



ICASA

**Public Hearing for Individual
Commercial Free-To-Air
Broadcast Services**

22 NOVEMBER 2018

WELCOME AND OPENING

Chairperson: Good morning ladies and gentlemen. It is now four minutes past nine and we had purpose to start at 9 o'clock so I would like to kick start today's hearings and just to welcome each and everybody for having made it to our first day of the hearings in relation to the licensing of a commercial free to air television broadcasting and radio frequency spectrum license for mux 3, 55% frequencies. On behalf of the independent communications authority I wish to welcome you all to the oral hearings in relation to the applications for the licensing of an individual commercial free to air television broadcasting and radio frequency spectrum license for 55% mux frequencies. As we all know in 2016 the council of the authority resolved to constitute a committee to consider the applications and delegated myself, Councilor Dimakatso Qocha to chair this committee. I am assisted by my colleague councilor Botlenyana Mokhele and the panel before you comprises of the following colleagues. We've got Ms Leah Maina, Ms Fikile Hlongwane, Ms Busisiwe Mashigo, Mr Kgomotso Mokitle, Ms Lufuno, Mr Stanley Mufamadi, Mr Ruvengano, Mr Mpho Mgwebi, Ms Resheditswe Kgomo, Mr David Ramaremela, David Moshweunyane, Silas [unclear] who could not be here with us, Thandenkosi as well as Xolane Makgoba who will be assisting us with logistical matters around the meetings. The authority has also engaged the services of external legal experts, our colleagues Messrs Mkhabela Huntley Attorneys to provide us with legal assistance in the process. They are here with us as well. By way of background and process on 28 February 2017 ICASA issued a composite ITA, published in government gazette number 40652 for the licensing of an individual commercial free to air television broadcasting and radio frequency spectrum licensee for the 55% Mux 3 frequencies. The ITA was issued in terms of section 9 and 31 subsection 3A of the electronic communications act as a man that read with regulation 7 of the radio frequency spectrum regulations of 2015 amended. In order to assist potential applicants to better understand the requirements of the ITA, and answer any questions that they may have had, the authority conducted public workshops in all 9 provinces that was between the 2nd and 8th of June 2017, additionally the authority published a notice in government gazette, with the frequently asked questions from the provincial workshops as well as a narration on the ITA. The closing date for the submission of the applications for the ITA was 13 August 2017, subsequent to the request for extension from interested parties the closing date was extended through a notice which was also published in a government gazette to 16 November 2017. The authority received 5 applications namely infinity media network (Pty)Ltd, Free To Air (Pty) Ltd, the Tswaranang Media (Pty)Ltd, Kwese Free Tv (Pty)Ltd as well as Litha TV (Pty) Ltd. Litha was disqualified for noncompliance with the ITA so they did not make the shortlist. Applications were lodged in terms of section 9 1 which provisions which provide that any person may upon invitation by the authority subject to the provincials of this act apply for an individual license in the prescribed manner. The ECA further provides that the authority must give notice of the

application in the gazette and may conduct public hearings as we hereby do today in relation to any application for an individual license. It is against this background that on 30th of March 2018 the authority published a notice in government gazette setting out the details of the applications received in response to the ITA and inviting entrusted persons to submit written representations on the received applications and responses by the applicants. By the closing date the authority had received representations from the SABC, from Kwese TV (Pty)Ltd and support public broadcasting coalition which is the SOS and Media Monitoring commonly known as MMA. All parties except the SABC requested an opportunity to present in the event that the authority was to hold public hearings. On the 12th of November 2018 the authority published a notice in the government gazette inviting interested stake holders to these hearings. However the authority erroneously omitted to include SOS and MMA in the public schedule and we have subsequently made our amendments and they have made their way into the schedule for presentations. How will we proceed today? By way of background the applicants will be provided 30 minutes to make oral representations on the applications. We are going to stick to time. An opportunity will be given to those parties that made written representations in respect of the specific application to make a 30 minute presentation on the written representations. That will be MMA as well as SOS. The panel of the authority will then be afforded 60 minutes to ask questions to the applicants. We request that all presenters keep to their allocated time and be straight to the point. We have read and familiarized ourselves with your written input so today it's more of a clarification matter on the issues that are salient in your applications. We further urge presenters to respect the rights of other participants. Offensive language and or behavior will not be tolerated. Non compliance to this request will result in the authority taking appropriate action to protect the integrity of the hearings. The panel will consider additional information aimed at clarification, that has already been, clarification and information that has already been submitted to the authority and we also note that parties have also requested, certain parties have requested confidentiality of certain aspects of the applications where the authority deems or needs further information on this, such information shall also be provided within the seven days. Rejected information or new information that is not already before the authority will not be entertained. In the event that the panel requires additional information to clarify an aspect of presentation or representation submitted, such information shall be provided to the authority within seven days. I thank you all for having met today and at this point in time I would like to invite the first presenter for the day who will be Infinity Media Network (Pty) Ltd who will take us through the presentations. Mr Manyi I'm not sure whether you've got any printed presentations of yours. Is it just the one projector on the screen?