



## MINUTES OF AN ORDINARY COUNCIL MEETING

<b>Date</b>	27 February 2018	
<b>Time:</b>	09h30	
<b>Venue:</b>	Block B, Council Boardroom	
<b>Present</b>	████████████████████	Chairperson
	████████████████	Member
	████████████████████	Member
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	████████████████████	Member
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	████████████████████	Member
<b>By Invitation</b>	████████████████	Executive: Legal, Risk and CCC (Acting CEO)
	████████████████████	CFO
	████████████████████	CAE
	████████████████	Secretariat Officer
<b>Partial Attendees</b>	████████████████████	Specialist: Radio Frequency
	████████████████	GM: Licensing
	████████████████████	SM: ICT Licensing
	████████████████████	Specialist: Risk and Compliance Management
	████████████████████	GM: Engineering and Technology
	████████████████████	Manager: Broadcasting Frequency Co-ordination
	████████████████████	Specialist: Telecommunications Network Measurements
<b>Apologies</b>	████████████████	Member
	████████████████████	Member
	████████████████	Member
	████████████████████	CEO
	████████████████	Acting SM: Office of the Chairperson

Independent Communications Authority of South Africa

	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>The Chairperson, opened the meeting at 09h50 and welcomed all present.</p> <p>Cllr ██████████ requested to be excused at 13:00pm</p> <p><b>The following apologies were noted: -</b></p> <ul style="list-style-type: none"> <li>• Cllr ██████████ was on maternity leave.</li> <li>• Cllr ██████████ attended the GSMA Mobile World in Barcelona, Spain</li> <li>• Cllr ██████████ attended the GSMA Mobile World Congress in Barcelona, Spain</li> <li>• The CEO attended the GSMA Mobile World Congress in Barcelona, Spain</li> <li>• The Acting SM: Office of the Chairperson was at Parliament, Cape Town</li> </ul>	Chairperson
2.	<p><b>Ratification of agenda</b></p> <p>The following items were added:</p> <p>4.1-The Minutes of a meeting held on the 07 were already approved at a previous meeting of the 20<sup>th</sup> February 2018</p> <p>4.2- Minutes of the 13<sup>th</sup> February 2018 were defferd to the next meeting of Council</p> <p>5-Matters Arising were deferred to the next meeting of Council</p> <p>6.1-Inter-Operator Disputes-A comprehensive report was noted by Council on the 20<sup>th</sup> February 2018</p> <p><b>Item 12-Notice of Television White Space Regulations</b> was approved at the meeting of the 20<sup>th</sup> February 2018, but a clarification was requested on the definition of 'Rural' and Urban".</p>	Council



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>It was resolved that the definitions were similar to those defined by Statistics South Africa.</b></p> <p><b>It was resolved that the Agenda be approved with additions.</b></p>	
<p><b>3.</b></p>	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted at the meeting.</p>	<p><b>All</b></p>
<p><b>4.</b></p>	<p><b>Adoption of previous minutes</b></p> <p><b>It was resolved that the Minutes of a Meeting held on the 09<sup>th</sup> February 2018 was deferred to the next meeting of Council.</b></p> <p><b>It was resolved that the Minutes of a meeting held on 13<sup>th</sup> February 2018</b></p>	<p><b>Council</b></p>
<p><b>5.</b></p>	<p><b>Matters arising from previous minutes</b></p> <p><b>It was resolved this item be deferred to the next meeting of Council.</b></p>	<p><b>Secretariat/ Acting CEO</b></p>
<p><b>61.</b></p>	<p><b>Inter/ Intra Operator Disputes (“Standing Item”)</b></p> <p>The purpose of this submission is to advise Council of the current Inter-Operator disputes and status thereof to date, and for Council to note the status report.</p> <p><b>A comprehensive update report was provided to Council at the previous meeting of Council on the 20<sup>th</sup> February 2018</b></p>	<p><b>Acting CEO</b></p>
<p><b>6.2</b></p>	<p><b>CRASA 2017/18 Programme (“Standing Item”)</b></p> <p>A comprehensive update was provided to Council at the previous meeting of Council on the 20<sup>th</sup> February 2018</p> <p>Council to note the following:</p>	<p><b>Cllr [REDACTED]</b></p>



