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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	GENERAL NOTICES • ALGEMENE KENNISGEWINGS		
	Independent Communications Authority of South Africa/ Onafhanklike Kommunikasie-owerheid van Suid-Afrika		
619	Independent Communications Authority of South Africa (13/2000): Application by Neotel (Pty) Ltd for licences	40303	4

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 619 OF 2016**

The Independent Communications Authority of South Africa (the Authority) hereby publishes the application by Neotel (Pty) Ltd for the Transfer of Control of its Individual Electronic Communications Service (I-ECS) licence and Individual Electronic Communications Network Service (I-ECNS) Licence and various Radio Frequency Spectrum licences to K2016272836 (South Africa) (Pty) Ltd (Liquid Telecom).

A handwritten signature in black ink, appearing to read 'Rubben Mohlaloga', written over a horizontal line.

Rubben Mohlaloga
Acting Chairperson

GENERAL NOTICE

APPLICATION BY NEOTEL (PTY) LTD FOR THE TRANSFER OF CONTROL OF ITS INDIVIDUAL ELECTRONIC COMMUNICATIONS SERVICE (I-ECS) LICENCE, INDIVIDUAL ELECTRONIC COMMUNICATIONS NETWORK SERVICE (I-ECNS) LICENCE AND VARIOUS RADIO FREQUENCY SPECTRUM LICENCES TO K2016272836 (SOUTH AFRICA) (PTY) LTD (LIQUID TELECOM)

- 1 The Independent Communications Authority of South Africa (“**the Authority**”) was established in terms of section 192 of the Constitution of the Republic of South Africa, Act No 108 of 1996 (“**the Constitution**”) and section 3 of the Independent Communications Authority of South Africa Act, 13 of 2000 (“**ICASA Act**”), as amended.

- 2 Application
 - 2.1 On 27 July 2016, the Authority received an application from Neotel (Pty) Ltd (“**Neotel**”) for the transfer of control of its I-ECS, I-ECNS and various Radio Frequency Spectrum licences to K2016272836 (South Africa) (Pty) Ltd (“**Liquid Telecom**”).

 - 2.2 The Application for transfer of control is made in terms of sections 13 (1) and 31 (2A) of the Electronic Communications Act, 2005, as amended (“**ECA**”) read together with:
 - 2.2.1 Regulation 11 of the Processes and Procedures Regulations for Individual Licences, 2010 as amended by the Amendment Regulations published on 30 March 2016 in Government Gazette 39871 (“**Processes and Procedure Regulations**”).

 - 2.2.2 Regulation 15 of the Radio Frequency Spectrum Amendment Regulations, 2015 published on 30 April 2015 in Government Gazette No. 38754 as amended (“**RFSR 2015**”).

- 2.3 Section 13 (1) of the ECA provides as follows: *“An individual licence may not be let, sub-let, assigned, ceded or in any way transferred, and the control of an individual licence may not be assigned, ceded or in any way transferred, to any other person without the prior written permission of the Authority”.*
- 2.4 Section 31 (2A) of the ECA provides as follows *“A radio frequency spectrum licence may not be assigned, ceded or in any way transferred, and the control of a radio frequency licence may not be assigned, ceded or in way transferred, to any person without the prior written permission of the Authority”.*
- 2.5 The transfer of Control applications for the I-ECS and I-ECNS licences will be evaluated on the basis of the following criteria:
- 2.5.1 promotion of competition in the ICT sector;
 - 2.5.2 interests of consumers; and
 - 2.5.3 equity ownership by HDP'S.
- 2.6 The transfer of control applications for spectrum licences will be evaluated on the basis of the following criteria:
- 2.6.1 technical efficiency;
 - 2.6.2 functional efficiency;
 - 2.6.3 economic efficiency;
 - 2.6.4 promotion of competition and interests of consumers; and
 - 2.6.5 equity ownership and control by HDP's.
- 2.7 The application for the transfer of control submitted to the Authority is as follows:
- 2.7.1 the transfer of 100% control of I-ECS licence number 004/IECS/JAN/2009 to Liquid Telecom;
 - 2.7.2 the transfer of 100% control of I-ECNS licence number 004/IECNS/JAN/2009 to Liquid Telecom; and

