



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
<b>Date</b>	02 April 2019	
<b>Time:</b>	09:30	
<b>Venue:</b>	Block B, Council Boardroom	
<b>Present</b>	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	
<b>By Invitation</b>	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	
<b>Partial Attendees</b>	[REDACTED]	
	[REDACTED]	Executive: Corporate Services
	[REDACTED]	Specialist: Radio Frequency
	[REDACTED]	Specialist: Radio Frequency
	[REDACTED]	GM: Consumer and Compliance Affairs
	[REDACTED]	ECS/ECNS Compliance Officer
	[REDACTED]	Manager: Customer Complaints
	[REDACTED]	Telecommunication Network Measurements
	[REDACTED]	Manager's Measurement
	[REDACTED]	Market Regulation
	[REDACTED]	Manager: Retail Services
	[REDACTED]	Manager: Wholesale Services
	[REDACTED]	Executive: Legal, Risk and CCC
	[REDACTED]	SM: Litigation, Contracts and Legislation
<b>Apologies</b>	[REDACTED]	Member
	[REDACTED]	



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
1.	<p><b>Opening and apologies</b></p> <p>The Acting Chairperson opened the meeting at 09:30 and welcomed all present.</p> <p><b>The following apologies were noted:</b></p> <ul style="list-style-type: none"> <li>• Cllr ██████ was attending the Council of Administration and Postal Operations Council Session in Berne, Switzerland 2019 from 1-12 April 2019.</li> <li>• Cllr ██████ will join the meeting at 11:00</li> </ul>	<b>Acting Chairperson</b>
2.	<p><b>Ratification of Agenda</b></p> <p>The following items were added to the agenda under General</p> <ul style="list-style-type: none"> <li>• Noting of the CAP Annual Report 2018/2019.</li> <li>• Type Approval Committee Chairperson.</li> <li>• The Authority's response to the Public Protectors' notice in Terms of section 7(9) (a) of the Public Protector Act, 1994.</li> </ul> <p><b>It was resolved that the agenda be approved with the above additions.</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>Feedback on the Third Quarter Performance Report for the 2018/19 Financial Year</b></p>	<b>All</b>



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>ICASA received a letter from the Department of Communications about the under-achievement of key targets that were earmarked for the third quarter of the 2018/19 financial year.</p> <p>It was resolved that a response to the Minister must briefly address issues raised on the Q3 feedback, and that the Minister's feedback has been overtaken by events and indicate measures taken to address the issues raised.</p> <p><b>The feedback from the Department of Communications was noted.</b></p>	
<p><b>5.</b></p>	<p><b>Feedback on the meeting with the Minister of Communications.</b></p> <p>The Acting Chairperson provided a feedback on a meeting:</p> <ul style="list-style-type: none"> <li>• Council expressed its concerns on the meeting requested by the Minister within a short period of time; and</li> <li>• That the Information Memorandum for the IMT Licensing project was discussed and will be kept in abeyance until the policy directive.</li> </ul> <p><b>The feedback was noted.</b></p>	<p><b>Acting Chairperson</b></p>
<p><b>6.</b></p>	<p><b>Adoption of previous minutes</b></p>	<p><b>Council</b></p>
<p><b>4.1</b></p>	<p><b>Minutes of a meeting held on 06 March 2019</b></p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> <li>• Page 6-Correct spacing, on bullet 3.</li> <li>• On page 6 bullet One-rephrase the resolution to state the following, "A letter must be sent to</li> </ul>	<p><b>Council</b></p>

**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>the Minister to inform her of an intention to publish a draft IM, setting a deadline for the end of March 2019.</p> <ul style="list-style-type: none"> <li>• Change the IMT range from 8000 to 800.</li> <li>• Insert "Audit" to read Public Audit Management Act on item 11, pg. 8.</li> <li>• Insert spacing on the 4<sup>th</sup> bullet on page 10.</li> <li>• Correct the licenses to licence on the entire document.</li> <li>• On page 12 correct the word "completion".</li> <li>• On page 13, the resolution on ECS/ECNS Annual Compliance was approved not noted.</li> <li>• Correct the RIA to RAF (Risk Appetite Framework) on page 15.</li> </ul> <p><b>It was resolved that minutes for 06 March 2019 be approved with corrections.</b></p>	
5.	<p><b>Matters arising from previous minutes</b></p> <p>Item was deferred to the next meeting.</p> <p><i>In camera session was requested by Council.</i></p>	Secretariat/CEO
6.	<p><b>Inter/ Intra Operator Disputes ("Standing Item")</b></p> <p>The CEO indicated that there were no disputes to report on.</p>	CEO
8.	<b>CRASA/SADC</b>	CIlr [REDACTED]