	<b>Action Item</b>	<b>Person Responsible</b>
	(i) CRASA EXCO meeting in Gaborone, Botswana (ii) CRASA AGM in Swaziland	
<b>6.3</b>	<b>Update on the Relocation Progress</b>  On –Going  Still on procurement stages.	<b>CFO</b>
<b>7.</b>	<b>Deferred items from the meeting of the 20<sup>th</sup> February 2018</b>	
<b>7.1</b>	<b>Finance Quarterly Report-Quarter 3 of 2017-2018</b>  The CFO presented this item:  The purpose of this submission was to submit the Finance Quarterly Report –Quarter 3 of 2017-2018.  Finance division produces on a quarterly basis, a report on the organisation's actual spending.  <b>It was resolved that the Finance Quarterly Report –Quarter 3 of 2017-2018 be approved.</b>  <i>The Specialist: Risk and Compliance Management joined the meeting at 13:45</i>	<b>CEO</b>
<b>7.2</b>	<b>Strategic Risk Register</b>  The purpose of this submission was to request Council to approve the attached Strategic Risk Register for ICASA.  The Specialist: Risk and Compliance Management presented this item:  The following was noted:  Councillors, Executive Team and General Managers had several meetings to determine the Authority's Strategic Risks for the 2017/18	<b>Acting CEO</b>

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Financial Year.</p> <p>The Strategic Risk Register was finalised in November 2017 during the APP session.</p> <p>Strategic Risk Register was subsequently approved by EXCO and recommended to Council for approval by the Audit, Risk, Ethics and Disclosure Committee (AREDC).</p> <p><b>It was resolved that the Strategic Risk Register be approved as is.</b></p>	
7.3	<p><b>Whistle Blowing Policy</b></p> <p>The purpose of this submission was to request Council to approve the proposed changes to the Whistle blowing Policy.</p> <p>The Specialist: Risk and Compliance Management presented this item:</p> <p>The current Whistle Blowing Policy was approved in 2015 by ICASA Council. The proposed changes seek to update the contact details for the Ethics Hotline and other officials. The proposed changes were approved by EXCO and recommended by AREDEC for approval by Council.</p> <p><b>It was resolved that the proposed changes and update of the Whistle Blowing Policy be approved</b></p>	Acting CEO
7.4	<p><b>Combined Assurance Overview</b></p> <p>The purpose of this memorandum was to inform Council on the Combined Assurance Initiative at ICASA.</p> <p>The CAE presented this item:</p> <p>Internal Audit has been assigned the responsibility for Combined Assurance at ICASA by the Audit, Risk, Ethics and Disclosure Committee. Combined Assurance forms part of good Corporate Governance as per King IV Report. This initiative had commenced last financial year 2016/17 and is continuing as the risk management process starts to gain some prominence.</p>	CAE

	<b>Action Item</b>	<b>Person Responsible</b>
	<b>It was resolved that the Combined Assurance Overview be noted</b>	
7.5	<p><b>Risk and Compliance Management Quartely Progress Report</b></p> <p>The purpose of this report was to provide quarterly progress report on risk and compliance management and the activities which were undertaken by Legal, Risk and CCC.</p> <p>Risk Management continues to be integral part of the management's programme, which includes having to report progress on a regular basis to Council. It also provides a level focus on assurance and management s arrangement for governance, managing risk and maintaining an effective control environment.</p> <p>Council approved the Risk and Compliance Plan for the 2017/18 Financial Year for implementation.</p> <p>The Risk and Compliance Management Quarterly Progress Report was approved by EXCO and recommended for approval to Council by AREDC</p> <p><b>It was resolved that the Risk and Compliance Management Quarterly Progress Report be approved.</b></p>	<b>Acting CEO</b>
7.6	<p><b>Legal Opinion on Council Quorum</b></p> <p><b>This item was considered and approved by Council at the previous meeting of Council on the 20<sup>th</sup> February 2018.</b></p> <p><i>The Specialist: Telecommunications Network Measurement and the GM: Engineering and Technology joined the meeting at 15:15 pm</i></p>	<b>Council</b>
7.7	<p><b>2017/2018 Q1: Gauteng Province Quarterly Progress Report for Mobile Data</b></p> <p>The purpose of this memorandum was for Council to note the Quality of Service Report (QoS) Report for mobile data services conducted in the Gauteng province during Q1 of 2017/18. This report is the first initiative in gearing ICASA on a process for developing a standardised methodology and associated regulation for doing data –oriented QoS</p>	<b>Acting CEO</b>

