
GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

No. 469

25 May 2007

NOTICE INVITING COMMENT ON PROPOSED POLICIES AND POLICY DIRECTIONS DRAFTED IN TERMS OF SECTIONS 3(1) AND (2) OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)

The Minister of Communications, intend to make the policies and policy directions in the Schedule in terms of sections 3(1) and (2) of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

Interested persons are hereby invited to furnish comments on the proposed policies and policy directions, within 30 days of the date of publication of this notice at any of the following addresses:

For attention: Project Manager
Telecommunications Policy
Department of Communications;

post to: Private Bag x860
Pretoria
0001;

or deliver to: First Floor, Block A3
iParioli Office Park
399 Duncan Street
Hatfield;

or fax to: 0124278059

or e-mail to: policydirections@doc.gov.za

Please note that comments received after the closing date may be disregarded.

Ms. Matlala can be reached at tel. (012)427 8081 for any enquiries.

SCHEDULE

POLICY DECISIONS AND DIRECTIONS

INTERNATIONAL TERRESTRIAL AND SUBMARINE CABLE

I HAVE TAKEN THE POLICY DECISION, in terms of section 43(11) of the ECA to consult with relevant governments of the SAT-3 consortium members indicating 1st November 2007 as the date from when the exclusivity provisions contained in the SAT-3 agreements or arrangements entered into shall be declared *null and void* in South Africa.

I HAVE TAKEN THE POLICY DECISION, in terms of section 3(2) (b) of the ECA, to prioritise access to educational and health institutions, the Post Office, government offices and the Thusong Centres-previously known as Multi-Purpose Community Centres- in the roll-out of Sentech's electronic communications networks and services for the provision of wireless broadband communication.

I HAVE ALSO TAKEN THE POLICY DECISION, in furtherance of section 2(c) and 3(1) (b) of the ECA, that, SAPO post offices will be transformed into Thusong Post Offices, providing access to a variety of government and other services, especially faster, secure and easier access to enabling documents and social grants.

MOBILE BROADCASTING SERVICES

South Africa is amongst the few countries that are in an advanced test phase of providing Mobile Broadcasting Services using the Digital Video Broadcasting-Handheld (DVB-H) standard. In order to facilitate its commercialization and take the appreciation by the public of the FIFA

2010 World Cup to greater heights it is important to create an enabling environment for its development.

I HAVE TAKEN THE POLICY DECISION, in terms of section 3(1)(a) and 3(1)(d) of the ECA, that Mobile Broadcasting Services will be provided on a single network with national coverage, using the DVB-H standard.

I HAVE FURTHER TAKEN THE POLICY DECISION, in terms of section 2(g) and 2(m) and 3(1)(a) of the ECA, that the network, which will form an integral part of the national ICT backbone infrastructure, accordingly be operated on the basis of open and non-discriminatory access principles.

POLICY DIRECTIONS

ROBUST, RELIABLE AND AFFORDABLE INTERNATIONAL CONNECTIVITY

International connectivity is critical to support our investment objectives, the expansion of the Internet and bandwidth for voice, data and image transmission. It is Government policy that the cost of access to international connectivity is affordable and that all arrangements regarding access or use of international cables and/or facilities do not unfairly exclude others from use of or access to the cables.

I THEREFORE DIRECT ICASA, in terms of section 2(c),(f) and (g) and 3(2)(c) of the ECA, to prioritise and urgently prescribe a list of essential facilities envisaged in section 43(8)(b) of the ECA, ensuring that the electronic communications facilities connected to the SAT-3/WASC/SAFE submarine cable can be accessed soon. Taking into account the balance of forces in international submarine connectivity and the objectives of this Act, the Authority should pay particular

attention to section 43(5)(b). Prices for access to the cables should be regulated accordingly.

INCREASING COMPETITION THROUGH CONVERSION OF VANS LICENSES

Under section 93(4)(a) ICASA must convert existing licenses that authorises the holder of such licence to both provide services and operate electronic communications facilities or networks into licences relating to electronic communications services or broadcasting services, radio frequency spectrum licences and electronic communications network service licences.

I THEREFORE DIRECT ICASA, in terms of Section 2(b), (c) and (d) and section 3(2)(c), to urgently consider whether none, or only certain, of the existing VANS licencees can be authorised to provide services as well as to provide and operate electronic communications facilities or networks to ensure that such licensees are issued electronic communications network service licences in addition to other licences specified in the relevant section of the ECA, if applicable.

For the purposes of immediate implementation ICASA should prescribe and ensure that:

1. those who already have electronic communications networks of provincial and national scope, whose facilities have been duly obtained in terms of the provisions of the Telecommunications Act 103 of 1996 and the applicable regulations promulgated thereunder pertaining to the licensing of VANS;
2. those who have intent to roll out electronic communications networks of provincial and national scope;
3. those who, in terms of section 5(3)(e) of the ECA, show good cause that if issued with a licence to provide Electronic Communications