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GENERAL NOTICE

NOTICE 1257 OF 2007



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO REVISE THE SCHEDULE OF CONVERSION OF LICENCES IN TERMS OF SECTION 93 OF THE ELECTRONIC COMMUNICATIONS ACT (ACT 36 OF 2005) AND, REVOCATION AND AMENDMENT OF PREVIOUSLY PUBLISHED DRAFT NOTICES.

In Notice 1273 published in Government Gazette 29168 dated 30 August 2006, ("Conversion Notice") the Independent Communications Authority of South Africa ("the Authority") published a schedule for the licence conversion process in terms of section 93(3) of the Electronic Communications Act, Act 36 of 2005 ("the ECA") which schedule:

- 1) identified licence holders existing at the coming into force of the ECA and the nature of the services provided;
- 2) set out timeframes for conversion of the licences;
- 3) set out information to be provided by licensees to the Authority and;
- 4) confirmed the rights of licensees to participate in the conversion process.

The Conversion Notice did not:

- 1) set out the process for converting existing licences as required in terms of section 93(3)(d) of the ECA; and
- 2) identify all existing licensees.

The Authority hereby amends the Conversion Notice by extending the timeframe for the conversion of the licences contained in Schedules B and C to the Conversion Notice from 30 June 2007 to 19 July 2008.

The Authority hereby further amends the Conversion Notice by requiring all existing licensees to provide the following information by close of business on 21 October 2007:

- 1) Name, contact details of the licensee;
- 2) Whether or not the Licensee is at least 25% state-owned;
- 3) Nature of service currently being provided, including without limitation PSTS, VANS, MCTS, USALs, Broadcasting Services, Broadcasting Signal Distribution, PTNs, Satellite News Gathering, Radio Trunking, National Mobile and Wireless Data Telecommunication Services, Multimedia Services, Carrier of Carriers, etc;
- 4) Whether or not the service is provided on a for-profit or non-profit basis;
- 5) Whether or not the licensee makes use of numbers off the national numbering plan;
- 6) Geographic coverage area of services being provided;
- 7) Population coverage;
- 8) Whether or not the licensee operates an electronic communications network and if so:
 - (i) the geographic scope of the electronic communications network; and
 - (ii) whether international connectivity is provided; and
- 9) Whether or not the licensee resells spare capacity on its network.

The Authority points out that licensees who do not provide the required updated information set out above do so at their own risk and with the knowledge that the final conversion mapping process is dependent upon the receipt of the required information by the Authority.

As soon as possible after this 21 October, 2007 deadline but in any case by November 2, 2007, the Authority will publish in the Government Gazette a set of tables setting out the proposed conversion mapping for all known licensees that have provided the above-requested information. The Authority will then be able to classify the licensees, by way of mapping them onto ECA licence categories.

The Authority hereby repeals the Notice 501 published in Government Gazette 29725 dated 23 March 2007. The reasons for the repeal of the Notice are twofold:

- 1) the general ECA licensing processes and procedural aspects of that Notice are now being dealt with in a distinct draft regulation to be published shortly; The Authority notes that this draft regulation applies to new licence issuance, amendment and similar processes and not to the licence conversion process.
- 2) the revised standard terms and conditions have been published in a draft regulation Notice 1084 published in Government Gazette No 30246 dated 30 August 2007.

The Authority amends Notice 244 published in Government Gazette 29687 dated 7 March 2007 by the replacement of Tables 1 and 2 thereto with the Tables 1 and 2, respectively, in the schedule to this Notice.

The Authority gives notice of its revised licence conversion process in terms of section 93(3)(d) of the ECA, namely:

In Notice 1084 published in Government Gazette 30246 dated 30 August 2007, the Authority issued draft regulations setting out the standard licence terms and conditions for both class and individual licences in all three ECA licensing categories, namely Broadcasting Services, Electronic Communications Services ("ECS") and Electronic Communications Network Services ("ECNS").

- 1) Written representations on the standard terms and conditions were received from numerous industry players.
- 2) In Notice 1114 published in Government Gazette 30280 dated 8 September 2007 the Authority issued draft licence exemption regulations.
- 3) Written representations on the proposed licence exemption regulations closed on 2 October 2007.

- 4) Public hearings in respect of both the draft standard licence terms and conditions regulations and the draft licence exemption regulations are to run from 2 to 11 October 2007.
- 5) As part of the public hearings referred to above, the Authority also intends to hold a consultative workshop on licence fees which is to take place on Wednesday 10 October 2007.
- 6) The regulations on the following two matters will be finalised and published in the Government Gazette by 10 November 2007:
 - a. Standard licence terms and conditions for class licences, comprising the entire text of class licences since these will not have specific terms and conditions, and
 - b. licence exemptions regulations.
- 7) By 30 November 2007:
 - a. ICASA is to finalise and publish the regulations on standard terms and conditions for individual licences; and
 - b. ICASA is to have drafted specific licence terms and conditions for each individual converted licence in all three ECA licence categories, namely: ECNS, ECS and Broadcasting Services.
- 8) In the months of December 2007 – February 2008, ICASA is to hold individual consultations with every proposed individual licensee to hear their concerns and suggestions, if any, regarding the Authority's proposed specific terms and conditions for their own licence, in terms of section 93(1), (2) and (4) of the ECA and section 4(3)(d) of the ICASA Act read with section 9 of the ECA.

