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GENERAL NOTICE

NOTICE 927 OF 2008



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA HEREBY GIVES NOTICE OF ITS INTENTION TO PRESCRIBE REGULATIONS, IN TERMS OF SECTION 4 READ WITH SECTION 73 OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (NO. 36 OF 2005), IN RESPECT OF E-RATE.

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it intends making the following regulations in terms of section 4(4) read with section 73 of the Electronic Communications Act (Act No 36 of 2005).
2. A copy of the proposed draft regulations is available on the Authority's website (www.icasa.org.za) and in the ICASA Library at 164 Katherine Street, Pin Mill Farm, First Floor, Block D between 10h00 and 16h30.
3. Interested persons or organizations are hereby invited to submit written comments or representations with regard to the proposed regulations, to be received **by no later than 16h00 on 05 September 2008** by post, hand delivery, facsimile transmission or electronically (in Microsoft Word or PDF) for the attention of:

Ms Thenjiwe Dube (Project Leader)
Private Bag X 10002
Sandton,
2146

Or at

Block C
Pinmill Farm
164 Katherine Street
Sandton

Telephone (011) 566 3407
Facsimile (011) 566 3408

And / or email: tdube@icasa.org.za and copy imasilo@icasa.org.za

**PARIS MASHILE
CHAIRPERSON
ICASA**

DRAFT REGULATIONS ON E-RATE**1. DEFINITIONS**

In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned, unless the context otherwise indicates:

- 1.1 **“Act”** means the Electronic Communications Act, 2005 (Act No. 36 of 2005);
- 1.2 **“Authority”** means the Independent Communications Authority of South Africa established in terms of the Independent Communications Authority of South Africa Act, 2000 (Act no. 13 of 2000) as amended.
- 1.3 **“E-rate”** means the discount of no less than 50% applicable to public schools or public further training institutions, as well as independent schools or private further education and training institutions, as prescribed, to be entitled to the discount for utilising internet services provided by a licensee.
- 1.4 **“Billed entity”** means the organisation that is responsible for the payment for services rendered by the licensee.
- 1.5 **“further education and training institutions”** means Private and Public institutions as defined in the Further Education and Training Act, 1998 (Act No. 98 of 1998);
- 1.6 **“ICASA Act”** means the Independent Communications Authority of South Africa Act, 2000 (Act no. 13 of 2000) as amended.
- 1.7 **“Internet”** means a collection of interconnected networks using the Internet Protocol which allows them to function as a single, large virtual network.
- 1.8 **“Internet Protocol”** means the rules and specifications for sending data.
- 1.9 **“Independent schools”** means independent schools as defined in the South African Schools Act, 1996 (Act no 84 of 1996);
- 1.10 **“Public schools”** means all public schools as defined in the South African Schools Act, 1996 (Act No. 84 of 1996);

- 1.11. **“Retail rate”** means the lowest commercial charge levied for a specific service by the licensees for making available services to public schools or public further training institutions and independent schools or private further education and training institutions that qualify for the E-rate discount;

2. PURPOSE, SCOPE AND APPLICATION OF THE REGULATIONS

- 2.1. The regulations prescribe the manner in which E-rate must be implemented in respect of schools.
2.2. These regulations apply to Electronic Communications Service (ECS) Licensees.

3. IMPLEMENTATION OF E-RATE

All licensees must charge schools subscribing to its service a total minimum discounted rate of 50% of the total charge levied by the licensees.

4. MONITORING

- 4.1 Any complaint will be dealt with in line with the Authority's prescribed regulations.
4.2 All licensees must keep records of the following documents for a period of not less than 3 (three) years:
a) signed contracts;
b) internet service provider bills to schools;
c) details of services and locations at which they are provided;
d) the 'switch on date' of services provided and
e) resumption date should the service be cancelled

5. OBLIGATION OF LICENSEES

- 5.1 All licensees must provide guidance and support, upon request, to schools on the functionality of their services.
5.2 All licensees must ensure that the services and support are available for 24 hours a day.

6. OFFENCES AND PENALTIES

Any person who contravenes a provision of these regulations, commits an offence and if found guilty is liable on conviction to a fine, taking into account sections 17(B) and (H) of the ICASA Act.

7. AMENDMENT AND REPEAL

The Authority may, amend or repeal these regulations by notice in the Gazette.

8. EFFECTIVE DATE

These regulations will become effective on the day of publication in the Gazette.

PROPOSED APPLICATION FORM – ANNEXURE A

1	SCHOOL DETAILS				
	Official Name of School Quintile No.				
	EMIS Number				
	Postal Address		Province		
			District		
			Circuit		
	Code				
	Physical Address				
	Code				
	Telephone		Fax		
	e-Mail Address				
	Principal		Tel		
	Chairperson of Governing Body		Tel		
2	INFRASTRUCTURE				
	Number of Computers with Internet Access		Type of Connectivity	Dial-up line	
	Internet Service Provider			ISDN line	
	Current Subscription Fee Per Month			ADSL	
				Leased line	
				Satellite	
				Other, (specify below)	
			Estimate Monthly Bill for Connectivity		

3.	OTHER INFORMATION		
	Does the school use the facilities for commercial activities that involve the Internet?/ for non commercial activity		
	If yes, please specify		

APPLICATION FORM

I, ID No,..... Principal of

.....

Certify that the information provided on this form is to the best of my knowledge true and binding on the school/institution.

Principal:
Please print surname and initials

.....
Signature

Date:

SGB Chairperson:
Please print surname and initials

.....
Signature