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>monitoring in the future.</p> <p>The Specialist: Telecommunications Network Measurement and the GM: Engineering and Technology presented this item:</p> <p>The complete report was shared with the operators and a workshop was convened on the 08 September 2017 to discuss the results. The operators accepted the results and made comments on the methodology. The operators suggested that the report should not be published, as the monitoring should be considered as a learning experience.</p> <p>The following was noted:</p> <p>Council expressed concerns on the request by operators not to publish the results of the monitoring.</p> <p>The division should find ways on how this report can be useful to consumers and other stakeholders.</p> <p>The division should undertake another monitoring exercise.</p> <p><b>It was resolved that the 2017/2018 Gauteng Province Quality of Service Report for Mobile data be noted.</b></p>	
7.8	<p><b>Remuneration of ICASA Committees (Audit, Risk, Ethics and Disclosure Committee(AREDC), Information Technology Review Committee(ITRC), Remuneration Committee (REMCO) and Consumer Advisory Panel(CAP)</b></p> <p>The purpose of this submission was to provide feedback to Council on the Remuneration of ICASA Committees.</p> <p>The CFO presented this item:</p> <p>The CAE and the CFO were requested by Council to do a benchmark study on Council Committees Remuneration. The first benchmark exercise was prepared by the Internal Audit Unit and the following reports were presented to Council by the CAE on the 19<sup>th</sup> of September 2017.</p>	CAE

	Action Item	Person Responsible
	<p><b>It was resolved that a back-pay payment to affected members be approved be effected and amount be approved by Round Robin Resolution.</b></p> <p><b>It was also resolved that an increase to the governance committee fees be approve when the old fees expire.</b></p> <p><i>The GM Licensing Manager: Broadcasting Frequency Co-ordination and SM: ICT Licensing joined the meeting at 16:25</i></p>	
8.	<p><b>Renewal of Individual Sound Broadcasting Service Licences and Radio Frequency Spectrum Licences</b></p> <p>The GM Licencing presented this item:</p> <p>The purpose of this memorandum was to advise Council of the Individual Sound Broadcasting Licences that are due to expire in 208/19 Financial Year, and to recommend that Council approves the establishment of a Special Committee to consider the applications for the renewal of such licences</p> <p>Council resolved that the following should be established;</p> <p>(i)A project charter and a project plan must be created.</p> <p>(ii) The GM: Licensing should be the Project champion.</p> <p>(iii) The Committee will be established during allocation of Council Regulatory Committees.</p> <p><b>It was resolved that the request to establish a Special Committee to consider the renewal of Individual Sound Broadcasting Service Licence and Radio Frequency Spectrum licences be approved.</b></p>	Acting CEO
9.	<p><b>Power FM: Application for amendment of the Radio Frequency Spectrum licence.</b></p> <p>The GM: Licensing and the Manager: Broadcasting Frequency Co-ordination presented this item:</p> <p>The purpose of this submission was to request Council to decline Power FM's Radio Frequency Spectrum Licence amendment</p>	Acting CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>application. Power FM is requesting an increase in Effective Radiated Power(ERP) from 55 kW to 109.6 kW on 98.7 MHz at Power FM's Pretoria transmitting site</p> <p>The following was noted:</p> <p>The applicant holds an individual commercial sound broadcasting service licence and is licensed to broadcast within Gauteng province</p> <p>The application is brought in terms of section 1(4) of the Electronic Communications Act 2005(ECA) read with procedures set out in Regulation 9 of the Radio Frequency Spectrum Regulations of 2015 (as amended).</p> <p>The applicant is seeking the amendment of its Radio Frequency Spectrum Licences to improve its signal quality within its licenced service area within Gauteng Province by increasing the ERP of the Pretoria transmitter site from 55 kW to 109.6 kW.</p> <p>A technical analysis was performed on the proposed increase in ERP at the Pretoria transmitter and it was found that the radio coverage of the transmitter is spilling over outside the applicant's licenced area.</p> <p>An interference analysis was also conducted based on the proposed technical parameters provided by the applicant. The interference analysis revealed that the proposed increase in ERP will cause harmful interference to Radio 2000, transmitting on 98.6 MHz with an ERP of 40 W at Menlo Park.</p> <p>Section 30(3) of the Electronic Communications Act No .36 provides that," <i>The Authority must, in performing its functions in terms of subsection (1) ensure that in the use of the radio frequency spectrum harmful interference to authorised or licenced users of the radio frequency spectrum is eliminated or reduced to the extent reasonably possible.</i></p> <p><b>Recommendation to Council</b></p> <p>It is recommended that Council declines the application for radio frequency spectrum licence amendment by Power FM based on the following reasons:</p>	

