



MINUTES OF AN ORDINARY COUNCIL MEETING

Date	14 November 2017	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present		
	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation		
	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Secretariat Officer
Partial Attendees		
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Competition Commission
	[REDACTED]	Specialist: Legislative and Regulatory Drafting
	[REDACTED]	Executive: Legal, Risk and CCC
	[REDACTED]	Manager: Cyber Security: PRA
	[REDACTED]	GM: PRA
	[REDACTED]	GM:Licesing
	[REDACTED]	Principal Business Analyst: Licensing



	[REDACTED]	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
	[REDACTED]	Manager: Wholesale Services: PRA
	[REDACTED]	SM: Engineering Facilities and Research
Apologies	[REDACTED]	Acting SM: Office of Chairperson



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 9h30 and welcomed all present.</p> <p>The following apologies were noted: -</p> <ul style="list-style-type: none"> SM: Office of the Chairperson, [REDACTED] is attending the ITU Study Group in Geneva <p><i>Cllr [REDACTED] had a Doctors' appointment and will joined the meeting later.</i></p> <p><i>Cllr [REDACTED] requested to be excused from the meeting at 16H00.</i></p>	Chairperson
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted at the meeting.</p>	All
4.	<p>Adoption of previous minutes</p>	Council
4.1	<p>Meeting held on 6 November 2017</p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> Page 8, point 7 – should also indicate that the Minister has dissolved the DMAC. <p>It was resolved that the minutes of 6 November 2017 be approved subject to the above changes.</p>	Council
4.2	<p>Meeting held on 31 October 2017</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> Page 4, point 5.9 – tv was corrected to TV. 	



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Page 5, point 5.10-should indicate that Cllr Mokhele will follow -up with the Legal, Risk CCC Division on the status of the document being vetted. • Page 8, point 6.3 – the heading was changed to Vodacom vs Telkom duct disputes. • Page 18, point 19 – Hurdle was corrected to Huddle. • Page 20, point 26- It was resolved that Remuneration of ICASA Committees AREDC, CCC, ITRC and REMCO be re-submitted incorporating the above-mentioned inputs. • Page 21. Point 30.2 – Meeting with Vodacom should indicate issues discussed. <p>It was resolved that the minutes of 31 October 2017 be approved subject to the above changes.</p>	
5.	Matters arising from previous minutes	Secretariat/CEO
5.1	<p>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</p> <p>Council resolved that contracts of three (3) members of the CCC should be extended until appointment process of new members is concluded.</p>	Cllr Modimoeng
5.2	<p>Council performance agreements and bilateral meeting with the Minister of Communications</p> <p>The Department of Communications to confirm dates for the workshop. A follow up will be made with the SM: Office of the Chairperson.</p>	Council
5.3	<p>Council Decisions for Website publication</p> <p>Item is on the agenda.</p>	Council
4.4	Industrial Relations	Council

	Action Item	Person Responsible
	No response was received from the Union with regard to the offer which lapses on 15 November 2017.	
5.5	CRASA "Standing Item on the agenda"	Cllr [REDACTED]
5.6	Status report on the 5G Forum Project A report will be tabled to Council on 21 November 2017. A Steering Committee will be meeting by the end of November 2017. Council resolved that that decision on the matter (Co-hosting of WWRF) be put on hold until the steering committee meeting takes place.	Cllr [REDACTED]
5.7	Developments around participation and contributions made within the ITU-R Study Group 5 Work in progress.	Cllr [REDACTED]
5.8	Competition Commission Market Enquiry Meeting with the Competition Commission has been scheduled to take place on 14 November 2017, at ICASA.	Council
5.9	Inquiry into subscription TV Status has not changed; the inquiry is ongoing.	Cllr [REDACTED]
5.10	Draft Code for Persons with Disabilities Regulations Item is on the agenda.	Cllr [REDACTED]
5.11	SADC Roaming Cost Model Funding	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>Report will be submitted to Council.</p> <p>There is ongoing consultation on the funding model.</p>	
5.12	<p>SANGONet Proposal</p> <p>Remove the item from the matters arising list.</p>	Office of the Chairperson
5.13	<p>Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance of clause 9.1 of its licence conditions</p> <p>Remove the item from the matters arising list.</p>	CEO
5.14	<p>Cell C v ICASA –Universal Service Obligations (USO)</p> <p>Confirmation of Court date will be communicated before the annual office shut down period.</p>	CEO
5.15	<p>Release of existing bandwidth</p> <p>An updated report will be submitted at the meeting of 21 November 2017.</p>	CEO
5.16	<p>Update on the settlement discussions with Ministry of DTPS re the litigation pertaining to the 2016 ITA for IMT Spectrum</p> <p>ICASA is awaiting a formal response to its counter-proposal (made during August 2017) on settlement of the ITA (IMT Spectrum) litigation</p> <p>A reminder will be sent to CSIR to requesting the ToR for the CSIR study on the high-level study on wireless open access network (WOAN) spectrum needs.</p> <p>A letter will be drafted to remind the DTPS on the Band Plan that needs to be finalised and published.</p> <p>A follow up letter will be drafted to the DTPS on the settlement</p>	CEO



