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The Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco Point Office Park,
Eco Park, Centurion, Gauteng.

Attention: Mr Manyapelo Richard Makgotlho

By email: rmakgotlho@icasa.org.za
jdikgale@icasa.org.za

Dear Sirs,

NOTICE REGARDING THE DRAFT AMENDMENTS TO THE RADIO FREQUENCY ASSIGNMENT PLAN FOR THE IMT2300 BAND IN TERMS OF REGULATION 3 OF THE RADIO FREQUENCY SPECTRUM REGULATIONS, 2015, FOR PUBLIC CONSULTATION.

1. Cell C Limited (“**Cell C**”) would like to thank the Independent Communications Authority of South Africa (“**ICASA**”) for the opportunity to provide written comments to the draft IMT 2300 MHz radio frequency spectrum assignment plan (“**RFSAP**”) published for consultation in *Government Gazette 49757* on 24 November 2023.
2. ICASA published the draft IMT 2300 MHz RFSAP for written comments. Cell C understands that ICASA has conducted feasibility studies with relevant stakeholders and concluded that it proceeds with finalising the RFSAP. Cell C supports ICASA in this regard and believes this approach supports a more robust regulatory process.
3. Cell C looks forward to further engaging with ICASA on this RFSAP. Please find below our written submission in this regard.

Cell C hereby confirms its readiness to participate in any subsequent consultations and oral hearings, which may be called for by ICASA.

Yours sincerely

Themba Phiri
Executive Head: Regulatory Affairs
Cell C Limited

CELL C WRITTEN COMMENTS ON THE DRAFT RADIO FREQUENCY SPECTRUM ASSIGNMENT PLAN FOR THE FREQUENCY BAND 2300MHz TO 2400MHz (BAND 40) FOR PUBLIC CONSULTATION

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1. GENERAL COMMENTS

1.1. Cell C would like to thank ICASA for the opportunity to present these written comments and requests the opportunity to both elaborate on the points below as well as to raise further points via oral submission when public hearings are convened on the RFSAP.

1.2. Cell C supports and recommends the alignment of this RFSAP's with the various the resolutions/recommendations as adopted at various international, regional, and national levels (ITU, ATU and SADC), including those arising from previous ITU World Radio Conferences. This means the same spectrum bands are used country to country, which allows for the same equipment, including devices, to be sold across large regions, bringing down the cost to communicate and thereby benefitting from economies of scale.

1.3. In finalizing the RFSAP, the migration of Fixed Links and Outside Broadcasting licensees services must follow the process as prescribed in the ECA where relevant. The development of the "RFSAP" and the Frequency Migration Plan ("FMP") are overseen by different rule-making provisions. Therefore, there must be no areas of ambiguity, inconsistency, or wrongfully placed spectrum events between the processes. Thus, avoiding protracted delays due to unnecessary litigation.

1.4. Cell C recommend that the rules, procedures, and conditions regarding spectrum matters such as spectrum migration, spectrum licence amendments, sharing, incentives or spectrum surrender for spectrum migrating users be prescribed in a manner that is consistent with the ECA. No migrating licensees including by way of licence amendments should unfairly benefit or treated in a manner that compromises competition in the sector. Any decision taken by ICASA must be informed by robust consultation with affected licensees whilst considering the existing use and value of the affected spectrum bands.

2 Preparation of a Radio Frequency Spectrum Assignment Plan

2.1 In terms of the ICASA 2019 Frequency Migration Plan Regulations ("FMP"), regulation 6, "*Preparation of a Radio Frequency Spectrum Assignment Plans ("RFSAP")*", states that:

"(1) A change in the use of a radio frequency band(s) must be initiated through a Radio Frequency Spectrum Assignment Plan for the radio frequency spectrum bands in the manner specified in the latest Radio Frequency Spectrum Regulations in force.

(2) With respect to the radio frequency migration process, a Radio Frequency Assignment Plan may include:

(a) The process for migrating existing users and usages from their existing spectrum location, specifying the bands to which the users and uses will be migrated, including in-band migration where applicable.

(b) The time scale for the reallocation of the radio frequency band in question, specifying the date at which the users to be migrated should cease transmission.

(3) A Radio Frequency Spectrum Assignment Plan shall be subject to public consultation:

(a) The Authority shall publish the Radio Frequency Spectrum Assignment Plan in the Government Gazette, inviting interested persons to submit written representations as specified by the notice in the Gazette; and

(b) The Authority may, after any defined period for lodging comments by interested persons has passed, hold a public hearing in respect of the application.”

2.2 Therefore prior to finalizing the RFSAP, Cell C recommends that ICASA ensures that the processes listed above are followed and concluded with definitive timelines. We say this because the RFSAP’s must include milestones with dates that provide regulatory certainty to all affected parties so that they understand their roles and responsibilities.

RFSAP	Typical Applications	Future Use	Migration Timeline and Licensing process	Cell C Comments
<p>2 300-2 450 MHz</p> <p>FIXED MOBILE 5.384A NF9</p> <p>Amateur Radiolocation Amateur satellite 5.150 5.282 5.395</p>	<ul style="list-style-type: none"> • FIXED • MOBILE 5.384A NF9Amateur • Radiolocation • Amateur satellite • 5.150 5.282 <p>IMT2300 TDD (2300 – 2400</p>		<p>1 April 2024</p>	<p>Cell C supports the inclusion of the IMT2300 radio frequency spectrum band (100MHz TDD) as published in the “<i>Notice Regarding The Draft Amendments To The Radio Frequency Assignment Plan For The IMT2300 Band</i>” published on 24 November 2023. We say this because of the following reasons:</p> <p>a. This band will be used for IMT-TDD and provide for IMT 2300 services including in the families of standards of IMT -2000, IMT-Advanced and IMT 2020;</p>

RFSAP	Typical Applications	Future Use	Migration Timeline and Licensing process	Cell C Comments
	MHz) WLAN, FDDA and model ctrl. (2400 – 2483.5 MHz) Non-Specific SRDs and low power video surveillance (2400 – 2483.5 MHz) RFID (2 400 – 2 483.5 MHz) ISM applications (2400 – 2483.5 MHz) Amateur-satellite (2400 – 2450 MHz)			<ul style="list-style-type: none"> b. ICASA has confirmed in section 2.2. the following: “<i>The feasibility study concerning the 2300 – 2400 MHz 3GPP band 40 concluded that the Authority proceeds with an RFSAP for IMT in this band.</i>” c. This band has a mature device ecosystem. According to GSA (https://gsacom.com/paper/national-spectrum-positions-june-2023/) publication there are 10,251 devices which supports band 40. d. According to the GSA document “Evolution from LTE to 5G” published in January 2023, global adoption of band38 is the most licensed band followed by band 40 for LTE TDD services. At the time of publication there were 69 licences assigned globally. LTE-to-5G Ecosystem January 2023 - GSA (gsacom.com) e. ICASA needs to ensure that the RFSAP for this band be updated accordingly noting the 1 April 2024 effective date in the November 2023 draft amendments to the RFSAP. f. ICASA’s impending decision on the application for amendment of Telkom SA SOC Limited Radio Frequency Spectrum Licence in the bands 2300 – 2360 MHz (“2300 MHz”) and 2307 – 2387 MHz paired with 2401 – 2481 MHz (“2400 MHz”) as published in Government Gazette 45333 as Cell C is unaware if a decision was pronounced on the request.