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>(a)The proposed increased of ERP from 55 to 109 kW on 98.7 MHz at the Pretoria site will cause harmful interference to Radio 2000 transmitting on 98.6 with an ERP of 40 kW at Menlo Park and;</p> <p>(b)The proposed increase in ERP from 55 kW to 109 KW on 98.7 MHz at the Pretoria site will increase signal penetration in the unlicensed areas of Power FM, that is North West Province and Limpopo Province</p> <p>(c) Granting the application would be in breach of section 30(4) of the Electronics Communication Act no 36 of 2005.</p> <p><i>The request is not in line with provision of section 30(3) and 31 (4) of the Electronic Communications Act no.36 of 2005.</i></p> <p><b>It was resolved that the request that Council decline Power FM's Radio Frequency Licence amendment application for an increase in Effective Radiated Power from 55 kW to 109 kW on 98.7 at Power FM's Pretoria site be approved</b></p>	
10.	<p><b>Smile Communications(Pty)Ltd: Application for a Radio Frequency Spectrum Licence in the 450-470 MHz</b></p> <p>The GM Licencing presented this item:</p> <p>The purpose of this submission was to request Council to reject an application submitted 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:</p> <p>The applicant holds an Individual Electronic Communication Service (I-ECS) and Individual Electronic Communications Network Service (I-ECNS) licences. It does not presently hold any radio frequency spectrum licences.</p> <p>The financial division has confirmed that the applicant is financially compliant and there are no outstanding monies due to the Authority</p> <p>The 450-470 MHz band is currently used by users in the Land Mobile Radio Service. On the 30<sup>th</sup> March 2015, the Radio Frequency</p>	Acting CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Spectrum Assignment Plan (RFSAP), for the 450-470 MHz band was published.</p> <p>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>Clause 6.2 of the RFSAP stipulates that <i>“No new assignments in the band 450-470 MHz will be approved unless they comply with [the] RFSAP.</i> In accordance with the RFSAP, new assignments will only be made through an Invitation to Apply (ITA) in line with Regulations still to be developed in terms of section 31(3) of the Act.</p> <p><b>Recommendation to Council</b></p> <p>It is recommended that Council rejects the Applicant's application for a radio frequency spectrum licence in the 450-470 MHz band for the following reasons.</p> <p>(a) The radio frequency spectrum is not yet available for assignment.            (b) This spectrum is earmarked for IMT services and as such can only be licenced through an Invitation to Apply (ITA). An ITA on this band can only be published after the migration of existing users from this band.</p> <p><b>It was resolved that the request that Council reject the Applicant's application for a radio frequency spectrum licence in the 450-470 MHz band be approved.</b></p>	
11.	<p><b>Transnet SOC Ltd: Application for a temporary test licence to trial a Digital Technology in the 450-470 MHz International Mobile Telecommunications IMT) band.</b></p> <p>The GM: Licensing presented this item:</p> <p>The purpose of this submission was to request that Council approves the application submitted by Transnet SOC Ltd (“the Applicant”) for a Trial Frequency Spectrum Licence in the 450-470 MHz-International Mobile Telecommunications (IMT) band.</p> <p>The following was noted:</p>	

