

Vol. 625

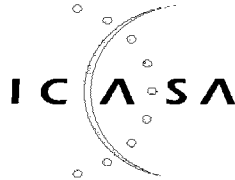
**7 July
Julie 2017**

No. 40968

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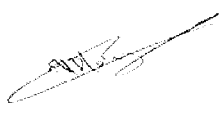
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 512 OF 2017****EXTENSION OF THE CLOSING DATE FOR SUBMISSION OF APPLICATIONS FOR INDIVIDUAL COMMERCIAL FREE-TO-AIR TELEVISION INDIVIDUAL COMMERCIAL FREE-TO-AIR TELEVISION BROADCASTING SERVICE LICENCE AND THE APPLICABLE RADIO FREQUENCY SPECTRUM LICENCE (MUX 3 FREQUENCIES)**

The Independent Communications Authority of South Africa ("the Authority") hereby, gives notice of an extension of the closing date for submission of applications for Individual Commercial Free-To-Air Television Individual Commercial Free-To-Air Television Broadcasting Service Licence and The Applicable Radio Frequency Spectrum Licence (Mux 3 Frequencies) published in Government Gazette No. 40652 dated 28 February 2017.

The closing date is extended from 30 August 2017 to **16 November 2017 at 11:00 am.**



**RUBBEN MOHLALOGA
ACTING CHAIRPERSON
DATE: 05/JULY/2017**

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 513 OF 2017



**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)
NOTICE OF ERRATUM IN RESPECT OF INVITATION TO APPLY ("ITA") FOR
INDIVIDUAL COMMERCIAL FREE-TO-AIR TELEVISION BROADCASTING
SERVICE LICENCE(S) AND THE APPLICABLE RADIO FREQUENCY SPECTRUM
LICENCE (MUX 3 FREQUENCIES)**

1. The Independent Communications Authority of South Africa ("the Authority") hereby issues an erratum to Government Gazette No: 40652 **published on 28 February 2017.**
2. The Authority published an Invitation To Apply (ITA) for Individual Commercial Television Free To Air Broadcasting Service Licence(s) and the applicable Radio Frequency Spectrum Licence (MUX 3 Frequencies). This was done in terms of Sections 9 and 31(3)(a) of the Electronic Communications Act No.36 of 2005, as amended, read with Regulation 7 of the Radio Frequency Spectrum Regulations, 2015, as amended by Government Gazettes No. 38754 of 2015 and No. 40436 of 2016 for the provision of free -to-air television broadcasting services ("the Radio Frequency Spectrum Regulations").
3. The Authority hereby issues an erratum on Schedules D and E of the ITA to clarify the Evaluation Criteria.
4. All enquiries should be directed to the Project Manager: Ms Fikile Hlongwane on 011 566 3197 or FHlongwane@icasa.org.za

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

**RUBBEN MOHLALOGA
ACTING CHAIRPERSON**

The ITA for Individual Commercial Television Free To Air Broadcasting Service Licence and the applicable MUX 3 Frequencies is hereby amended by the replacement of Schedule D, and paragraph 13 of Schedule E to read as follows:

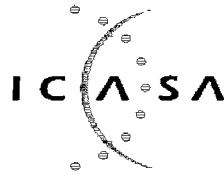
SCHEDULE D: EVALUATION CRITERIA: PHASE 1 - CONSIDERATION OF THE APPLICATIONS FOR AN INDIVIDUAL COMMERCIAL FREE TO AIR TELEVISION BROADCASTING SERVICE LICENCE

Item	Criteria Description	Weight
PREQUALIFICATION		
	Compliance with ITA requirements is mandatory. Failure to comply with any of the requirements of the ITA, the provisions of the Act and/or relevant Regulations will render the application subject to disqualification.	
	A minimum of 30% equity ownership held by Historically Disadvantaged Groups (HDGs) is mandatory.	
FUNCTIONALITY		
1.	Market research: Demand, Need and Support of the proposed service	35
2.	Viability of the business plan and financial means of the Applicant	35
3.	Business acumen, capability, expertise and experience of the Applicant and its employees particularly with respect to broadcasting	30
		Total
		100
<p>i. Applicants will be evaluated on functionality as per the weightings above.</p> <p>ii. As such, this will be a competitive process which will result in only <i>one</i> successful Applicant.</p> <p>iii. In order to be awarded an Individual Commercial Free to Air Broadcasting Service Licence and proceed to Phase:2 Consideration for a Radio Frequency Spectrum Licence for MUX 3 Frequencies, the successful Applicant needs to:</p> <p>a. Comply with all the mandatory prequalification criteria outlined above;</p> <p>b. Score a minimum of 60 on functionality; and</p> <p>c. Have the highest score on functionality.</p>		

SCHEDULE E -RADIO FREQUENCY SPECTRUM APPLICATIONS

13. The successful applicant will be assigned 55% of MUX 3 capacity by the Authority for the provision of a Commercial Free To Air Television Broadcasting Service.

