



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	29 January 2018	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present	████████████████████	Member
	████████████████████	Member
	████████████████████	Member
	████████████████████	Member
	████████████████████	Member
By invitation	████████████████████	CEO
	████████████████████	CFO
	████████████████████	CAE
	████████████████████	Acting SM: Office of Chairperson
	████████████████████	Secretariat Officer
Partial Attendees	████████████████████	Executive: Legal and CCC
	████████████████████	Specialist: Radio Frequency
	████████████████████	Specialist: Regulation and Legislative Drafting
	████████████████████	Specialist: Legislation and Regulatory Drafting
	████████████████████	SM:Licensing Services
	████████████████████	GM: Licencing
	████████████████████	SM:Social Policy in the ICT Services
	████████████████████	Specialist: Litigation and General Legal Support



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson was attending an external meeting.</p> <p>Council nominated Cllr [REDACTED] to preside over the meeting on the absence of the Chairperson.</p> <p>Cllr [REDACTED] opened the meeting at 09:45am and welcomed all present.</p> <p>Apologies</p> <p>Cllr [REDACTED] was on leave</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>The following amendments were made to the agenda:</p> <p>It was resolved that;</p> <ul style="list-style-type: none"> • Council will only consider items that required urgent approval <p>Items to be deferred</p> <p>Council resolved to deferrer the following items:</p> <p>Item 4.1: previous Minutes of the 12 December 2017</p> <p>Item 4.2: Previous Minutes of the meeting held on 13 December 2017.</p> <p>Item 4.3: Minutes of a bilateral meeting held on the 19 December 2017</p> <p>Item 5:Matters Arising</p> <p>Item 6.1 Inter Operator Disputes</p> <p>Item 6.2:CRASA 2017/18 Programme</p> <p>Item 6.3:Update on the Relocation Progress</p>	Council

	Action Item	Person Responsible
	<p>Item 7.1:Phase 1 of the Standard Operating Procedures</p> <p>Item 7.2:Finance Policies-Supply Chain Management Policies</p> <p>It was resolved the Agenda be ratified with the above amendments.</p>	
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted at the meeting.</p>	All
4.	<p>Request for Publication of Telkom 's Submission in relation to the Review of its Universal Service and Access Obligations (USAOs)</p> <p>The purpose of this submission by the USAOs Council Committee was to request Council to note the Committee's intention to publish Telkom's submission in relation to the review of its USAOs for public comments and request the Chairperson to sign off the Notice accordingly.</p> <p>Cllr [REDACTED] presented this item.</p> <p>The following was noted.</p> <p>On 07 May 1997, Telkom was granted and issued with a service licence, in which the Authority imposed Universal Service Obligations on Telkom to rollout one hundred and twenty thousand (120 000) public payphones. (A copy of licence marked 'Annexure A' was attached</p> <p>On 01 October 2015, Telkom requested the Authority to amend its USAO's. In paragraph 19 of its submission, Telkom stated that "Telkom proposes that the Authority considers amending Telkom's USAOs to a reduced payphone base of 25,451 by March 2016 and to reduce the base further to 14,246 lines in 2017.</p> <p>The Universal Service and Access Obligations (USAOs) Project 2016 Committee was constituted by Council to amend the USAOs for Telkom, WBS and Sentech.</p>	Cllr [REDACTED]

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	<p>Council requested legal division to ascertain the legality of inclusion of the new Councillors on the letterhead of the notice to be signed by Chairperson.</p> <p>It was resolved that the request for publication of Telkom's submission in relation to the review of its Universal Service and Access Obligations(USAOs) be approved</p>	
5.	<p>ICASA 's comments on the Electronic Communications Amendment Bill</p> <p>The purpose of this submission was to advise Council of the proposed amendments to the Electronic Communications Act (ECA) as per Government Gazette 41261 of 17 November 2017.</p> <p>The Specialist: Legislative and Regulatory Drafting presented this item.</p> <p>The following was noted:</p> <p>On 14 July 2017, the Department of Telecommunications and Postal Services (DTPS) provided the Authority with an opportunity to comment on the draft amendments to the ECA and the Authority submitted its response to the DTPS on or about 04 August 2017.</p> <p>On 17 November 2017, the DTPS published its proposed amendments to the ECA for public comment. The Authority has since reviewed the said amendments and notes that most of the comments and proposals it had made to the DTPS have not been incorporated into the published ECA Amendment Bill.</p> <p>Council made the following comments:</p> <ul style="list-style-type: none"> • Definitions on the document should be as closely aligned as possible to the definitions of the ITU • Correction of spelling errors • On the foreword of the document it must be stated that the suggested amendments of the ECA on section 3(4) impinges on the ICASA Act 2000 in relation to the independence of the regulator. 	CEO



