2014 advised as follows: -</p> <ol style="list-style-type: none"> <li>1. The Authority ratifies that Cell C breached the 2005 Mobile Number Portability Regulations;</li> <li>2. The Authority should direct Cell C to desist from any further contraventions of Regulation 7(1);</li> <li>3. The Authority must direct Cell C to indicate and demonstrate that remedial action it has taken to desist from contravening Regulation 7(1) and to prevent recurrence of such contravention;</li> <li>4. The Authority should direct all mobile operators to carry-out campaigns directed at their agents and consumers to make them aware of the porting rules and regulations, and to make consumers aware of their rights in the case of erroneous or illegal porting; and</li> <li>5. The Authority should review the Mobile Number Portability Regulations and consider including fines or other punitive measures for transgressions.</li> </ol> <p><b>Recommendations to Council</b></p> <p>It is for the above stated reasons that Council should consider the recommendations of the CCC to reaffirm the recommendations taken on 21 November 2014 in the matter between Cell C and MTN.</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>• Going forward, CCC submissions should cite relevant sections of the Act to guide Council.</li> <li>• Background information and reasons for approval should be indicated in the submissions.</li> </ul> <p><b>It was resolved that the re-submission of the recommendation of the Complaints and Compliance Committee("CCC") in the matter between Mobile Telephone Networks (Pty)Ltd ("MTN") and Cell C (Pty) be approved subject to the above inputs.</b></p> <p><b>Reason:</b> In accordance with section 17E of the ICASA Act no.13 of 2000.</p> <p><i>Senior Manager: Litigation, Contracts &amp; General Legal Support left the meeting at 11h34.</i></p>	
8.	<p><b>Application for the transfer of I-ECS and I-ECNS licences from Infovan (Pty) Ltd to T-Systems South Africa (Pty)Ltd</b></p> <p>Manager: Broadcasting Compliant: CCA presented the item.</p> <p>The purpose of this submission was to provide Council with an analysis of the applications submitted by Infovan (Pty) Ltd ("the applicant") for the transfer of its I-ECS and I-ECNS licences and recommend that it be approved.</p> <p><b>Background</b></p> <ol style="list-style-type: none"> <li>1. On 29 July 2015, the Authority received applications from infovan (Pty) Ltd ("the applicant") to transfer its I-ECS and ECNS licences to T-Systems South Africa (Pty) Ltd (the transferee"). The applications were submitted using Form G of the Processes and Procedure Regulations for Individual licences published on 14 June 2010 in Government Gazette No.33293, as amended.</li> </ol> <p><b>It was resolved that the Application for the transfer of I-ECS and I-ECNS licences from (Pty)Ltd to T-Systems South Africa</b></p>	CEO



	Action Item	Person Responsible
	<p><b>(Pty)Ltd be approved.</b></p> <p><i>Manager: Broadcasting Compliant: CCA, Manager: Service Broadcasting: Licensing and Manager: Service ECS\ECNS\Post: Licensing joined the meeting at 11h35.</i></p>	
<p>9.</p>	<p><b>Application for the transfer of I-ECS and I-ECNS licences from Eden online (Pty) Ltd to TT Connect (Pty)Ltd</b></p> <p>Manager: Service Broadcasting: Licensing presented the item.</p> <p>The purpose of this submission was to provide Council with an analysis of the applications submitted by Eden Online (Pty) for the transfer of its I-ECS and I-ECNS licences and recommend that the applications be approved.</p> <p><b>Background</b></p> <p>On 13 December 2016, the Authority received applications from Eden Online (Pty) Ltd (the applicant") to transfer its I-ECS and I-ECNS licences to TT Connect (Pty) Ltd ("the transferee"). The applications were submitted using Form G of the Processes and Procedures Regulations for Individual Licences published on 30 March 2016 in Government Gazette No. 39871 ("Processes and Procedures Regulations for Individual Licences published on 30 March 2016 in Government Gazette No. 39871 ("Processes and Procedures Regulations")</p> <p><b>It was resolved that Application for the transfer of I-ECS and I-ECNS licences from Eden online (Pty)Ltd to TT Connect (Pty)Ltd be approved.</b></p>	<p>CEO</p>
<p>10.</p>	<p><b>Application for the transfer of I-ECS and I-ECNS licences from CMC Network (Pty)Ltd to NEWSHELF (Pty)Ltd</b></p> <p>Manager: Service ECS\ECNS\Post: Licensing presented the item.</p> <p>The purpose of this submission was to provide Council with an analysis of the application submitted by CMC Network Propriety</p>	<p>CEO</p>