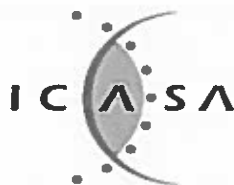
**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
8.1	<p><b>Feedback on the CRASA EXCO meeting held on the 21-22 February 2019, Gaborone, Botswana</b></p> <p>The purpose of the submission was for Council to note feedback from the 23<sup>rd</sup> CRASA Executive Committee meeting that took place on 21 and 22 February 2019, in Gaborone, Botswana.</p> <p>Cllr [REDACTED] presented the item:</p> <ul style="list-style-type: none"> <li>• The 23<sup>rd</sup> meeting of the CRASA Executive Committee was hosted by BOCRA at Avani Hotel, Gaborone, Botswana.</li> <li>• The meeting focused on reviewing the reports and the operational plans from the various committee for 2019/20.</li> <li>• The Committee comprised of the Electronic Communications, Postal, Legal and Review Policy, Consumer Affairs, Universal Services and Access Report Committee.</li> <li>• Other agenda included the finance reports which will be dealt with in the 2019/20 financial year.</li> </ul> <p><b>The feedback was noted</b></p>	Cllr [REDACTED]
9.	<p><b>Licensing of the IMT</b></p> <p>Cllr [REDACTED] presented the item:</p> <p>The following was noted:</p> <ul style="list-style-type: none"> <li>• An amount of R10 million had been secured from the Department of Communications to fund the project.</li> <li>• The Information Memorandum was ready for</li> </ul>	Cllr [REDACTED]



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>publication, and the process to appoint a service provider to assist with the licensing of spectrum must commence.</p> <p>The following was resolved:</p> <ul style="list-style-type: none"> <li>• A project plan with reasonable timeframes should be developed and monitored accordingly.</li> </ul> <p><b>The feedback was noted.</b></p>	
<p><b>10.</b></p>	<p><b>Corporate Services Statistics Monthly Report- January 2019</b></p> <p>It was resolved that the item be deferred to the next meeting and incorporate statistics for the entire quarter.</p>	<p><b>CEO</b></p>
<p><b>11.</b></p>	<p><b>The State of the ICT Sector in South Africa 29 March 2019</b></p> <p><b>The item was approved at the previous meeting.</b></p>	<p><b>CEO</b></p>
<p><b>12.</b></p>	<p><b>Notice of the Establishment of the Alternative Dispute Resolution Committee</b></p> <p><b>It was resolved that the item be deferred.</b></p>	<p><b>ClIr [REDACTED]</b></p>
<p><b>13.</b></p>	<p><b>Request for Extension of Operational Period for the C-ECS/E-ECNS Licences-Enteklek ISP</b></p> <p>The purpose of the submission was to advise Council of the request from Entelek ISP (Pty) Ltd to extend the commencement of the operation period for its Class Electronic Communication Network Service (C-ECNS) licence by twenty-four (24) months, and Class Electronic Communication Service(-ECNS) licence by twelve (12) months.</p> <p>The GM: CCA presented the item:</p>	<p><b>CEO</b></p>



