



**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY COUNCIL MEETING</b>		
<b>Date</b>	<b>19 December 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
<b>By Invitation</b>		
	██████████████████	CEO
	██████████	ACFO
	██████████	Acting SM: Office of Chairperson
<b>Partial Attendees</b>		
	██████████████████	GM: PRA
	██████████	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
	██████████████████	RF Specialist: E&T
	██████████████████	Senior Manager: Spectrum: Licensing
	██████████████████	Radio Frequency Specialist: Radio Communications: E&T
	██████████████████	Regulation & Legislative Drafting Specialist
<b>Apologies</b>		
	██████████████████	Member
	██████████████████	Member
	██████████████████	CFO
	██████████████████	CAE



	<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 10h00 and welcomed all present.</p> <p><b>The following apologies were noted: -</b></p> <ul style="list-style-type: none"> <li>• Cllr [REDACTED] was on maternity.</li> <li>• Cllr [REDACTED] was on sick leave.</li> </ul>	<b>Chairperson</b>
2.	<p><b>Ratification of agenda</b></p> <p>The following items were added:</p> <ul style="list-style-type: none"> <li>• Draft policy directive on the introduction of Digital Sound Broadcasting in South Africa.</li> <li>• Application for the transfer of control of radio frequency spectrum licence in the KA-Band from CMC Network (Pty) Ltd to Newshelf 1379 (Pty) Ltd.</li> <li>• Cell C reasons document.</li> </ul> <p><b>The agenda was adopted with the above changes.</b></p>	<b>Council</b>
3.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted at the meeting.</p>	<b>All</b>
4.	<p><b>Adoption of previous minutes</b></p>	<b>Council</b>
4.1	<p><b>Meeting held on 28 November 2017</b></p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> <li>• Page 2, point 4.4 – second paragraph was removed.</li> <li>• Page 2, point 4.9 – request for quotation was changed to RFQ.</li> </ul>	<b>Council</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• Page 6, point 4.17 – Secretariat will confirm dates for the Governance Framework workshop.</li> <li>• Page 6, pint 4.21 – external stakeholders.</li> <li>• Page 11 point 8 – remove the first two points under point 9.</li> <li>• Page 16, point 16 – It was resolved that the submission be rejected.</li> </ul> <p><b>It was resolved that minutes for 28 November 2017 be approved with the above changes.</b></p>	
<b>5.</b>	<p><b>Matters arising from previous minutes</b></p> <p>Item was deferred to the next meeting.</p>	<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 advertisement has closed. Council requested that in future the advertisement should have a disclaimer indicating that employees within the public sector will not be remunerated.</p>	<b>CEO</b>
<b>5.2</b>	<p><b>Council bilateral with the Minister</b></p> <ul style="list-style-type: none"> <li>• Council performance agreements.</li> <li>• Council remuneration and Bilateral meeting with Minister</li> </ul> <p>A letter on Council remuneration was sent to the Minister on the 16 November 2017.</p>	<b>Council</b>
<b>5.3</b>	<p><b>Council Decisions for Website publication</b></p> <p>Secretariat will implement publication.</p>	<b>Council</b>
<b>5.4</b>	<p><b>Industrial Relations</b></p> <p>Discussions with the Union are on-going.</p> <p>“Standing Item”</p>	<b>Council</b>



	<b>Action Item</b>	<b>Person Responsible</b>
5.5	<p><b>CRASA</b></p> <p>The minutes of the last CRASA meeting will be submitted to Council. Next CRASA AGM is scheduled for April 2018 in Swaziland.</p> <p>“Standing Item”</p>	Cllr [REDACTED]
5.6	<p><b>Status report on the 5G Forum Project</b></p> <p>The Authority has requested WWRF to send requirements for the 2018 WWRF 5G Huddle.</p>	Cllr [REDACTED]
5.7	<p><b>Developments around participation and contributions made within the ITU-R Study Group 5</b></p> <p>On-going.</p>	CEO
5.8	<p><b>Competition Commission Market Inquiry</b></p> <p>Status has not changed. Council requested the third paragraph to be reworded.</p>	Cllr [REDACTED]
5.9	<p><b>Inquiry into subscription TV</b></p> <p>18 submissions were received. The Authority is currently not capacitated to do justice to the inquiry. Four additional members have been added to the project, and a new round robin has been prepared for approval of additional members.</p>	Cllr [REDACTED]
5.10	<p><b>Draft Code for Persons with Disabilities Regulations</b></p> <p>An extension has been granted until 17 January 2018.</p>	Cllr [REDACTED]
5.11	<p><b>SADC Roaming Cost Model Funding</b></p> <p>Awaiting a report from the Gaborone meeting.</p>	Cllr [REDACTED]