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Limited for the transfer for its I-ECS and I-ECNS licences and recommend that the application be approved.</p> <p><b>Background</b></p> <p>On 17 February 2017, the Authority received applications from CMC Network Propriety Limited ("the applicant") to transfer its I-ECS and I-ECNS licences to Newhelf 1379 Propriety Limited ("the transferee"). The applications were submitted using Form G of the Processes and Procedures Regulations for Individual Licences published on 30 March 2016 in Government Gazette No. 39871 ("Processes and Procedures Regulations for Individual Licences published on 30 March 2016 in Government Gazette No. 39871 ("Processes and Procedures Regulations").</p> <p><b>It was resolved that the Application for the transfer of I-ECS and I-ECNS licences from CMC Network (Pty)Ltd to NEWSHELF (Pty)Ltd be approved.</b></p>	
11.	<p><b>Capricorn FM: Application for amendment of the Radio Frequency Spectrum Licence</b></p> <p>The CEO presented the item.</p> <p>The purpose of this submission was to request Council to approve the amendment application of the Radio Frequency Spectrum Licence of Capricorn FM for the introduction of a transmitter in Burgersfort.</p> <p><b>The following was noted: -</b></p> <ul style="list-style-type: none"> <li>In an instance where Council is recommended to reject an application. It should be a standard practise to indicate other alternatives to provide the licensees with a way forward.</li> </ul> <p><b>It was resolved that the Capricorn FM: Application for amendment of the Radio Frequency Spectrum Licence be approved.</b></p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<i>Manager: Broadcasting Compliant: CCA, Manager: Service Broadcasting: Licensing and Manager: Service ECS\ECNS\Post: Licensing left the meeting at 12h10.</i>	
12.	<p><b>Update on rapid deployment and provisioning of electronic communications facilities</b></p> <p>Senior Manager: Litigation, Contracts &amp; General Legal Support presented the item.</p> <p>The purpose of this submission was to request Council to note the status of the project led by the Department of Telecommunications and Postal Services ("Department") on Rapid Deployment and provisioning of electronic communications facilities</p> <p>The following input was noted: -</p> <ul style="list-style-type: none"> <li>• Time frames for the project have not been communicated, working streams met in August 2017 and there is a follow-up meeting scheduled for Friday 1 December 2017.</li> <li>• The suggestion to have a "trench once policy" would assist and avoid duplication of infrastructure.</li> </ul> <p><b>It was resolved that the update on rapid deployment and provisioning of electronic communications facilities be noted.</b></p> <p><i>Senior Manager: Litigation, Contracts &amp; General Legal Support joined the meeting at 12h10-12h35.</i></p>	CEO
13.	<p><b>Report on inaugural meeting of the 5G Forum held in Sandton, 1-2 November 2017</b></p> <p>GM: Engineering and Technology presented the item.</p> <p>The purpose of this submission was to request Council to approve the report on the Fifth Generation (5G) Forum inaugural meeting that took place on 1-2 November 2017 in Sandton.</p> <p><b>It was resolved that the report on inaugural meeting of the 5G Forum held in Sandton, 1-2 November 2017 be approved.</b></p>	CEO



	Action Item	Person Responsible
	<i>GM: Engineering and Technology and Snr Manager: Network Systems &amp; Research: E&amp;T joined the meeting at 12h35 -12h55.</i>	
14.	<b>Phase 1 of the standard Operating Procedures Optimisation Project</b>  Item was deferred to the next Council meeting.	CEO
15.	<b>Finance Policies – Supply Chain Management Policy 2017 and Subsistence &amp; Travel Policy</b>  Item was deferred to the next Council meeting. Still awaiting input from the Union.	CFO
16.	<b>Counter Offer Human Resources Specialist</b> <b>Senior Manager: HR presented the item.</b>  [REDACTED]  The following inputs were noted: <ul style="list-style-type: none"><li>• [REDACTED]</li><li>• [REDACTED]</li><li>• [REDACTED]</li></ul> It was resolved that the submission by HRIS be rejected.  <i>Senior Manager: HR joined the meeting at 14h45h-15h00.</i>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
17.	<p><b>International Relations meetings</b></p> <p>Executive: Corporate Services presented the item</p> <p>The purpose of this memo was for Council to note the reports for quarter one (1) and quarter two (2) on the International Relations schedule</p> <p><b>The following were noted: -</b></p> <ul style="list-style-type: none"> <li>• There should be a strategy for International travel that also focuses on value add.</li> <li>• International travel should be aligned to the deliverables of the organisation.</li> <li>• Travel should be structured in a way that it does not disrupt work.</li> <li>• Corporate Services is working on a strategy for international travel.</li> <li>• A session on the strategy will be scheduled for January 2018.</li> </ul> <p><b>It was resolved that the International Relations meetings be noted.</b></p> <p><i>Executive: Corporate Services joined the meeting at 13h35.</i></p>	CEO
18.	<p><b>International relations upcoming meeting</b></p> <p>Executive: Corporate Services presented the item.</p> <p>The purpose of this memo was for Council to note the upcoming international meetings for quarter three (3) and quarter four (4).</p> <p><b>The following was noted: -</b></p> <ul style="list-style-type: none"> <li>• For purposes of planning, Council members should indicate meetings they would like to attend.</li> </ul>	CEO