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• A licensee must commence its operations within twenty-four (24) months of issue of its ECNS licence and within twelve (12) months of issue of its ECS licence, unless on good cause shown, the Authority may on application, grant an extended commencement period, prior to the expiry of the twenty-four (24) and twelve months' period.</li> <li>• Since the date of issue of the respective licences, Entelek was yet to commence business operations.</li> <li>• In its application, Entelek provided the following reasons for non-commencement:               <ul style="list-style-type: none"> <li>✓ Entelek encountered various difficulties that stood in the way of the company commencing operations; and</li> <li>✓ The licensee was planning to start trading by mid-2019 and currently negotiating with investors.</li> </ul> </li> </ul> <p>Once a request for an extension of commencement of operations has been granted, as part of the correspondence that forms feedback to a licensee, an indication is made to the fact that the regulatory framework only allows one extension of commencement of operations.</p> <p>The ECS/ECNS Compliance Unit was satisfied that the notice was filed in accordance with the prescribed regulations.</p> <p><b>It was resolved that the recommendation be approved.</b></p>	



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
14.	<p><b>International Schedule of Meetings for April 2019 to March 2020.</b></p> <p>The Executive: Corporate Services presented the item:</p> <p>The purpose of the memorandum was for Council to approve the International schedule of meetings for April 2019 to March 2020 for the 2019/20 financial year.</p> <ul style="list-style-type: none"> <li>• The International Relations Unit in consultation with the DTSP and DOC compiled a list of International engagements that were of value to ICASA.</li> <li>• The schedule will provide Council with a list of trips that will take place from April 2019 to March 2020, in line with the International Relations Strategy.</li> <li>• ICASA has a duty to support both the DTSP and DOC to advance South Africa's interest in the International Forums.</li> </ul> <p>The following events details the priority programmes for 2019 as identified:</p> <p><b>CRASA</b></p> <ul style="list-style-type: none"> <li>• Electronic Communications Committee.</li> <li>• Finance and Audit Committee.</li> <li>• CRASA Roaming Task Team (CRTT).</li> <li>• Human Resource Development Committee.</li> <li>• Legal and Policy Committee.</li> <li>• Postal Committee.</li> <li>• CRASA EXCO and AGM 2020/21.</li> </ul> <p><b>ITU PP 18</b></p> <p>Following on from the ITU PP 2018 a list of critical</p>	CEO





**Independent Communications Authority of South Africa**

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	<p>issues was identified that required ICASA participation as indicated below:</p> <ul style="list-style-type: none"> <li>• Review of the International Telecommunications Regulations (ITRs) Resolution 146 (Rev.Dubai, 2018).</li> <li>• Studies on OTTs: Resolution WGPL/3(Dubai,2018).</li> <li>• Studies on IoT: Resolution 197 (Rev.Dubai,2018).</li> <li>• Internet governance and Cybersecurity related matters: Resolution 101,102 and 180 and Resolution 130 (Rev.Dubai,2018).</li> <li>• Conformance and interoperability capacity building activities: Resolution 177(Rev.Dubai,2018).</li> <li>• Support to the developing countries in relation to exposure to EMF</li> </ul> <p>The meeting dates have not been finalized, however, the costs associated with sending candidates to these meetings has been considered and included in the overall budget of International Relations.</p> <p><b>WRC-19</b></p> <p>In preparation for the WRC-19, the Department has proposed to advance national goals in international forums, such as SADC, ATU, CTO, ITU, GSMA, BRICS and Broadband Commission.</p> <ul style="list-style-type: none"> <li>• The Department has further identified the main objective which was to defend spectrum</li> </ul>	



**Independent Communications Authority of South Africa**

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	<p>allocations that support key national priorities including universal broadband rollout, broadcasting roll-out, satellite communication universal services, aircraft services, maritime and the ocean economy programmes, environment public protection and disaster relief, emergency services and other future programmes that support economic transformation and realize the NDP objectives.</p> <p>There are various meetings scheduled in the lead up to WRC-19, ICASA has prioritized a few meetings as per a schedule to support the Department's agenda as well as advance ICASA's position on issues of spectrum.</p> <p><b>Additional meetings</b></p> <p>Other meetings to note that require ICASA's participation.</p> <ul style="list-style-type: none"> <li>• ITU Council meeting.</li> <li>• UPU Council meeting.</li> <li>• Spider training programme.</li> <li>• WWRF Huddle and meeting.</li> <li>• Smart Africa Council of Africa Regulators meeting.</li> </ul> <p><b>Cost-cutting on accommodation</b></p> <p>The Department of International Relations and Cooperation released the Measures and Guidelines for the coordination of South African 's International engagements. The document further details assistance that can be rendered by DIRCO an any matters that relate to the promotion of South Africa.</p> <ul style="list-style-type: none"> <li>• DIRCO through its missions have negotiated preferential rates with certain hotels and through the office of the Chief Financial Officer, ICASA can make use of the</li> </ul>	