	Action Item	Person Responsible
	proposal.	
5.17	<p>Appeal to renew a Class Community Sound Broadcasting Service License – Lephalale Community Radio</p> <p>A submission will be tabled in the next Council meeting.</p> <p>Licensing Division should establish if the Lephalale Community Radio is currently on air.</p> <p>A meeting with Sentech will be scheduled to discuss the spectrum related to Community Radio Stations and to make stakeholders aware of challenges.</p>	CEO
5.18	<p>Investigation into possible fraudulent activities conducted by</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO
5.19	<p>Appointment of Company Secretary</p> <p>Advertisement finalised. Remove the item from the matters arising list.</p>	Council
5.20	<p>Inter Operator Disputes</p> <p>Item is on the agenda.</p>	CEO
5.21	<p>2016-17FY AFS</p> <p>Item should be removed from the matters arising</p>	Council
5.22	<p>Phase 1 of Standard Operating Procedures Optimisation Project</p>	CEO



	Action Item	Person Responsible
	Item will be tabled in the next Council meeting.	
5.23	Feedback on moderation sessions and Contracting for 2017/18 FY Remove the item from the matters arising list.	Council
5.24	Governance Framework Secretariat will confirm date of the workshop between the DoC entity oversight team and ICASA for Council Contracting.	Secretariat
5.25	SANDF and SAPS outstanding licensing fees Submission will be tabled in the next Council meeting.	CEO
5.26	Proposed amendments to the organisational structure of ICASA The Human Resources Division is working on revising the submission. The submission will be tabled for Council on 21 November 2017.	CEO
6.	Standing items	
6.1	Inter Operator Disputes The CEO presented the item. Duct Disputes <ul style="list-style-type: none"> • Awaiting representation from both Telkom and Vodacom. Cell C Recapitalization <ul style="list-style-type: none"> • The deadline to make representation expires on the 17 November 2017. Submission will be submitted to Council on 	ACEO



	Action Item	Person Responsible
	21 November 2017.	
6.2	<p>CRASA update ('Standing item')</p> <p>A steering committee meeting is scheduled for the end of 2017.</p> <p>A report will be presented for Council on 21 November 2017.</p>	Cllr [REDACTED]
6.3	<p>Update on the relocation process</p> <ul style="list-style-type: none"> Internal compliance processes have been concluded. The advertisement will go through the Government Gazette followed by an advertisement in the newspaper. The tender will be advertised next weekend and the advertisement will be open for 14 days. 	Cllr [REDACTED]
7.	<p>The role and responsibility of the Authority on Cybersecurity</p> <p>GM: PRA presented the item</p> <p>The purpose of the submission was to present to Council the proposed role and responsibility of the Authority on cybersecurity; and to recommend that Council note and approve the proposed process by the PRA Division in determining the role and responsibility of the Authority on cybersecurity.</p> <p>The following inputs were noted: -</p> <ul style="list-style-type: none"> The role of the Film and Publication Board was considered; however, the Authority did not want to duplicate what the PFB is doing. Council suggested that the PRA should reflect on the FPB Act. A question was asked on what is being done internally with regards to cyber protection, the CAE indicated that an IT Security review has been concluded. The report will be submitted to Council. A conference should be arranged with all stakeholders to 	CEO