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The applicant is the holder of Individual Electronic Communications Network Service (I-ECNS) and Individual Electronic Communications Service (I-ECS) licences, and holds several radio frequency spectrum licences in the bulk licence, licence no 2515425 and below the 1GHz band.</p> <p>The applicant submitted its application for a Trial Frequency Spectrum licence in the 450-470 band on 06<sup>th</sup> October 2017</p> <p>The application is bought in terms of section 31(1) of the Electronic Communications Act, Act No.36 of 2005("the ECA") which provides that <i>"no person may transmit any signal by radio or use radio apparatus to receive any signal by radio and in accordance with a radio frequency spectrum licence granted by the Authority.</i></p> <p>The applicant was previously granted a trial frequency spectrum licence which was valid from 01 June 2017 to 31 August 2017 at one (1) location in Thabazimbi on the 456.5//459.5 MHz pair with 466.5//469 MHz 3 MHz bandwidth.</p> <p>The applicant was however unable to commence with the trial.</p> <p><b>Recommendation to Council</b></p> <p>All legislative and technical requirements are fulfilled.</p> <p><b>It was resolved that the application submitted by Telkom SOC Ltd for a radio frequency spectrum licence in the 450-470 MHz-IMT</b></p> <p><i>The Results of the trial should be shared with Council</i></p>	
12.	<p><b>Rhythm FM: Application for amendment of the Radio Frequency Spectrum Licence.</b></p> <p>The GM: Licensing presented this item:</p> <p>The purpose of this submission was to approve the amendment of Rhythm FM's ("the Applicant") radio frequency spectrum application to include additional transmitters excluding that of Noupoot transmitter.</p> <p>On 3 April 2017, the Independent Communications Authority of South</p>	Acting CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Africa ("the Authority") received an application for the amendment of the Radio Frequency Spectrum Licence held by the applicant.</p> <p>The Applicant is licensed to provide commercial sound broadcasting services in the Eastern Cape Province and is currently licensed with two transmitters situated in Umtata and Butterworth respectively.</p> <p>The application is made terms of section 31(4) of the Electronic Communications Authority of South Africa Act, No.36 of 2005 ("the ECA") read together with Regulation 9 of the Radio Frequency Spectrum Regulations 2015("RFSR 2015") as amended.</p> <p>The Applicant sought to amend its radio frequency spectrum licence to expand its radio coverage by;</p> <ul style="list-style-type: none"> <li>-Adding nine (9) transmitters at Aliwal North, Cradock, Graaff-Reinet, Kareedouw, King Williams Town, Noupoot, Port Elizabeth, Port St Johns, Queenstown; and</li> <li>-Increasing the Effective Radiated Power (ERP) from 15 kW to 76 kW of the licensed Butterworth transmitter.</li> </ul> <p><b>It was resolved that the application for amendment of the Radio Frequency Spectrum licence to include additional transmitters excluding of Noupoot transmitter be approved.</b></p>	
13.	<p><b>Beat FM: Application for amendment of the Radio Frequency Spectrum Licence.</b></p> <p>The GM: Licensing presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the amendment application in relation to the Radio Frequency Spectrum Licence held by Beat FM ("the Applicant").</p> <p>The Applicant is licensed to provide commercial sound broadcasting services in the Free State Province and is currently licensed with one transmitter situated in Bloemfontein.</p> <p>The Application is made in terms of section 31(4) of the Electronic Communications Authority of South Africa Act, No.36 of 2005 ("the</p>	Acting CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>ECA”) read together with Regulation 9 of the Radio Frequency Spectrum Regulations 2015(“RFSR 2015”), as amended.</p> <p>The Applicant sought to amend its radio frequency spectrum license to expand its radio coverage by adding six (6) transmitters in Harrismith, Bethlehem, Kimberley, Kroonstad, Petrus Steyn and Senekal.A technical analysis was conducted on the above –mentioned transmitter sites. The submission of the recommendations was tabled at Operations Committee (OPCO) and was approved for Council consideration on 02 October 2017.</p> <p><b>It was resolved that the application for the amendment of the Radio Frequency Spectrum Licence be approved</b></p>	
14.	<p><b>Eleven (11) Broadcasting Annual Compliance Reports for Sound and Television Licensees</b></p> <p><b>It was resolved that this item be deferred to the next meeting of Council.</b></p>	<b>Acting CEO</b>
15.	<p><b>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.</b></p> <p>The purpose of this submission 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> <ul style="list-style-type: none"> <li>-Council approved the internal research report on cybersecurity.</li> <li>-It then resolved to establish a Council committee that will develop the Authority’s position on Cybersecurity.</li> <li>-Councillor Kadi volunteered to become the Chairperson of the Committee.</li> </ul> <p><b>It was resolved that 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 and the Councillor Kadi as its Chairperson.</b></p>	<b>Acting CEO</b>

	<b>Action Item</b>	<b>Person Responsible</b>
16.	<p><b>Request to approve the 1<sup>st</sup> Draft Frequency Migration Plan.</b></p> <p>The purpose of this memorandum was to request Council to approve:</p> <ul style="list-style-type: none"> <li>- the 1<sup>st</sup> Draft Frequency Migration Plan edition 2018 for public consultation; and</li> <li>-the publication of the first draft frequency migration plan edition 2018 in the Government Gazette and ICASA website for public Consultation.</li> </ul> <p>The following was noted: The Independent Communications Authority of South Africa ('the Authority') has its first Strategic Outcome Oriented Goal (SOOG1), "<i>To facilitate investment in and access to broadband infrastructure for sustainable socio –economic development</i>". The key outputs of this goal are the <i>National Radio Frequency Plan and the National Radio Frequency Migration Strategy</i>.</p> <p>To this end, a project on the development of a National Frequency Migration Plan (FMP) was initiated. The goal is to align all frequency migrations identified during the evolution of the National Radio Frequency Plan as from 1996 to date and the final legislation of the World Radio Conference of 2015(WRC 2015).</p> <p>The frequency migration regulation and plan edition 3013 was published in the Government Gazette number 36334 (Notices 352 and 353 of 2013)</p> <p><b>It was resolved that the request to approve the 1<sup>st</sup> Draft Frequency Migration Plan be approved subject to the requested legal opinion.</b></p>	Cllr [REDACTED]
17.	<p><b>Notice Regarding the Final Radio Frequency Spectrum Assignment Plan for the Specific Service.</b></p> <p>The Radio Frequency Specialist presented this item:</p> <p>The purpose of this memorandum was to request Council to approve:</p> <p>The notice regarding final radio frequency spectrum assignment plan for the specific service; and</p>	Cllr [REDACTED]