**Independent Communications Authority of South Africa**

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	<p>preferential rates which at times might be cheaper than the quoted amount by the Travel service provider</p> <p><b>The International meeting schedule was approved on condition of supplementary list being tabled.</b></p>	
<p><b>15.</b></p>	<p><b>2018/19 Quality of Service Non -Compliance</b></p> <p>The purpose of the submission was for Council to note ICASA's position with regards to non-compliance by mobile operators based on Quality of Services (QoS) parameters as set out in the End - User and Subscriber Service Charter regulations of 2016.</p> <p>The Manager: Quality of Services Measurements presented the item:</p> <p>The following was noted:</p> <p>Engineering and Technology presented three quarterly QoS reports to Council on 26 February 2019, namely the 2018/19 Q3: Voice Quality of Service Report -Gauteng Province, 2018/19 Q3: Mobile Data Quality of Service Report-Mpumalanga Province, and the 2018/19: Voice Quality of Service Report-Mpumalanga Province.</p> <p>The following was resolved:</p> <p>The monitoring should be undertaken at peak hours. A committee of Council should be set to assess regulations The PRA and CCA should assist that Committee</p> <p><i>The Manager: Wholesale Services and GM: PRA joined the meeting at 13:59</i></p>	<p><b>CEO</b></p>
<p><b>16.</b></p>	<p><b>Termination of Internationally Originated Voice Traffic</b></p>	<p><b>CEO</b></p>



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The purpose of the submission was to request Council to note the draft letter to the Internet Service Providers Association (ISPA) advising it to direct its complaint with regards to the amendment of the call termination market definitions to the Complaints and Compliance Committee (CCC) for adjudication.</p> <p>The Manager: Wholesale Services presented the item:</p> <ul style="list-style-type: none"> <li>• During 2017, ICASA revised the call termination market definitions after following a section 67 (8) process of the Electronic Communications Act, 2005 (Act No 36 of 2005) ECA.</li> <li>• The definitions of mobile termination markets and fixed termination markets were changed to exclude the termination part of internationally originated voice calls.</li> <li>• Prior to the amendments, operators in other countries were charging South African operators termination rates higher than the regulated terminated rates which resulted in negative balance of payments or outflow of funds of about R1billion per annum (2014) from South Africa to other countries.</li> <li>• The amendment afforded South African operators, including ISPA members an opportunity to charge operators in other countries reciprocal or commercial termination.</li> </ul> <p>As a result, ISPA requested an urgent meeting with the Authority through a letter dated 06 November 2018, to discuss its concerns with regards to the deregulation of the termination leg of internationally originated voice calls.</p>	



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The Authority met with the ISPA on 28 November 2018.</p> <p>ISPA raised the following concerns about deregulation on international call termination:</p> <ul style="list-style-type: none"> <li>• ISPA was of the view that operators from other jurisdiction were not licensees.</li> <li>• ISPA had indicated that the amendment of the call termination market definitions in 2017 were superfluous as it was of the view that operators from other jurisdictions were not licensees in terms of section 5 of Chapter 3 of the ECA.</li> <li>• ISPA also indicated that prior to 2017, South African licensees were not prohibited by law from charging operators from other jurisdictions reciprocal or higher than regulated termination rates.</li> <li>• However, and notwithstanding that there was no prohibition prior to 2017, South African operators were not able to charge operators from other jurisdictions reciprocal rates in respect of inbound international traffic, as this traffic was masked as locally originated voice calls by local transit operators.</li> <li>• This resulted in South African licensees paying on average more money out of the country (and to local transit operators) than they earn for inbound international voice calls, creating a negative balance of payments in respect of international traffic payments</li> </ul> <p><b>It was resolved that Council note the attached draft letter to ISPA advising ISPA that:</b></p>	