	Action Item	Person Responsible
	<p>engage on cybersecurity issues. A committee should be formed to deal with the structure on Cyber Security.</p> <ul style="list-style-type: none"> • Cllr Kadi will form part of the Committee. <p>It was resolved that the role and responsibility of the Authority on Cybersecurity be noted and approved subject to the above inputs.</p> <p>Reason: Formulation of a regulatory framework that will address the future of Cybersecurity in ICASA.</p> <p><i>GM PRA and Manager: Cyber Security: PRA joined the meeting at 16h00 -16h30.</i></p>	
8.	<p>Report on the ITU Telecom World 2017 conference</p> <p>Cllr [REDACTED] presented the item</p> <p>The purpose of the submission was to request Council to note the report on the ITU Telecom World 2017 Conference.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • Council requested Corporate Affairs to make sure registrations are made properly and in advance, as there were challenges while attending the Conference. • The Minister of DTPS made an announcement that South Africa will be hosting the ITU Telecom World 2018. • ICASA will budget for the cost of hosting of the ITU Telecom World 2018 in the next financial year. • The Authority will be included in the organising group of the ITU Telecom World 2018. <p>It was resolved that the Report on the ITU Telecom World 2017 conference be noted.</p>	Cllr [REDACTED]
9.	<p>Report on the World Telecommunications Development Conference 2017</p> <p>Cllr [REDACTED] presented the item</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>The purpose of the submission was to provide a report to Council on the World Telecommunications Development Conference 2107 (WTDC-17) which took place from 9 to 20 October 2017 in Buenos Aires, Argentina, under the theme of "ICT for Sustainable Development Goals" (ICTSDGs)</p> <p>It was resolved that the report on the world Telecommunications Development Conference 2017 be noted.</p>	
10.	<p>Smile Communications (Pty) Ltd: Application for Radio Frequency Spectrum Licence in the 450-470 MHz</p> <p>Item was deferred to the next meeting</p>	CEO
11.	<p>2017/18: Mpumalanga Province Quality of Service Report</p> <p>SM: Engineering Facilities and Research presented the item.</p> <p>The purpose of the submission was for Council to approve the QoS Report for Q1 2017/2018.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • Findings will be shared with the public and afforded an opportunity to comment within 30-60 days. • Council requested that tests should be conducted during peak periods. • Operators that underperform should be advised accordingly. Regulations should be reviewed to enable the Authority to impose penalties on underperforming operators. Parameters on dropped calls should be reviewed for Council consideration. <p>It was resolved that the 2017/18: Mpumalanga Province Quality of Service of Report be approved.</p> <p>Reason: To enable consumers and the public to understand the level of QoS within the selected areas in the Mpumalanga Province. The approval of the report will promote the objects set out in section</p>	CEO



	Action Item	Person Responsible
	<p>2(c), (m) and (n) of the ECA.</p> <p><i>SM: Engineering Facilities and Research: E&T, Principal Business Analyst: Licensing joined the meeting at 11h15.</i></p>	
<p>12.</p>	<p>2017/18: Limpopo Province Quality of Service Report</p> <p>SM: Engineering Facilities and Research presented the item.</p> <p>The purpose of this submission was for Council to approve the QoS Report for Q1 2017/2018.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • Findings will be shared with the operators and there were afforded an opportunity to comment within 30-60 days. • Council requested that tests should be conducted during peak periods. • Operators that under perform should be advised accordingly. Regulations should be reviewed to enable the Authority to impose penalties on underperforming operators. Parameters on drop calls should be reviewed for Council consideration. <p>It was resolved that the 2017/18: Limpopo Province Quality of Service Report be approved.</p> <p>Reason: To enable consumers and the public to understand the level of QoS within the selected areas in the Limpopo Province. The approval of the report will promote the objects set out in section 2(c), (m) and (n) of the ECA.</p> <p><i>SM: Engineering Facilities and Research: E&T, Principal Business Analyst: Licensing left the meeting at 12h15.</i></p>	<p>CEO</p>
<p>13.</p>	<p>ITU Telecom Regulations and Partnership in Africa Forum (FTRA)</p>	<p>CEO</p>