	Action Item	Person Responsible
5.12	<p><b>Cell C v ICASA –Universal Service Obligations (USO)</b></p> <p>Heads of argument have been filed by both Cell C and the Authority.</p>	CEO
5.13	<p><b>Cell C recapitalisation transaction (and associated CellSaf compliant)</b></p> <p>Item has been resolved. Awaiting the reasons document from Legal, Risk and CCC Division.</p>	
5.14	<p><b>Release of existing bandwidth</b></p> <p>Report has been submitted to secretariat.</p>	CEO
5.15	<p><b>Update on the settlement discussions with Ministry of DTSP re the litigation pertaining to the 2016 ITA for IMT Spectrum</b></p> <p>Letter was sent to DTSP on the counter offer made to them. Response was 19 January 2017, however DTSP has requested an extension.</p>	CEO
5.16	<p><b>Appeal against decision non-renewal of a Class Community Sound Broadcasting Service License – Lephale Community Radio</b></p> <p>Item is on n the agenda.</p>	CEO
5.17	<p><b>Investigation into possible fraudulent activities conducted by</b>  ████████████████████  ██  ██  ██</p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
<b>5.18</b>	<p><b>Relocation committee update</b></p> <p>The advertisement for the tender has closed. BEC will sit during the month of January 2018, followed by BAC in February 2018. Recommendations will be submitted for Council in March 2018.</p>	<b>CEO</b>
<b>5.19</b>	<p><b>Inter Operator Disputes</b></p> <p>Standing agenda item.</p>	<b>Cllr [REDACTED]</b>
<b>5.20</b>	<p><b>Phase 1 of Standard Operating Procedures Optimisation Project</b></p> <p>Item will be tabled at a special Council meeting in January 2018.</p>	<b>CEO</b>
<b>5.21</b>	<p><b>Governance Framework</b></p> <p>The Governance Framework workshop with DoC still needs to be scheduled.</p>	<b>CEO</b>
<b>5.22</b>	<p><b>SANDF and SAPS outstanding licensing fees</b></p> <p>Secretariat will confirm if the letter to both Ministers was sent.</p>	<b>CEO</b>
<b>5.23</b>	<p><b>Proposed amendments to the organisational structure of ICASA</b></p> <p>On-going.</p>	<b>ACEO</b>
<b>5.24</b>	<p><b>International Engagement Strategy</b></p> <p>The strategy will be tabled in January 2018.</p>	<b>CEO</b>
<b>5.25</b>	<p><b>Office Shut down</b></p> <p>External stakeholders will be communicated with on the office shut</p>	<b>CEO</b>



	Action Item	Person Responsible
	down.	
6.	<p><b>Inter/ Intra Operator Disputes</b></p> <p>Item was deferred to the next meeting.</p>	CEO
7.	<p><b>Request by Wave South Telecom CC for extension of commencement of Operations for the I-ECS/ I-ECNS licences</b></p> <p>Senior Manager: Compliance: CCA presented the item.</p> <p>The purpose of this submission was to request Council to approve the Wave South Telecom CC, to extend the commencement of operations of its I-ECNS licence by twenty-four (24) months; and the I-ECS licence by twelve (12) months.</p> <p><b>It was resolved that the request by Wave South Telecom CC for extension of commencement of operations for the I-ECS/ I-ECNS licences be approved.</b></p>	CEO
8.	<p><b>Universal service obligations laptop standards and specifications for Vodacom</b></p> <p>Senior Manager: Compliance: CCA presented the item.</p> <p>The purpose of this submission was to request Council to approve the deviation request made by Vodacom from the set Universal Service Obligations (USO) standards and specifications of laptops to be distributed by Vodacom for teaching purposes.</p> <p><b>The following inputs were note:</b></p> <ul style="list-style-type: none"> <li>• Regulations should be amended, that the end-user devices used are left as broad as possible, in a way that the model used is not prescribed.</li> <li>• Vodacom should write to Department of Basic Education to inform the Department on change of specifications.</li> </ul> <p><b>It was resolved that the universal service obligations laptop standards and specifications for Vodacom be approved.</b></p>	CEO



	Action Item	Person Responsible
9.	<p><b>Establishment of an alternative dispute resolution committee</b></p> <p>The item will be approved by round robin resolution.</p>	CEO
10.	<p><b>Application for radio frequency spectrum licence amendment: SABC</b></p> <p>GM: Licensing presented the item</p> <p>The purpose of this memorandum was to request that Council approves the frequency swap of Lesedi FM with Mughana Lonene FM in Louis Trichardt.</p> <p><b>It was resolved that the application for radio frequency spectrum licence amendment: SABC be approved.</b></p>	CEO
11.	<p><b>Appeal to renew a class community sound broadcasting service licence – Lephalele community radio</b></p> <p>GM: Licensing presented the item</p> <p>The purpose of this memorandum was to provide Council with an analysis of the community broadcasting landscape; details of available community broadcasting radio frequencies; and recommend that the attached letter to Lephalele FM be signed.</p> <p><b>The following inputs was noted:</b></p> <ul style="list-style-type: none"> <li>• The original application on the moratorium should be re-submitted to Council, to consider uplifting the moratorium.</li> </ul> <p><b>It was resolved that the appeal to renew a class community sound broadcasting service licence – Lephalele community radio be rejected.</b></p> <p><i>Cllr ██████ objected and recommended point 2.18 of the submission.</i></p>	CEO
12.	<p><b>Phase 1 of the standard Operating Procedures Optimisation Project</b></p>	CEO