**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• Its concerns regarding the amendment of the Wholesale voice call terminations markets were adequately addressed by the Authority following the review of the 2014 call termination regulations;</li> <li>• ISPA lodge a complaint with the CCC in terms section 17C in respect of the alleged incorrect classification of locally originated traffic as international calls; and</li> <li>• ISPA lodge a complaint with the CCC to the extent that requests for separate POILs by other licencees create undue financial burden on its members and does not promote efficient use of electronic communications networks in terms of sec 37 (3)(b) of the ECA.</li> </ul>	
<p><b>17.</b></p>	<p><b>MTN request for clarity on Subscriber and End-User Service Charter</b></p> <p>The purpose of the submission was to request Council to note the response to MTN's questions of clarity on the End -User and Subscriber Service Charter.</p> <p>The GM: CCA presented the item:</p> <ul style="list-style-type: none"> <li>• The Authority received a letter from MTN dated 18 March 2019, requesting clarification on the Amendment to the End -user and Subscriber Service Charter Regulations.</li> <li>• MTN requested the Authority to provide clarity on Regulation 8 (b)(2)(c) read together with regulation 8 (B)(2) of the Regulations.</li> <li>• MTN was of the view that it has a discretion to allow customers to either opt-in or opt-out to out of bundle data services and that they do not need to offer both options to the</li> </ul>	<p><b>CEO</b></p>



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>customers. MTN indicated that if they were to offer their customers one option, MTN would have complied with the Regulations.</p> <ul style="list-style-type: none"> <li>• MTN also alleged that Cell C was implementing the Regulations in a way that customers were not barred from incurring out-of-bundle data services and requested the Authority to indicate if the Cell C implementation of regulation 8 (B)(2) was correct.</li> </ul> <p>The Authority indicated that MTN will be left with the following options:</p> <ul style="list-style-type: none"> <li>• MTN can terminate data services; or</li> <li>• MTN can continue to provide data services on the same terms and conditions applicable under in-bundle usage.</li> </ul> <p>On the question of whether Cell C was implementing the Regulations correctly, the Authority's response to MTN was that regulation 8(B)(2) will come into effect as of the 12 April 2019.</p> <p><b>The response letter was noted.</b></p>	
<p><b>18.</b></p>	<p><b>Report on analysis of Tariff Notifications Submitted to ICASA for the period 01 July 2018 to 31 December 2018.</b></p> <p>The purpose of the submission was to request Council to note the analysis of tariff notifications submitted to ICASA for the period 01 July 2018 to 31 December 2018, for publishing on the Authority's website.</p> <p>The GM: PRA and the Manager Retail Services presented the item:</p>	<p><b>CEO</b></p>



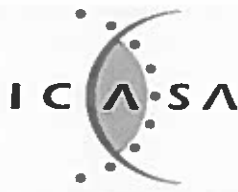
**Independent Communications Authority of South Africa**

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	<ul style="list-style-type: none"> <li>• The analyses contained in the report was based on the 162 tariffs notifications that were filed during the period of 01 July 2018 to 31 December 2018 and those which continued to exist in the market as at the end of 31 December 2018.</li> <li>• Following the 2018/19 FY second quarter(Q2) Tariff Analysis Report published on ICASA's website on 15 October 2018 and those which continued to exist in the market as at the end of 31 December 2018.</li> <li>• The report presented an analysis of the 162 tariff notifications received from individual licensees during the period under review. It entailed the following:               <ul style="list-style-type: none"> <li>✓ An analysis of the four types of prepaid tariff plans that were on offer in the market in the period under review, namely the standard prepaid voice tariffs, promotional prepaid voice tariffs, standard prepaid data tariffs and promotional prepaid data tariffs.</li> <li>✓ An analysis of Sim-only post-paid data plans.</li> <li>✓ A brief comparative analysis of Fibre-to-the-Home (FTTH) and Fibre -to-the-Business (FTTB) plans and offerings.</li> <li>✓ A discussion of regulatory interventions underway to address the cost of data and reduction of the cost to communicate including the voice market.</li> </ul> </li> </ul> <p>The Authority made the following observations on the report:</p>	