	Action Item	Person Responsible
	Item was deferred to the next meeting.	
14.	Progress on the Automated Spectrum Management System (ASMS) Project Item was deferred to the next meeting.	CEO
15.	Finance Policies – Supply Chain Management Policy 2017 and Subsistence & Travel Policy Item was deferred to the next meeting.	CEO
16.	Launch for the new ICASA website. Item was deferred to the next meeting.	CEO
17.1	Council decisions Item was deferred to the next meeting.	Secretariat
17.2	Potential disregard of legislative requirements: Vodacom and Wireless Business Solutions Propriety Limited (“WBS”) GM: Licensing presented the item. The purpose of this submission was to advise Council of the complaints by Mobile Telephone Networks Propriety Limited (“MTN”), Cell C Propriety Limited (“Cell C”) and Telkom SOC Ltd (“Telkom”) with respect to the infrastructure sharing arrangement entered into by Vodacom and WBS, and present the Task Team’s findings and recommendation. The following inputs were noted: - <ul style="list-style-type: none"> • It was indicated that the regulation allows sharing, however parties should apply for approval. Council requested that an 	CEO

	Action Item	Person Responsible
	<p>independent technical opinion on the validity of spectrum sharing should be conducted.</p> <ul style="list-style-type: none"> • The parties involved should be communicated on the resolution taken by Council. • It was noted that the submission has been filed with the Competition Commission, and the Commission is in agreement with the findings made by the Authority. • Council will await a formal report from Competition Commission on the matter. • The item will be finalised during a Special Council meeting scheduled for December 2017. <p>It was resolved that potential disregard of Legislative requirements: Vodacom and Wireless Business Solutions Propriety Limited (“WBS”) be deferred, resolution will be taken during a special Council meeting.</p> <p><i>GM: Licensing, Executive: Legal, Risk and CCC, Type Approval Specialist: Licensing, Specialist: Legislative and Regulatory Drafting, Manager: Cybersecurity: PRA, GM: PRA, SM: Engineering Facilities and Research, joined the meeting at 14h30 -15h15.</i></p>	
17.3	<p>Cell C and CellSaf matter</p> <p>Item was deferred to the next meeting.</p>	CEO
17.4	<p>Meeting with Competition Commission of South Africa</p> <p>The following issues were discussed</p> <p>1. Discussion on Policy context</p> <ul style="list-style-type: none"> • ICT whitepaper – The DTSPS has requested the CSIR to conduct a study on how much spectrum will be required to make the Wholesale open access network sustainable. • The study will be tabled to the cabinet and the final study will form part a settlement on a Litigation matter with the DTSPS. • Consumer Protection Regulations – There are proposals to 	Council

	Action Item	Person Responsible
	<p>amend the regulations.</p> <ul style="list-style-type: none"> Regulations on Call Termination – will be assessed with the market to see if the regulation needs to be reviewed. <p>2. Challenges within the Telecommunications Sector including cost and possible anti-competitive effects on post-paid contracts and roaming charges</p> <ul style="list-style-type: none"> SADC Roaming – the project is to look into roaming services and charges within the SADC region. <p>3. Memorandum of Agreement between ICASA and Competition Commission</p> <ul style="list-style-type: none"> It was indicated that the Memorandum of Understanding is outdated, a team has been assigned to assist with the review and recommendations on the MoU. The Competition Commission legislation makes provision for collaboration, a legal opinion will be sought on the collaboration aspect in order to protect private party's rights. The legal opinion will be procured by the Competition Commission. <p>4. Market Inquiry on data costs</p> <ul style="list-style-type: none"> Draft End-User and Subscriber Charter Regulation will be published by Friday 17 November 2017. Subscription Enquiry is underway; the Discussion document was published during the month of August 2017. Broadband services –ICASA will be conducting an enquiry into broadband services and will work with the Competition Commission on the enquiry. <p>5. The Subscription Broadcasting Enquiry</p> <p>The following were noted.</p> <ul style="list-style-type: none"> The CEO (ICASA) presented on the mandate of ICASA. Competition Commission presented its mandate. Council suggested periodic meeting with the the Commission. The CEO (ICASA) will communicate with the Deputy 	