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>It was resolved that the International Relations upcoming meeting be deferred to the next Council meeting.</b></p> <p><i>Executive: Corporate Services left the meeting at 14h30.</i></p>	
<p><b>19.</b></p>	<p><b>Internal Audit Report – IT Network Security Review</b></p> <p>Manager: IT Auditor: Internal Audit presented the item</p> <p>The purpose of this submission was to share with Council the Information Security Review</p> <p><b>The following inputs were noted: -</b></p> <ul style="list-style-type: none"> <li>• The report was tabled at ARC AND ITRC.</li> <li>• IT Division is procuring a system that will look into administrative activities.</li> </ul> <p><b>It was resolved that the Internal Audit Report – IT Network Security Review be noted.</b></p> <p><i>Manager: IT Auditor: Internal Audit joined the meeting at 15h15-15h35.</i></p>	<p><b>CAE</b></p>
<p><b>20.</b></p>	<p><b>Internal Audit Report – Governance Review</b></p> <p>The CAE presented the item</p> <p>The purpose of this memo was to provide Council with the final report of governance review performed by Internal Audit.</p> <p><b>The following were noted: -</b></p> <ul style="list-style-type: none"> <li>• The outdated Council Charter should also be reviewed.</li> <li>• There will be monthly issues tracking on the Audit report</li> </ul> <p><b>It was resolved that Internal Audit Report – Governance Review be noted.</b></p>	<p><b>CAE</b></p>



	Action Item	Person Responsible
21.	<p><b>Management Control Policy</b></p> <p>The CAE presented the item</p> <p>The purpose of this submission was to obtain approval from Council on the proposed Management Control Policy. There were no changes made to the current policy that is in effect.</p> <p><b>The following inputs were noted: -</b></p> <ul style="list-style-type: none"> <li>• It was indicated that Social and Ethics committee should be considered. It was suggested that the members of the committee could be a member of Council or staff members.</li> <li>• The IOD could assist in the formulation of the committee.</li> </ul> <p><b>It was resolved that the Management Control Policy be approved.</b></p>	CAE
22.	<p><b>Request to extend the deadline for submissions of written comments on the draft End-User and Subscriber Service Charter Regulation</b></p> <p>Cllr ██████ presented the item.</p> <p>The purpose of this memo was to ask Council to consider the Committees recommendation to decline Vodacom's request for an extension of the deadline to submit its written comment on the draft End-User and Subscriber Service Charter Regulations, Government Gazette 41263 ("draft EUSSC Regulations")</p> <p><b>It was resolved that the request to extend the deadline for submissions of written comments on the draft End-User and Subscriber Service Charter Regulation be rejected.</b></p>	Cllr ██████
23.	General	



	Action Item	Person Responsible
23.1	<p><b>SABC</b></p> <p>The SABC Board has requested to meet with Council. The SABC will be invited to a meeting scheduled for 12 December 2017.</p>	
23.2	<p><b>MTN</b></p> <p>MTN has accepted the meeting invite for 12 December 2017.</p>	
23.3	<p><b>Alternative Dispute Resolution Committee</b></p> <p>Council resolved that Cllr [REDACTED] and Cllr [REDACTED] will form part of the committee.</p>	
23.4	<p><b>NAB</b></p> <p>NAB has requested a meeting with Council. NAB will be invited for the meeting scheduled for 12 December 2017.</p>	
24.	<p><b>Closure</b></p> <p>The Acting Chairperson, Cllr Mashile thanked all present at the meeting and adjourned the meeting at 17h30.</p>	<b>Secretariat</b>
25.	<p><b>Date of next meeting: 12 November 2017</b></p>	

Signed: \_\_\_\_\_  
(Chairperson)

Date: \_\_\_\_\_

12/12/17