



The Independent Communications Authority of South Africa  
The Chairperson, Mothibi G. Ramusi  
350 Witch-Hazel Ave  
Eco-Park Estate  
Centurion, 0144

For the attention of: Mr. Mandla Mchunu

Per email: [satlicensing@icasa.org.za](mailto:satlicensing@icasa.org.za)

12 November 2024

Dear Chairperson

## **CONSULTATION ON THE PROPOSED NEW LICENSING FRAMEWORK FOR SATELLITE SERVICES**

1. The National Association of Broadcasters (**NAB**) refers to the publication by the Independent Communications Authority of South Africa (the **Authority**) for written submissions on the Consultation on the proposed new Licensing Framework for Satellite Services published on 14 August 2024 in the Government Gazette No. 51044, Notice 2678 of 2024 (the **Satellite Services Licensing Framework Inquiry**).
2. The NAB is a leading representative of South Africa's broadcasting industry, representing the interests of all three tiers of broadcasters (public, community and commercial). Our members include the SABC, all the licensed commercial television broadcasters; e.tv, Multichoice, M-Net, and StarSat-ODM, independent commercial radio broadcasters such as Kaya FM, YFM, Smile FM, Rise FM, YOU FM, Hot 102.7FM, and radio services of media groups Primedia, Kagiso Media, GH Media, AME, MSG Afrika and a number of community radio broadcasters, and a community television broadcaster, Faith Terrestrial. The NAB membership also extends to signal distributors as well as a range of industry associates.

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*The NAB is a voluntary industry association funded by its members*





3. The NAB welcomes the invitation by the Authority to make representations on Satellite Services Licensing Framework Inquiry. At the outset, the NAB wishes to note its support for this process. The NAB will not address each and every query set out in the Satellite Services Licensing Framework Inquiry on *ad seriatum* basis, but will provide high-level submissions on the document. The NAB participates in this process with the aim of providing constructive input for ICASA and looks forward to engaging further with ICASA on these issues.
4. The NAB notes that satellite services have been operational within South Africa for many decades and have always operated seamlessly. It is understood by the NAB that since highspeed internet services have become more readily accessible via satellite services, the proposed framework mainly seeks to address this development. However, the NAB notes that this is not a new service and it is already being catered for in the Electronic Communications Act 36 of 2005 (**ECA**). The premise is that service licenses are, by design, technology neutral. As such, the NAB submits that the creation of a new framework only for satellite services could be counter-productive, particularly if it is uncertain what concerns need to be addressed by the Authority as part of this Inquiry, and it is still unclear what problem we would be solving.
5. The NAB proposes that the entire sector would benefit from a clear working document which stipulates the concerns of the Authority, focusing on specific areas that need to be addressed in the existing legislation, rather than creating an entire new framework.
6. In respect of the policy principles from the ATU, the NAB welcomes the alignment with international best practices. While as indicated above, the NAB is of the view that a new framework is not necessary, any amendments to policy, regulations or legislation must provide for an even playing field for all players actively involved with satellite services, as well as those players that are intending to enter the market. Future barriers to entry into the satellite market must also be considered.



7. Having considered the Authority's proposed approach of having a separate licence/authorisation for each segment of the satellite communication value chain, the NAB notes that it has some concerns regarding the Authority's approach to new licences / authorisations. In this respect, the NAB submits that the proposed approach to licensing / authorisation in the proposed framework is vague and it is unclear how the approach is intended to fit into the existing licensing framework prescribed in the ECA. There are existing statutory licence categories and those are the categories within which the "satellite communication value chain" must be located. The NAB submits that the Authority should align its proposed licence categories with the ECA and, where appropriate, issue the necessary individual or class licences and frequency spectrum licences, alternatively provide for appropriate exemptions.
8. Regarding the alternative proposals to levy the spectrum fees for Gateway Earth Stations, the NAB submits that it is difficult to comment on possible spectrum fees as the rationale for creating a new licence category is unclear and the proposed licensing framework is vague. The NAB will only be in a position to comment on any proposed fees once these issues are clarified, and we have a better understanding on the rationale and justification for any fees.
9. Once there is clarity regarding the rationale for creating a new licence category and a proposed licensing framework, NAB does encourage the Authority to consider the International Benchmark on Methodologies regarding the methodologies used in other jurisdictions to determine spectrum fees for Gateway Earth Stations when amending the proposed licensing framework.
10. The NAB understands many countries adopt a hybrid approach that combines elements from various models, including fixed fees, demand-based pricing, and auction systems. A hybrid model tailored to South Africa's specific needs could harmonise the benefits of certainty (fixed fees for baseline access) with market dynamics (auction or demand-based adjustments for premium frequencies).
11. In addition, the NAB notes further that in the provision of internet services using satellite technology, the same spectrum is utilised repeatedly by different satellite

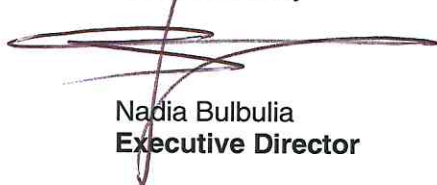


operators. In South Africa, multiple satellite operators are using the Ku-Band through low earth orbit satellites (**LEO**) without causing any interference. As a technology, LEO makes most efficient use of spectrum. The NAB further encourages the Authority to take this into consideration when considering the calculation spectrum fees.

12. The NAB submits that it is appropriate to use Regulation 37 of the Radio Frequency Spectrum Regulations of 2015 to recognise the ESIM Licenses issued by other countries, on the assumption that the Authority will ensure that the license is adjusted to align with the requirements of the Regulations.

13. The NAB thanks ICASA for the opportunity to provide this written submission on the Satellite Services Licensing Framework Inquiry, and we look forward to the next steps in this process.

Yours sincerely

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Nadia Bulbulia  
**Executive Director**