9) By 29 February 2008 ICASA intends to publish its revised proposed specific licence conditions for every individual licence in the Government Gazette for public notice and written comment.

10) It is intended that the specific licence terms and conditions for individual licences will be finalised by 30 April 2008 and in any event the licence conversion process is to be completed by 19 July 2008.

The Licensees are required to furnish the Authority with the requested information by no later than **16h00 on 21 October 2007** by post, hand delivery or facsimile transmission to:

The Chairperson
Independent Communications Authority of South Africa,
Private Bag X10002
SANDTON
2046
Attention: Mr Mathibela Selepe

Or

Attention: Mathibela Selepe
Block A, Pin Mill Farm
164 Katherine Street
SANDTON
2196

Tel: (011) 321 8377
Fax: (011) 321 8583
E-mail: mselepe@icasa.org.za

**PARIS MASHILE
CHAIRPERSON
ICASA**

Table 1: Telecommunications Act Licences

Existing Licence Type	Licence to be Converted to the following Licence Types	For each type, whether class, individual or exempt
Public Switched Telecommunications Service	ECS	Individual
	ECNS	Individual
	Frequency	
Mobile Cellular Telecommunications Service	ECS	Individual
	ECNS	Individual
	Frequency	
Value-Added Network Service	ECS	Class, or Individual (<i>if (a) using numbers off the national numbering plan, or, (b) where a state entity has ownership interest of +25%</i>)
	ECNS (Ministerial Directives)	Class, or Individual
	Frequency	
Radio Trunking	ECS	Individual (<i>unless (a) not using numbers off the national numbering plan, or, (b) no state entity ownership interest of +25%</i>)
	ECNS	Individual (<i>unless (a) limited local/municipal/district scope and (b) no state ownership interest of +25%</i>)
	Frequency	
Private Telecommunications Network	ECS	Class, or Individual (<i>if (a) using numbers off the national numbering plan, or, (b) where a state entity has ownership interest of +25%</i>)
	ECNS	Exempt (<i>for own use</i>), or Class (<i>if selling spare</i>)

Existing Licence Type	Licence to be Converted to the following Licence Types	For each type, whether class, individual or exempt
		<i>capacity), or Individual (if selling spare capacity and if (a) provincial or national in scope, or, (b) where a state entity has ownership interest of +25%)</i>
	Frequency	
Multimedia Licence	ECS	Individual
	ECNS	Individual
	Frequency	
Carrier of Carriers	ECS	Individual
	ECNS	Individual
	Frequency	
USALs	ECS	Individual
	ECNS	Class
	Frequency	
PUSANOs (Ministerial Policy Directions)	ECS	Individual
	ECNS	Individual
	Frequency	
Wireless Data/National Mobile Data Licences	ECS	Individual
	ECNS	Individual
	Frequency	
Satellite News Gathering Service	ECNS	<i>Class (unless (a) provincial or national in scope, or, (b) where a state entity has ownership interest of +25%)</i>
	Frequency	

Table 2: Independent Broadcasting Authority Act and Broadcasting Act Licences

Existing Licence Type	Licences Converted to the following Licence Types	For each type, whether class, individual or exempt
Public Television Broadcasting Service	Broadcasting Service	Individual
	Frequency	
Public Sound Broadcasting Service	Broadcasting Service	Individual
	Frequency	
Commercial Television Broadcasting Service	Broadcasting Service	Individual
	Frequency	
Commercial Sound Broadcasting Service	Broadcasting Service	Individual
	Frequency	
Commercial Terrestrial Subscription Television Broadcasting Service	Broadcasting Service	Individual
	Frequency	
Community Sound Broadcasting Service of local/municipal scope	Broadcasting Service	Class (<i>unless a state entity has ownership interest of +25%</i>)
	Frequency	
Community Television Broadcasting Service of local/municipal scope	Broadcasting Service	Class (<i>unless a state entity has ownership interest of +25%</i>)
	Frequency	
Commercial/Community Low Power Sound Broadcasting Service	Broadcasting Service	Class (<i>unless a state entity has ownership interest of +25%</i>)
	Frequency	
Common Carrier Signal Distribution Licence	ECNS	Individual (<i>unless (a) limited local/municipal/district in scope, and, (b) no state entity has ownership interest of +25%</i>)
	Frequency	
Preferred Carrier Signal Distribution Licence	ECNS	Individual (<i>unless (a) limited local/municipal/district in scope, and (b) no state entity has</i>

Existing Licence Type	Licences Converted to the following Licence Types	For each type, whether class, individual or exempt
		<i>ownership interest of +25%)</i>
	Frequency	
Own Carrier Signal Distribution Licence	ECNS	<i>Class (unless (a) provincial or national in scope, or (b) where a state entity has ownership interest of +25%)</i>
	Frequency	