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The publication of the notice regarding final radio frequency spectrum assignment plan for the specific service in the Government Gazette and ICASA website.</p> <p>The following was noted:</p> <p>On 14 November 2014, in the Government Gazette 36334, the Authority published in Notice number 352 of 204, the notice regarding the Radio Frequency Migration Regulations and Radio Frequency Migration Plan: and</p> <p>In notice number 353 of 2014, the Radio Frequency Migration Regulations and Radio Frequency Migration Plan Explanatory Document; and</p> <p>Spectrum migration was required in order to dedicate a band to a specific technical standard.</p> <p>The aim of technological neutrality is generally followed, but in some cases, it is necessary to specify the technology to be used in order to make the most efficient use of the spectrum.</p> <p>The frequency migration plan indicated that there is potential a lot of spectrum that can be released for other services.</p> <p><b>It was resolved that the request to publish the notice regarding frequency spectrum assignment plan for the specific service and the publication of the notice regarding final frequency spectrum assignment plan for the specific service in the Government Gazette and ICASA website be approved.</b></p>	
18.	<p><b>Recommendation by CCC to Council in the matter between the Broadcasting Compliance and Consumer Affairs("CCA") of the Independent Communications Authority of South Africa("ICASA") and East Rand Stereo.</b></p> <p>Cllr [REDACTED] presented this item:</p> <p>The purpose of this memorandum was to table the recommendation of the CCC in the matter between Broadcasting Compliance division of ICASA and East Rand Stereo.</p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>Applicable Legislative Framework.</b></p> <p>East Rand Stereo holds a class broadcasting service licence no: Class/Re/Com/R50/September/14 issued by ICASA on 12 September 2014. The CCC received a complaint dated 5 July 2017 from Broadcasting Compliance Division of ICASA in terms of Section 17 (c) of the Independent Communications Act of South Africa ("ICASA") Act 13 of 2000.</p> <p>The Broadcasting Division alleged the following against East Rand Stereo:</p> <ul style="list-style-type: none"> <li>-That the licensee violated section 16(6) of the Electronic Communications Act 36 of 2005 by entering a business rescue agreement without the approval of the Authority;</li> <li>-Violated clause 33 of the Radio Station's Articles of Association in that, the licensee is operating with one (1) Board member;</li> <li>-Violated clause 4.2 of the Class Broadcasting Licence in that, there was no public participation in the form of the Annual General meetings since 2016.</li> </ul> <p>At the hearing held on 16 November 2017, it was established that East Rand Stereo had not ceded its licence or powers because of the business rescue order by the Court.</p> <p><b>Recommendation to Council.</b></p> <p>East Rand Stereo is ordered to:</p> <ol style="list-style-type: none"> <li>(a) Advertise at least a day between 7:00 and 20:00 for thirty consecutive days, how membership of the station will be obtained and that this facility is also available by way of internet. The thirty days must run for seven calendar days after its judgement is issued. There must be the information that only members may vote at and AGM and a Special Meeting of the Radio Station.</li> <li>(b) File a report with the Broadcasting Compliance Division of ICASA within seven calendar days after this period, including what the reaction as to the membership was.</li> <li>(c) Hold a Special meeting of the Company before 15 May 2018 on a Saturday afternoon and be ensure that the election of the</li> </ol>	

	Action Item	Person Responsible
	<p>Board takes place at this meeting. The date, time and location of the meeting must be broadcast twice daily between 07:00 and 21:00 from 14 Calendar days before the meeting. Only registered members may attend and vote. Broadcasting Compliance division of ICASA must be informed of date, time and location of this meeting.</p> <p>(d) Minutes of this meeting should be filed with the Broadcasting Compliance division within fourteen (14) days after this meeting.</p> <p><b>It was resolved that the recommendation by CCC to Council in the matter between the Broadcasting Compliance and Consumer Affairs of the Authority of South Africa and East Rand Stereo be approved</b></p>	
19	<p><b>Recommendation by CCC to Council in the matter between the Broadcasting Compliance and Consumer Affairs("CCA") of the Independent Communications Authority of South Africa("ICASA") and Goal Technology Solutions.</b></p> <p>Cllr ██████████ presented this item:</p> <p>The purpose of this memorandum was to table the recommendation of the CCC in the matter between Broadcasting Compliance division of ICASA and Goal Technology Solutions (Pty) Ltd.</p> <p>The licensee holds an Individual Electronic Communications Service Licence No:0144/IECNS/JAN/09 and Individual Electronic Communications Service License no :0144/IECS/JAN/2009.The compliance Division alleged that the licensee failed to file Annual Financial Statements and to provide proof of payment of the USAF and Annual Licence Fees for the 2011/2012 and 2012/2013 Financial Years.</p> <p>Despite numerous requests and demands made to the licensee, the licensee has failed to file Financial Statements as part of its license obligations.</p> <p>The CCC office has attempted to reach the licensee on its e-mail address, landline and mobile phone via the contact details indicated in the licence to no avail. The Compliance division confirmed these contact details as the latest details. The Licence Division of ICASA confirmed that the licence has not been transferred. The CCC Office</p>	