	Action Item	Person Responsible
	It was resolved that ICASA's comments on the Electronic Communications Amendment Bill be approved with above corrections	
7.1	<p>ICASA's Comments on the Competition Amendment Bill,2017</p> <p>The purpose of this submission was to advise Council on the proposed amendments to the Competition Act 89 of 1998 (Competition Act) as per Government gazette 41294 of 1 December 2017.</p> <p>The Specialist: Regulation and Legislative Drafting presented this item:</p> <p>The following was noted:</p> <p>On 1 December 2017, the Department of Economic Development (DED) published the Competition Amendment Bill ('the Bill') with its proposed amendments to the Competition Act for public comment.</p> <p>The Authority has reviewed the proposed amendments and compiled comments to same for submission to the DED.</p> <p>Council made the following comments:</p> <ul style="list-style-type: none"> • It must be indicated on the foreword that South Africa does not have overarching Competition Policy. • It must also be stated that the policy maker can't also be a regulator. <p>It was resolved that ICASA's comments on the Competition Amendment Bill,2017 be approved with the above corrections</p> <p><i>The CEO left the meeting at 15:15 pm</i></p> <p><i>GM: Licencing, Specialist :Radio Spectrum Frequency, SM:Licensing Services, SM: Social Policy for ICT Services joined the meeting at 04:20 pm</i></p>	CEO
7.2.	<p>Applications for the transfer of Individual Electronic Communication Service(I-ECS) and Individual Electronic Communications Network Service(I-ECNS) Licences from Comit Technologies CC to GNIC (Pty) Ltd.</p>	CEO



	Action Item	Person Responsible
	<p>The GM: Licencing presented this item:</p> <p>The purpose of this memorandum was to recommend that Council approves the transfer of the I-ECS and I-ECNS licences from ComIT Technologies CC("the applicant") to GNIC (Pty) Ltd("the Transferee")</p> <p>It was resolved that the applications for the transfer of Individual Electronic Communication Service (I-ECS) and Individual Electronic Communications Network Service(I-ECNS) licences from ComIT Technologies CC to GNIC (Pty) Ltd be approved.</p>	
6.	<p>Wecodec:UHF and L-Band Trial Frequency Spectrum Licence Application</p> <p>It was resolved that this item be deferred to the next meeting of Council on the 30th January 2018.</p>	CEO
7.	<p>Applications for the transfer of Individual Electronic Communication Service(I-ECS) and Individual Electronic Communications Network Service(I-ECNS) Licences from Snowball Effect (Pty) Ltd to Yebotel Group (Pty) Ltd.</p> <p>The GM: Licencing presented this item:</p> <p>The purpose of this memorandum was to recommend that Council approves the transfer of the I-ECS and I-ECNS licences from Snowball Effect (Pty) Ltd ("the applicant") to Yebotel Group (Pty) Ltd("the Transferee") and reasons documents for publication in the Government Gazette</p> <p>It was resolved that the applications for the transfer of Individual Electronic Communication Service (I-ECS) and Individual Electronic Communications Network Service(I-ECNS) licences from Snowball Effect (Pty) Ltd to Yebotel Group (Pty) Ltd be approved and the reasons document be published on the Government Gazette</p>	CEO
8.	<p>Smile Communications (Pty) Ltd: Application for a Radio Frequency Spectrum Licence in the 450-470 Band.</p> <p>The GM: Licencing presented this item</p>	CEO