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• Two new flat rate plans were introduced during the period under review, namely 79c prepaid plan and Cell C Ultra bonus plan which was their default prepaid plan which charges customers R1.75 across all networks. Cell C's new default plan was 165% higher than its previous default plan which was 66c Prepaid plan.</li> <li>• A quarterly comparative analysis of the Q2 and Q4 of the 2018/19 financial year, for the standard voice pre-paid voice and data was done, where information showed that apart from the two new flat rate plans introduced during the period under review, standard prepaid voice tariffs have remained the same.</li> <li>• In terms of Mobile prepaid data plan, the most prominent changes on the period under review were made by Cell C, such as the discontinuation of the 500 MB bundle whilst introducing a 750MB bundle price at R100.</li> <li>• This represent a 250% data value increase at an extra R1 from what a customer previously paid for 500MB bundle. Cell C also introduced a 2,5 GB bundle priced at R249 and 4.6GB bundle for R299. There were also changes to prepaid data bundles, whereby Telkom increased its out-of-bundle rate by 3.4 % (from R0,29 to R0,30)</li> </ul> <p>The following was resolved:</p> <ul style="list-style-type: none"> <li>• The PRA should liase with Corporate Services to publish the report.</li> </ul> <p><b>The report was noted.</b></p>	
<b>19.</b>	<b>Approval of liquid Telecom Payment Plan for Spectrum Fees</b>	<b>CFO</b>



**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The purpose of the submission was to request Council to approve the request by Liquid Telecom Proprietary limited (Liquid Telecom”) for a payment plan for Spectrum fees for 2019/2020 and request the Acting Chairperson to sign a letter to Liquid Telecom</p> <p>The CFO presented the item:</p> <p>The following was noted:</p> <ul style="list-style-type: none"> <li>• Liquid Telecom would like to make payment arrangements for 2019/20 spectrum fees.</li> <li>• Liquid Telecom could pay the R71,109 million in three (3) equal tranches commencing 30 April 2018,3 June 2018, and 30 September 2018 and this was adhered to including payment on interest.</li> <li>• The radio Frequency Spectrum Regulations gazette no 38641, Regulation 17(5) (Duration of Radio Frequency Spectrum Licence) and Regulation 42(Offenses and Penalties) guide the charging of interest on license fees as well interest for late payment.</li> </ul> <p><b>The request was approved.</b></p>	
<p><b>20.</b></p>	<p><b>Cloudseed request for interest waiver for late payment of interest of USAF and ALF for 20 June 2014, 30 June 2015, 30 June 2016 and 30 June 2017.</b></p> <p>The purpose of the submission was to request Council to decline the request by Cloudseed Telecommunications (“Cloudseed”) for 100% waiver of interest charged on late payment of USAF and ALF for the financial period ended 30/06/14; 30/06/15;30/06/16 and 30/06/17 respectively and request the acting Chairperson to sign the letter to</p>	<p><b>CFO</b></p>

**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Cloudseed.</p> <p>Cloudseed was requesting for the 100% waiver of interest charged on late payment of USAF and ALF for the financial periods ended 30/06/14;30/06/15 ;30/06/16 and 30/06/17 respectively. Cloudseed submitted the following reasons for the late payment of USAF and ALF as per calculations submitted by the Authority:</p> <ul style="list-style-type: none"> <li>• Cloudseed has not been generating enough money for the past few years to pay the interest.</li> <li>• Payment of outstanding financial submission to ensure compliance has resulted into a huge cash flow gap for Cloudseed</li> </ul> <p><b>Cloudseed -waiver of interest for late payment of USAF and ALF</b></p> <p>Cloudseed must pay their 2019/20 licence fees that is due and payable to ICASA to attain such a licence.</p> <p><b>It was resolved that the recommendation by the division to decline Cloudseed 's waiver of interest be approved.</b></p>	
21.	<p><b>General</b></p> <p><i>The GM: Legal. Risk and CCC and the SM: Litigation, Contracts and Legislation joined the meeting at 15:08</i></p>	All
21.1	<p><b>THE Authority Response to the Public Protector's notice in terms of section 7(9)(a) of the Public Protector, 1994</b></p> <p>The purpose of this memorandum is to present the Authority's response to the notice issued by the Public Protector of South Africa ("Public Protector") in terms of section 7 (9)(a) of the Public Protector</p>	CEO