Action Item	Person Responsible
<p>also conducted a WinDeed search, the results indicated there is no available information for the licensee.</p> <p>On 12 June 2017, the ICASA inspectors inspected the property of the licensee as per the licence details after the request by the CCC Coordinator. The inspectors reported that the licensee was not on the premises as indicated on the licence. The licensee is also not a member of Wireless Access Providers Association. Thereafter a notice affording the licensee 21 days in which to inform ICASA whether it was operative was published.</p> <p>The Mazars Recovery and Restructuring firm (Mazars) responded to the notice as Joint Liquidators of the Licensee. The CCC then invited Mazars to a hearing on the matter. The response was that the matter should be decided on paper, since Mazars was not able to add to what it had conveyed in its correspondence to the CCC Coordinator.</p> <p><b>Recommendation to Council</b></p> <p>The CCC advises Council as follows:</p> <p>-That section 14 of the Electronic Communications Act of 2005 authorises the Independent Communications Authority of South Africa to cancel a licence granted in terms of the Electronic Communications Act if the license is liquidated. Thus, the CCC recommends Goal Technology's licence be cancelled and the notice below be gazetted and be published on ICASA's website:</p> <p><i>The Individual Electronic Communications Network license (0144/IECNS/JAN/09) and the Individual Electronic Communications license (0144/IECS/JAN/09) issued by the Independent Communications Authority of South Africa, in terms of the Electronic Communications Act 36 of 2005, to Goal Technology Solutions(Pty) Ltd, are declared in terms of section 14 of the Electronic Communications Act of 2005 to expire on the date of this Government Gazette, since the licensee was placed in liquidation by the High Court on 16 July 2010.</i></p> <p><b>It was resolved that the recommendation by Complaints and Compliance Committee to Council in the matter between the Compliance Division and Goal Technology Solutions (Pty) Ltd be approved</b></p>	


	Action Item	Person Responsible
20.	<p><b>Recommendation by CCC to Council in the matter between the Gauteng Region Inspectorate of ICASA and Mogale FM.</b></p> <p>Cllr [REDACTED] presented this item:</p> <p>The purpose of this memorandum was to table the recommendation of the Complaints and Compliance Committee) CCC") in the matter between the Gauteng Region Inspectorate of ICASA and Mogale FM.</p> <p>The following was noted:</p> <p>Mogale FM holds a Class Broadcasting Service Licence No: Class/Com/R187/Oct/12 issued by ICASA on 26 October 2012.</p> <p>The CCC received complaint from the Gauteng Region Inspectorate of ICASA in terms of Section 17C of the Independent Communications Act of South Africa ("ICASA") Act 13 of 2000. The Gauteng Region Inspectorate of ICASA alleged that:</p> <p>Mogale FM contravened the terms and conditions of its spectrum licence (Schedule B2) by operating on a 253W power output and a two-stack dipole antenna (which adds 6dBs to their ERP) on their transmitting equipment.</p> <p>The licensee was licenced to operate on 80W ERP (253W-80W=173W excess) at the 250-degree angle, yet Mogale FM is broadcasting at a 360 angle. This is in contravention of section 33(1) of the Electronics Communications Act 36 of 2005("ECA") which states that Radio Frequency Licences must coordinate their frequency usage to avoid harmful interferences;</p> <p>Mogale FM is self-providing a broadcasting signal using a signal distributor without a valid Electronic Communications Network Service Licence("ECNS") contravening section 63(1) of the ECA;</p> <p>Mogale FM is operating in a location that was not approved by the Authority contravening the Terms and Conditions of its spectrum licence (Schedule B2) and;</p> <p>Despite numerous inspectors 'notices, Mogale FM failed to:</p> <p>(a)reduce output power</p>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>(b) apply for an ECNS licence and;  (c) move their transmitters back to the licensed location</p> <p>Lastly, Lenz FM complained of repeated harmful interference by Mogale FM who continued to contravene the legislation and its licence conditions.</p> <p>The matter was heard on the 6<sup>th</sup> November 2017, Mogale conceded to the charges and advanced mitigating factors for non-compliance</p> <p><b>Recommendation</b></p> <p>(1) Mogale FM is ordered to desist from the following conduct:</p> <p>(a) Contravening the terms of its spectrum licence by operating in a Radio frequency band that Mogale FM is not licenced to.</p> <p>(b) Self providing a broadcasting signal without an ECNS licence</p> <p>(d) Distributing a signal from a transmitter site that was not approved by the Authority in its Broadcasting licence.</p> <p>(2) That the order in 1(b) be met before midnight on the day after the judgement is published.</p> <p>(3) That the order in 1(c) be met within one-calendar days from the day that the judgement is published.</p> <p>(4) That a fine of R50 000 (fifty thousand rands) be imposed on Mogale FM which is payable within 60 calendar days from the date that the judgement is published.</p> <p>Further, if Mogale FM to breach any of its licence conditions after the judgement is issued, it is recommended that the Gauteng Region Inspectorate refers the matter to the CCC on an urgent basis, for CCC to advise Council in respect in respect to Mogale FM's licence.</p> <p>If addition, the CEO, if necessary can instruct the ICASA Inspectors to act in terms of the ICASA 2010, Inspectors Regulations regarding seizing some or all the electronic broadcasting equipment in Mogale FM's possession.</p>	