	Action Item	Person Responsible
	<p>The purpose of this submission was to request Council to reject the application by Smile Communications (Pty) Ltd ("the Applicant") for a Radio Frequency Spectrum Licence in the 450-470 MHz band.</p> <p>The following was noted: On 19 April 2017, the Applicant submitted an application for a Radio Frequency Spectrum Licence in the 450-470 MHz band for the purpose of providing broadband internet services to its client. The application is bought in terms section 31(2) of the Electronic Communications Act no 36 Of 2005("the ECA Act).</p> <p>The Applicant holds an Individual Electronic Communication Service (I-ECS) and Individual Electronic Communications Network Service (I-ECNS) licence. It does not presently hold any radio frequency spectrum licences.</p> <p>The 450-470 MHz band is currently used by users in the Land Mobile Radio Service. On the 30th March 2015, the Radio Frequency Spectrum Assignment Plan (RFSAP) for the 450-470 MHz band was published. In terms of Clause 6.1 of the RFSAP, the RFSAP comes into effect on 1 April 2018. Additionally, the 450-470 MHz is earmarked for International Mobile Telecommunication (IMT) services.</p> <p>Recommendations</p> <ul style="list-style-type: none"> ➤ It is recommended that Council reject the Applicant's application for a radio frequency spectrum licence in the 450-470 MHz band. ➤ It was further recommended that Council approve the amendment of the Radio Frequency Assignment Plan for the 450-470 MHz band to change the date of amendment of current licences in the rural areas from 1 April 2018 to 1 April 2022 to fall in line with all other users within the band. <p>Recommended Reasons for Rejection</p> <ul style="list-style-type: none"> • The radio frequency spectrum is not yet available for assignment. • No assignments can be made in this band until 1 April 2018 as per the Radio Frequency Assignment Plan of 2015 and • This Spectrum is earmarked for IMT services and as such can only be licensed through an Invitation to Apply (ITA). An ITA 	

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	<p>on this band can only be published after the migration of existing users from this band.</p> <p>It was resolved that the matter be re-tabled as two separate submissions at the next meeting of Council.</p>	
9.	<p>Resolution on the Establishment of a Special Committee, in terms of Section 17 of the ICASA Act of 2000, to develop ICASA's position on Cybersecurity</p> <p>The SM:Social Policy for ICT presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the resolution on the establishment of the Council Committee that will develop the Authority's position on cybersecurity.</p> <p>The following was noted:</p> <p>In terms of section 17 of the Independent Communications Authority of South Africa Act no .13 of 2000, as amended, (the ICASA Act"), the Independent Communications Authority of South Africa ("the Authority") may establish standing or special committee for such purposes as the Council may deem necessary with a view to assisting it in the effective exercise and performance of its powers and duties.</p> <p>It was resolved that the Resolution on the Establishment of a Special Committee, in terms of section 17 of the ICASA Act of 2000, to develop ICASA's position on Cybersecurity be approved.</p>	CEO
10.	<p>Appointment of One(1) Replacement Consumer Advisory Panel Member</p> <p>It was resolved that this item be deferred to the next meeting of Council on the 30th January 2018.</p>	CEO
11.	<p>Reasons Document –Notification for the Change of Shareholding Structure filed by Cell C in respect of its recapitalisation Transaction</p> <p>The Executive: Legal, Risk and CCC presented this item.</p>	CEO

	Action Item	Person Responsible
	<p>The purpose of this submission was to request Council to approve the attached Reasons Document for the Authority's decision regarding change of shareholding structure filed by Cell C in respect of its capitalisation transaction.</p> <p>The attached reasons document has been vetted by external law firm.</p> <p>It was resolved the attached Reasons Document for the Authority 's decision regarding the change of shareholding structure filed by Cell C in respect of its recapitalisation transaction be approved</p>	
12.	<p>Notice Regarding Erratum to the Consultation Document on the Draft Radio Frequency Spectrum Assignment Plan for the Frequency Band 156.4785 to 156.5625 MHz</p> <p>The Specialist: Radio Frequency presented this item.</p> <p>The purpose of this submission was to request Council to approve: The "Erratum notice regarding consultation document on the Draft Radio Frequency Spectrum Assignment Plan for the frequency Band 156.4785 to 156.5625 MHz" ;and</p> <p>The publication of the Notice of an "Erratum notice regarding consultation document on the Draft Radio Frequency Spectrum Assignment Plan for the frequency Band 156.4785 to 156.5625 MHz in the Government Gazette and the ICASA website</p> <p>It was resolved that request regarding the "Erratum to the Consultation Document on the Draft Radio Frequency Spectrum Assignment Plan for the frequency band 156.4785 to 156.5625 MHz be approved for publication on the Government Gazette and ICASA website</p>	CEO
13.	<p>Closure</p> <p>The Chairperson thanked all participants and the meeting closed at 18:20 pm</p>	Chairperson
14.	Date of next meeting: 30 January 2018	Secretariat



Signed: [Redacted Signature]
(Chairperson)

Date: 20/02/2018
MC