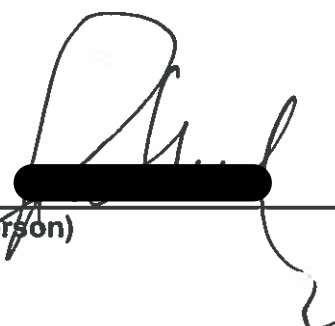
	Action Item	Person Responsible
	<p>Commissioner to confirm a date of the next meeting.</p> <p>Specialist: Legislative and Regulatory Drafting and Executive: Legal, Risk and CCC joined the meeting at 14h30 -15h15.</p> <p><i>Members from Competition Commission joined the meeting at Specialist: Legislative and Regulatory Drafting at 14h30 -15h15.</i></p>	
17.5	<p>The draft Regulations on the Code for Persons with Disabilities</p> <p>Cllr [REDACTED] presented the item</p> <p>The purpose of this memorandum was to present to Council the draft Regulations on the Code for Persons with Disabilities; and</p> <p>Recommend that Council approves the submission for publication in the Government Gazette.</p> <p>It was resolved that the draft Regulations on the Code for Persons with Disabilities is approved.</p>	Cllr [REDACTED]
17.6	<p>Letter from INCM</p> <p><i>Item was deferred to the next meeting.</i></p>	Council
17.7	<p>Approval of the revised draft End-User and Subscriber Charter Regulations and the explanatory note for publication in the Government Gazette for public comment</p> <p>Manager: Wholesale Services: PRA presented the item.</p> <p>The purpose of this memo was to request Council to approve the revised draft End-User and Subscriber Services Regulations (EUSSC Regulations) and the explanatory note for publication for public comment (30 days).</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • ICASA is proposing a validity period of data to be a minimum 	Cllr [REDACTED]



	Action Item	Person Responsible
	<ul style="list-style-type: none"> – 10 days and maximum of 12 months. • A legal opinion will be sought on potential conflict between the 3 years validity period of the CPA & ICASA's regulations. • Priority markets is a long term project that is ongoing. • Legal Risk and CCC division will advise if the revised draft End-User and Subscriber Charter Regulations will be published for 15 or 30 days. • A press briefing or media statement will be prepared for the public to explain as to why the draft End-User and Subscriber Charter Regulations is being published for the second time. It was proposed that public hearings should be at an external venue to accommodate the public, as it is a matter of public interest. It was further proposed that other media platforms such as TV and radio should be used to communicate the this process • Cllr Modimoeng and Corporate Services (Communications) will work on the media plan in terms of how the public responses will be dealt with. • The table on page 8 of the submission should be properly edited. <p>It was resolved that the approval of the revised draft End-User and Subscriber Charter Regulations and the explanatory note for publication in the Government Gazette for public comment be approved with the above inputs.</p> <p><i>Manager: Wholesale Services: PRA joined the meeting at 11h55 - 12h30.</i></p>	
17.8	<p>Council meeting pack</p> <p>A concern was raised with regards to the current use of the Z-drive for Council meeting pack, as it is a challenge to make comments on scanned documents.</p> <p>Council requested Finance to explore other methods the Authority can use for circulating Council meeting documents electronically.</p> <p>In addition to the physical submissions, Divisions should send</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	documents in pdf format to Secretariat.	
17.9	<p>Office Shutdown period</p> <p>Council resolved that the office shut down period should be optional for employees to either apply for leave during the shutdown period or report for duty. The shutdown period will commence from 22nd December 2017.</p> <p>HR Division should consolidate a list for Council to note how many employees will be working during the shutdown period.</p> <p>Stakeholders should be also be informed of the shutdown period commencing later.</p>	Council
18.	<p>Closure</p> <p>The Acting Chairperson, Cllr Mashile thanked all present at the meeting and adjourned the meeting at 19h45.</p>	
19.	Date of next meeting: 21 November 2017	Secretariat

Signed:  _____ Date: 21/11/2017

(Chairperson)