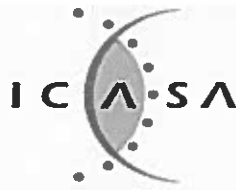


**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Act, 1994 (Act No. 23 of 1994) for Council's approval.</p> <p><b>BACKGROUND AND DISCUSSION</b></p> <p>On 26 February 2018, the Authority received a letter from the office of the Public Protector in relation to a complaint received by their office, alleging a series of maladministration and financial misconduct by certain officials of the Authority. The complaint is alleged to have been submitted to Council and there was no action taken by Council in this regard. The Public Protector requested a comprehensive report from the Authority in relation to the actions taken by Council with regards to these allegations/complaints.</p> <ul style="list-style-type: none"> <li>• On or about 31 July 2018, the Authority responded to the Public Protector's abovementioned letter with the approval of Council.</li> <li>• Subsequently, on 08 March 2019, the Authority received a notice in terms of section 7 (9)(a), which notice seeks to afford persons implicated by an investigation conducted by the Public Protector in which an adverse finding may be made against such persons, the opportunity to respond in connection therewith.</li> <li>• The notice contains the Public Protector's preliminary findings in relation to the complaints of maladministration, financial mismanagement and procurement irregularities received by her office.</li> <li>• The Public Protector had requested the Authority to provide a response within 14 business days, and the Authority had requested an extension in this regard on 08 March 2019, which extension was denied by the Public Protector save to state that the Authority was afforded an opportunity to submit a response by Tuesday, 02 April 2019.</li> <li>• Considering the above, the Authority has</li> </ul>	

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p>prepared a response to the Public Protector's notice and being cognisant of the gravity of the preliminary findings, the Authority requested [REDACTED] Attorneys Inc. to assist with the draft response.</p> <p>The following was resolved: Council requested an urgent meeting with the Public Protector to discuss the matter.</p> <p><b>It was resolved that the response be noted.</b></p>	
21.2	<p><b>Sports Broadcasting Committee</b></p> <p>Cllr [REDACTED] presented this item</p> <p>The committee requested a dedicated support staff/legal resources as it was embarking on the regulation on Sports Broadcasting Rights.</p> <p><b>It was resolved that the Executive: Legal, Risk and CCC will be actively engaged with the Committee</b></p>	Cllr [REDACTED]
22.1	<p><b>Chairperson of the Consumer Advisory Panel (CAP) Committee</b></p> <p>The Secretariat informed Council that the Chairperson of CAP has indicated her intention to resign as CAP Chairperson but remain as a CAP member.</p> <p><b>It was resolved that internal legal advice should be sought to advise Council on the matter</b></p>	Secretariat
22.3	<p><b>Type Approval Committee Chairperson</b></p> <p>As Cllr [REDACTED] was appointed as the Acting Chairperson of ICASA, he requested that he be relieved his duties as the Chairperson of the Type Approval Committee.</p>	Cllr [REDACTED]



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	<b>Action Item</b>	<b>Person Responsible</b>
	It was resolved that: Cllr [REDACTED] will assume the role of the Chairperson of the Type Approval Committee and Cllr [REDACTED] as a Deputy Chairperson.	
22.4	<b>Noting of the Consumer Advisory Report for the 2018/2019 FY</b>  The GM: CCA presented the item:  The purpose of this memorandum was to request Council to note the CAP Advisory Report for the 2018/2019 Financial Year Annual Performance Plan.  The Report was noted	<b>CEO</b>
23.	<b>Closure</b>  The Acting Chairperson thanked all who attend the meeting adjourned at 15:44	<b>Secretariat</b>
24.	<b>Date of next meeting: 16 April 2019</b>	<b>Secretariat</b>

Signed: [REDACTED] Date: 16 July 2019

(Chairperson)