



ICASA

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

23 NOVEMBER 2018

DAY 2 OPENING

Chairperson: Morning once again ladies and gentlemen. Welcome back again to the second day of the hearings on the applications for the licensing of an individual commercial free to air television broadcasting and radio frequency spectrum license for 55% mux frequencies. Yet again on behalf of the authority I wish to welcome you all back to day two to the oral hearings in relation to the applications as already stated. In 2016, the authority, the council of the authority resolved to constitute a committee to consider applications and delegated myself Dimakatso Qocha, assisted by my colleague councilor Botlenyana Mokhele. Assisted by the following members of the authority, Ms Leah Maina, Ms Fikile Hlongwane, Ms Busisiwe Mashego, Mr Kgomotso Mokitle, Ms Lufuno Sigwavhulimu. Stanley Mufamadi, Ruvengano Mandebvu, Mr Mpho Gwede, Ms Resheditse Kgomo, Mr David Ramaramela, Mr Davis Moshweunyane, Mr Silas [unclear] who is also not here still today, Ms Thandi Nkosi as well as Ms Xolani Magoba who will be assisting us with logistical matters. The authority has also engaged the services of external legal experts, Messrs Enabor Mkhabela Huntley Attorneys to provide legal assistance on the process. They are here again today with us. By way of progress and background as you all know on 28th of February 2017 the authority issued a composite ITA which was published in Government gazette number 40652 for the licensing of an individual commercial free to air television broadcasting and radio frequency spectrum license for mux 55%, for 55% mux 3 frequencies. The ITA was issued in terms of section 9 and 31 subsection 3 A of the electronic communications act as amended, read with regulation 7 of the radio frequency spectrum regulations of 2015 as amended. In order to assist potential applicants to better understand the recurrence of the ITA and answer any questions that may arise, the authority conducted public workshops in all 9 provinces between 2 and 8 June 2017. Additionally the authority published a notice in the government gazette with the frequently asked questions from the provincial workshops as well as a narrator on the ITA. The closing date for submissions of the application was the 30th of August 2017. Subsequent to the request for extension from interested parties the closing date was extended through a notice which was published in the government gazette and the extension date was 16 November 2017. The authority received 5 applications name from Infinity from whom we already heard yesterday, from Free to Air Pty Ltd who have already presented as well from Tshwaranang Media Pty Ltd who is here before us today as well as from Kwese Free To Air, Kwese Free TV Pty Ltd and Lisa who were disqualified from the process. Applications were lodged in terms of section 9 1 which provided that any person may upon invitation by the authority subject to the provisions of this act apply for an individual license in the prescribed manner. The ECA further provides it. The authority must give notice of the application in the gazette and may conduct public hearings in relation to any applications for an individual license. It is against this background that on 13 March 2018 the authority published a notice in the government gazette setting out the

details of the applications received in respect of the ITA and inviting interested parties to submit written representations on the received applications and responses by applicants. By the closing date, I beg your pardon. By the closing date the authority had received written representations from the South African Broadcasting Corporations commonly known as the SABC, Kwese Free TV Pty Ltd and support public broadcasting coalition known as SOS as well as from MMA. All parties except the SABC requested an opportunity to present. In the event the authority was to hold public hearings. We have seen yesterday that SAM and also S as well as MMA and Kwese were posing questions to the applicants. On the 12th of November 2018 the authority published a notice in the Government Gazette inviting interested stakeholders to these hearings. However, the authority erroneously omitted to include SOS and MMA in the published schedule to make oral representations as requested. To these end the schedule was amended and these two parties have been included in the schedule. Regarding today's proceedings applicants will be provided 30 minutes to make oral representations on the applications. AS we have seen the chair is very particular with time so we shall remind you when you're about to go over your time. What we've been doing normally is when you're at 15 minutes, then we'll remind you and then 5 minutes before the end of 30 minutes we'll remind you again. An opportunity will then be given to those parties that made the representation in respect of the specific applications to make a 30 minute presentation on the written representations. The applicant will then be given 30 minutes to respond to the queries and issues raised by the presenters in the written and oral representations. The panel of the authority will then be given 60 minutes within which we will ask the applicants questions. We request that all presenters keep to their allocated time and be straight to the point. We further urge presenters to respect the rights of other participants. Offensive language or behavior will not be tolerated. Non compliance to this requirement will result in the authority taking appropriate action to protect the integrity of this process. The panel will consider additional information aimed at clarifying information that has already been submitted to the authority. 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 any aspect of the application or representations submitted to the authority such information will be provided to the authority within seven working days of the date of these hearings. We have also been every emphatic since yesterday that where parties have requested confidentiality on certain sections of their presentations the authority will then make follow up questions on that information which shall also be provided within the 7 days. I thank you and I'll now want to open up the floor to Tshwaranang who will take us through their presentation for the day and also just to invite you to introduce yourselves to the panel so that we can proceed. Thank you.