- 2.7.3 the transfer of 100% control of I-ECS licence number 0471/IECS/DEC/2010 to Liquid Telecom;
 - 2.7.4 the transfer of 100% control of I-ECNS licence number 0471/IECNS/DEC/2010 to Liquid Telecom; and
 - 2.7.5 the transfer of 100% control of radio frequency spectrum licence number 540-027-7 (7GHz) to Liquid Telecom;
 - 2.7.6 the transfer of 100% control of radio frequency spectrum licence number 540-631-5 (15GHz) to Liquid Telecom;
 - 2.7.7 the transfer of 100% control of radio frequency spectrum licence number 523-655-6 (1800MHz) to Liquid Telecom;
 - 2.7.8 the transfer of 100% control of radio frequency spectrum licence number 527-609-6 to Liquid Telecom;
 - 2.7.9 the transfer of 100% control of radio frequency spectrum licence number 540-035-6 (10.5 GHz) to Liquid Telecom;
 - 2.7.10 the transfer of 100% control of radio frequency spectrum licence number 525-955-7 (26GHz) to Liquid Telecom;
 - 2.7.11 the transfer of 100% control of radio frequency spectrum licence number 540-036-4 (38GHz) to Liquid Telecom;
 - 2.7.12 the transfer of 100% control of radio frequency spectrum licence number 506 -083-1 to Liquid Telecom; and
 - 2.7.13 the transfer of 100% control of radio frequency spectrum licence number 516-419-2 (VSAT uplink C and KU Band) to Liquid Telecom.
- 2.8 The applicant asserts that Liquid Telecom meets the legislative requirement of 30% of equity being held by Historically Disadvantaged Persons (HDPs) as required in terms of section 9 (2) (b).

- 2.9 Section 9 (2) (a) of the ECA states that the Authority “*must give notice of the application in the gazette and invite interested persons to apply and submit written representations in relation to the application within the period mentioned in the notice*”.
- 2.10 The Authority hereby calls upon any interested person, to submit written representations to the application by Neotel for the transfer of control of its I-ECS and I-ECNS licences and various radio frequency spectrum licences within fourteen (14) working days from date of publication of this notice in the Gazette.
- 2.11 The non-confidential application and relevant schedules will be made available and open for inspection by interested parties on the Authority's website and library, during office hours.
- 2.12 Any representations received pursuant thereto (the application) will also be made available and open for inspection by interested parties on the Authority's website and library during office hours, unless the Authority has granted confidentiality.
- 2.13 Applications for confidentiality must be made in terms of section 4D of the ICASA Act.
- 2.14 Any person who submits written submissions must indicate whether they require an opportunity to make oral representations in the event that the Authority opts to hold public hearings.
- 3 Any written representations, response and related correspondence in terms hereof, must be directed to:

The Independent Communications Authority of South Africa

FOR ATTENTION: Ms Refiloe Motsoeneng

Project Manager: Market Consolidations,
Block A, Pinmill Farm, 164 Katherine Street,
2146, Sandton

Or sent by fax to no: 011 566 3214

Or by e-mail to: RMotsoeneng@icasa.org.za and
MarketConsolidations@icasa.org.za

- 4 Any person who submits written representations in terms hereof must at the time of submission, furnish proof to the satisfaction of the Authority that a copy of the written representations has been delivered as follows:

Neotel (Pty) Ltd

FOR ATTENTION: Ms Candace Breval-Green

44 Old Pretoria Main Road

Halfway House, Midrand

1685, Gauteng

Or send by fax no: 011 585 0001

Or send via e-mail: Candice.Breval-Green@neotel.co.za

- 5 Neotel has a right to respond in writing to any written representations submitted on the Application. Neotel is required to submit the written response to the Authority within twenty-one (21) working days of the date of publication of this notice in the Gazette. Neotel must, at the time of submission of the written response, furnish proof to the Authority's satisfaction that it has delivered a copy of the response by hand, or has sent a copy of the response by registered mail or by facsimile or by e-mail to the relevant person having made the written representations.

PROCESS	TIMEFRAMES
Publication of application for public comment	14 days
Applicants' responses to written submissions	7 days
Public hearings	If necessary based on written comments

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