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 514 OF 2017**



**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)
APPLICATIONS FOR TRANSFER OF AN INDIVIDUAL ELECTRONIC
COMMUNICATIONS SERVICE AND INDIVIDUAL ELECTRONIC
COMMUNICATIONS NETWORK SERVICE LICENCES FROM UMZANSI AFRICAN
TELECOMS (PTY) LTD T/A THE OFFICE GURU TO CENTRACOM (PTY) LTD**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it has received applications from Umzansi African Telecoms (Pty) Ltd t/a The Office Guru for the transfer of its Individual Electronic Communications Service ("I-ECS") and Individual Electronic Communications Network Service ("I-ECNS") licences. The applications were lodged in terms of 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 No. 39871 (Processes and Procedures Regulations), read with sections 13(1) of the Electronic Communications Act 2005, as amended.
2. The transfer applications seek the approval from the Authority to transfer the I-ECNS and I-ECS licences from Umzansi African Telecoms (Pty) Ltd t/a The Office Guru ("applicant") to Centracom (Pty) Ltd ("transferee") and will be evaluated on the basis of the following criteria:
 - a. promotion of competition in the ICT sector;
 - b. interests of consumers; and
 - c. equity ownership by HDP'S.
3. The transferee submitted that it is 32.87% owned by historically disadvantaged persons.

4. The applications, relevant schedule and any representations received pursuant thereto will be made available and open for inspection by any interested party in the Authority's library, during the Authority's office hours.
5. Any interested party is invited to lodge written representations to the applications within fourteen (14) working days from the date of publication of this notice in the Government Gazette.
6. Any person who would like to make representations must indicate whether they require an opportunity to make oral representations in the event the Authority decides to hold public hearings.
7. All written representations, responses and other correspondence in terms hereof must be directed to Mr Peter Mailula at ECNS, ECS and Postal Licensing Unit, Licensing Division, at Block A, Pinmill Farm, 164 Katherine Street, Sandton, Johannesburg **OR** Private Bag X10002 Sandton, 2146 **OR** by fax no. (011) 566 3658 **OR** by e-mail: PMailula@icasa.org.za
8. Any person who may lodge representations in terms hereof, must also furnish proof to the satisfaction of the Authority that a copy of the representation has been delivered by hand to Jamie Taylor at Umzansi African Telecoms (Pty) Ltd t/a The Office Guru located at 4 Karen Street, Block 3, Bryanston, 2021 **OR** sent by registered post to PO Box 8963, Bryanston, 2021 **OR** by e-mail to jamie@theofficeguru.co.za
9. Umzansi African Telecoms (Pty) Ltd t/a The Office Guru has the right to respond in writing to written representations made by any interested person on the transfer applications. The written responses must be lodged with the Authority within fourteen (14) working days from the date of publication of this notice in the Government Gazette.

10. Umzansi African Telecoms (Pty) Ltd t/a The Office Guru must, at the time of lodging 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 thereof by registered mail **OR** by facsimile **OR** by e-mail to the relevant person having made the written representations.



RUBBEN MOHLALOGA
ACTING CHAIRPERSON

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 515 OF 2017



**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)
NOTICE OF ERRATUM IN RESPECT OF INVITATION TO APPLY ("ITA") FOR
INDIVIDUAL COMMERCIAL FREE-TO-AIR TELEVISION BROADCASTING
SERVICE LICENCE(S) AND THE APPLICABLE RADIO FREQUENCY SPECTRUM
LICENCE (MUX 3 FREQUENCIES)**

1. The Independent Communications Authority of South Africa ("the Authority") hereby issues an erratum to Government Gazette No: 40652 **published on 28 February 2017.**
2. The Authority published an Invitation To Apply (ITA) for Individual Commercial Television Free To Air Broadcasting Service Licence(s) and the applicable Radio Frequency Spectrum Licence (MUX 3 Frequencies). This was done in terms of Sections 9 and 31(3)(a) of the Electronic Communications Act No.36 of 2005, as amended, read with Regulation 7 of the Radio Frequency Spectrum Regulations, 2015, as amended by Government Gazettes No. 38754 of 2015 and No. 40436 of 2016 for the provision of free -to-air television broadcasting services ("the Radio Frequency Spectrum Regulations").
3. The Authority hereby issues an erratum on Schedules D and E of the ITA to clarify the Evaluation Criteria.
4. All enquiries should be directed to the Project Manager: Ms Fikile Hlongwane on 011 566 3197 or FHlongwane@icasa.org.za

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

**RUBBEN MOHLALOGA
ACTING CHAIRPERSON**

The ITA for Individual Commercial Television Free To Air Broadcasting Service Licence and the applicable MUX 3 Frequencies is hereby amended by the replacement of Schedule D, and paragraph 13 of Schedule E to read as follows:

SCHEDULE D: EVALUATION CRITERIA: PHASE 1 - CONSIDERATION OF THE APPLICATIONS FOR AN INDIVIDUAL COMMERCIAL FREE TO AIR TELEVISION BROADCASTING SERVICE LICENCE

Item	Criteria Description	Weight
PREQUALIFICATION		
	Compliance with ITA requirements is mandatory. Failure to comply with any of the requirements of the ITA, the provisions of the Act and/or relevant Regulations will render the application subject to disqualification.	
	A minimum of 30% equity ownership held by Historically Disadvantaged Groups (HDGs) is mandatory.	
FUNCTIONALITY		
1.	Market research: Demand, Need and Support of the proposed service	35
2.	Viability of the business plan and financial means of the Applicant	35
3.	Business acumen, capability, expertise and experience of the Applicant and its employees particularly with respect to broadcasting	30
Total		100
<p>i. Applicants will be evaluated on functionality as per the weightings above.</p> <p>ii. As such, this will be a competitive process which will result in only <i>one</i> successful Applicant.</p> <p>iii. In order to be awarded an Individual Commercial Free to Air Broadcasting Service Licence and proceed to Phase:2 Consideration for a Radio Frequency Spectrum Licence for MUX 3 Frequencies, the successful Applicant needs to:</p> <p>a. Comply with all the mandatory prequalification criteria outlined above;</p> <p>b. Score a minimum of 60 on functionality; and</p> <p>c. Have the highest score on functionality.</p>		

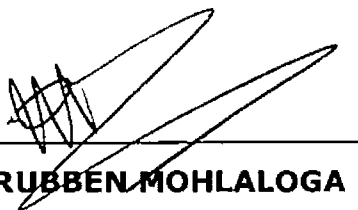
SCHEDULE E -RADIO FREQUENCY SPECTRUM APPLICATIONS

13. The successful applicant will be assigned 55% of MUX 3 capacity by the Authority for the provision of a Commercial Free To Air Television Broadcasting Service.

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 516 OF 2017**



The Independent Communications Authority of South Africa (the Authority) hereby publishes the application by CMC Network Proprietary Limited 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 Newshelf 1379 (Pty) Ltd.



A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned above a horizontal line.

**RUBBEN MOHLALOGA
ACTING CHAIRPERSON**

APPLICATION BY CMC NETWORK PROPRIETARY LIMITED ("CMC") 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 NEWSHELF 1379 (PTY) LTD ("NEWSHELF").

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 17 February 2017, the Authority received an application from CMC for the transfer of control of its I-ECS, I-ECNS and various Radio Frequency Spectrum licences to Newshelf.

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 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 Procedures 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 by Government Gazette No. 40436 of 2016 (**"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 Authority will also consider whether the proposed transaction would promote competition as contemplated by section 2(f) of the ECA.
- 2.6 The application for the transfer of control submitted to the Authority is as follows:
- 2.6.1 the transfer of 100% control of I-ECS licence number 0018/IECS/JAN/2009 to Newshelf;
- 2.6.2 the transfer of 100% control of I-ECNS licence number 0018/IECNS/JAN/2009 to Newshelf;
- 2.6.3 the transfer of 100% control of radio frequency spectrum licence at: 30 – 31 GHz Ka band Uplink to Newshelf; and
- 2.6.4 the transfer of 100% control of radio frequency spectrum licence at: 20.2 – 21.2 GHz K band Downlink to Newshelf;
- 2.7 The applicant asserts that CMC meets the legislative requirement of 30% of equity being held by Historically Disadvantaged Persons (HDPs) as required in terms of section 9 (2) (b) has been met.
- 2.8 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”.

- 2.9 The Authority hereby calls upon any interested person, to submit written representations to the application by CMC for the transfer of control of its I-ECS, I-ECNS, and various radio frequency spectrum licences within fourteen (14) days from date of publication of this notice in the Gazette.
- 2.10 The non-confidential application and relevant schedule will be made available and open for inspection by interested parties on the Authority’s website and library, during office hours.
- 2.11 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.
- 2.12 Applications for confidentiality must be made in terms of Section 4D of the ICASA Act.
- 2.13 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: Mr. Peter Mailula

Manager Licensing: ECS, ECNS and Postal Services

Block A, Pinmill Farm,

164 Katherine Street,

2146, Sandton

Or sent by fax to no: 011 566 3658

Or by e-mail to: PMailula@icasa.org.za and Licensing@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:

CMC Network Proprietary Limited
FOR ATTENTION: Mr Andrew Wilson
 48 Naivasha Road
 Sunninghi/1 Park
 Sandton
 2146
 Gauteng
 South Africa

Or send by fax no: +27 11 517 8406

Or send via e-mail: andrew.wilson@cmcnetworks.net

- 5 CMC has a right to respond in writing to any written representations submitted on the Application. CMC 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. CMC 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