	<b>Action Item</b>	<b>Person Responsible</b>
	Item was deferred to the next meeting.	
13.	<p><b>Progress Report on Universal Service obligations – school connectivity</b></p> <p>Senior Manager: Compliance: CCA presented the item</p> <p>The purpose of this memorandum was to advice Council on the progress with respect to the implementation of the Universal Services Obligations project by Vodacom, MTN, Cell C and Liquid Telecoms (Pty) Ltd, formerly Neotel (Pty) Ltd.</p> <p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>• Total cost of ownership of the equipment should be indicated.</li> <li>• There should also be a responsibility on cyber safety.</li> <li>• The next report should indicate a breakdown status on what was installed and how many of the devices are still active.</li> <li>• The regulations should be reconsidered to see if other incentives can be afforded to keep schools connected for the duration of the licence term.</li> </ul> <p><b>It was resolved that the Progress Report on Universal Service obligations – school connectivity be noted.</b></p>	CEO
14.	<p><b>ICASA's comments on the Electronic Communications Amendment Bill: deferred.</b></p> <p>Item was deferred to the next meeting.</p>	CEO
15.	<p><b>Finance Policies – Supply Chain Management Policy 2017 and Subsistence &amp; Travel Policy</b></p> <p>The Acting CFO presented the item</p> <p>The purpose of this memorandum was to table the Supply Chain Management and Subsistence &amp; Travel Policy at Council.</p>	CFO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>• SCM should ensure that the criteria for training is strategic enough to ensure that training is conducted for a good purpose.</li> <li>• A submission on training schedule will be tabled at next Council meeting.</li> <li>• A letter will be written to the National Treasury &amp; Auditor General advising them on ICASAs understanding on International travel for Councillors.</li> </ul> <p><b>It was resolved that the Finance Policies – Supply Chain Management Policy 2017 be approved subject to changes.</b></p> <p><b>The Subsistence &amp; Travel Policy be deferred to the next Council meeting.</b></p>	
16.1	<p><b>Notice regarding the 2<sup>nd</sup> draft update to the terrestrial frequency plan 2013.</b></p> <p>Radio Frequency Specialist: Radio Communications: E&amp;T presented the item.</p> <p>The purpose of this memorandum is to request Council to approve:</p> <ul style="list-style-type: none"> <li>• The Notice of the Draft second update to the Terrestrial Broadcasting Frequency Plan 2013, Sound for public consultation, and</li> <li>• The publication notices of the Draft second update to the Terrestrial Broadcasting Frequency Plan 2013, for public consultation in Government Gazette and on the ICASA website.</li> </ul> <p><b>It was resolved that the notice regarding the 2nd draft update to the terrestrial frequency be approved.</b></p>	Cllr [REDACTED]
16.2	<p><b>Application for the transfer of control of radio frequency spectrum licence in the KA-Band from CMC Network (Pty) Ltd to Newshelf 1379 (Pty) Ltd</b></p>	

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>GM: Licensing presented the item</p> <p>The purpose of this memorandum was to provide Council with an analysis of the application by CMC Networks (Pty) Ltd for the transfer of control of radio frequency spectrum licence to Newshelf 1379 (Pty) Ltd and that recommend Council approve the application.</p> <p><b>It was resolved that application for the transfer of control of radio frequency spectrum licence in the KA-Band from CMC Network (Pty) Ltd to Newshelf 1379 (Pty) Ltd be approved.</b></p>	
16.3	<p><b>Draft policy directive on the introduction of Digital Sound Broadcasting in South Africa</b></p> <p>The purpose of this memorandum was to provide Council with the draft policy directive on the introduction of the Digital Sound Broadcasting in South Africa, for consideration by the Authority.</p> <p><b>It was resolved that the Draft policy directive on the introduction of Digital Sound Broadcasting in South Africa be approved.</b></p>	Cllr [REDACTED]
16.4	<p><b>Cell C reasons document</b></p> <p>Item was deferred to the next meeting.</p>	Council
17.	<p><b>Closure</b></p> <p>The Acting Chairperson, Cllr [REDACTED] thanked all present at the meeting and adjourned the meeting at 16h00.</p>	Secretariat
18.	<p><b>Date of next meeting: 9 January 2018</b></p>	



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

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

22/09/18