	Action Item	Person Responsible
	<p>The applicant complies with the requirements of the regulations</p> <p><b>It was resolved that the recommendation by the CCC in the matter between the Gauteng Region Inspectorate of ICASA and Mogale FM be approved.</b></p>	
21.	<p><b>Increase of administrative fees relating to type approval and service licence applications, and annual radio frequency spectrum licences</b></p> <p><b>It was resolved that this item be deferred to the next meeting of Council.</b></p>	Acting CEO
22.	<p><b>ITU Workshop on Telecommunications Service Quality</b></p> <p>The purpose of this memorandum was to provide a summary report to Council on the ITU Workshop on Telecommunications Service Quality held in Rio de Janeiro, Brazil.</p> <p>The Telecommunications Network Measurement presented this item:</p> <p>On 25 September 2017, ITU-T TSB Circular 47 invited all Administrators of Member States, Sector Members, Associates and Academia to participate in a Workshop on Telecommunications Service Quality. The meeting was hosted by Agencia Nacional de Telecomunicacoes (ANATEL) at Hotel Pestana Rio Atlantica, Rio de Janeiro, Brazil on 27 -29 November 2017.</p> <p>The workshop was organised by the Quality of Service Development Group(QSDG) operating under ITU-T Study Group 12 (Performance Quality of Service, Quality of Experience) in response to WTSA-16 Resolution 95 on "ITU Telecommunication Standardization Sector initiatives to raise awareness on best practices and policies related to service quality</p> <p><b>It was resolved that the ITU Workshop on Telecommunications Service Quality be noted.</b></p>	Acting CEO
23.	<p><b>Submission of Draft Research Report on National Elections Broadcasting for approval and the Request to constitute a Council Committee on National Elections Broadcasting.</b></p>	Acting CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	It was resolved this item be deferred to the next meeting of Council.	
24.	<p><b>Draft PMO Operating Model</b></p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	Acting CEO
25.	<p><b>International Trips for Q4</b></p> <p>The CFO presented this item:</p> <p>The purpose of this memorandum was for Council to note the International trips for the 2017/18 financial year. The trips are scheduled throughout the year and travellers are appointed by divisional managers etc.</p> <p>This memorandum provides Councillors with a list of upcoming trips till the end of 2017/18 financial</p> <p>Council approved a list of trips of the 2017/18</p> <p>It was resolved that the list on International Trips for Q4 be noted</p>	Acting CEO
26.	<p><b>Notes prepared for the DTPS in preparation for the presentation to the Parliamentary Portfolio Committee on Telecommunications and Postal Services on Cost to Communicate.</b></p> <p>It was resolved that this item be deferred to the next meeting of Council.</p>	Acting CEO
27.	<p><b>Minister/ICASA –Opinion on changes to allocations</b></p> <p>This item was deferred to the next meeting of Council</p>	Acting CEO
28.	<p><b>Opinion on Appointment of CCC members</b></p> <p>This item was noted by Council at a previous meeting</p>	Acting CEO
29.	<b>Closure</b>	Secretariat

	Action Item	Person Responsible
	The Chairperson thanked all present at the meeting and adjourned the meeting at 16h37.	
30.	Date of next meeting: 06 March 2018	

Signed:   
(Chairperson)

Date: 19/04/2018