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GENERAL NOTICE

NOTICE 3396 OF 2003



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO AMEND THE NATIONAL MOBILE DATA TELECOMMUNICATIONS LICENCE ISSUED TO WIRELESS BUSINESS SOLUTIONS (Pty) Ltd IN TERMS OF SECTION 78 OF THE POST OFFICE ACT NO 44 OF 1958

The Independent Communications Authority of South Africa ("the Authority")
hereby:

- (1) gives notice of an application received from Wireless Business Solutions (Pty) Ltd (hereinafter referred to as "WBS") to amend its National Mobile Data Telecommunications Licence in terms of section 48(1)(e) read with sections 34(3), 34(4), 34(5) and 35 of the Telecommunications Act, No.103 of 1996, as amended (hereinafter

referred to as "the Act"). A copy of the application is annexed hereto;

- (2) WBS is the holder of a National Mobile Data Telecommunication Licence to provide a mobile data telecommunications service.
- (3) The Authority hereby invites written comments from interested parties to be submitted no later than **15 January 2004** with regard to the proposed amendments.
- (4) The Authority further gives notice that written representations will be made publicly available except where respondents request that their responses or parts thereof be kept confidential. Respondents are requested to separate any confidential material into a clearly marked annexure, marked confidential.
- (5) Persons submitting written representations are invited to indicate in the first page of their submission whether they would like to make oral representations, which shall be limited to one (1) hour.
- (6) Interested persons are hereby invited to submit written representations on the proposed amendments by WBS. These representations are to be forwarded to the Authority on or before **15 January 2004**, by post, hand delivery, fax **and** also in electronic format (Microsoft Word 6.0, Adobe PDF) for the attention of:

Ms Lee-Ann Cassie
Manager: Telecommunications, Enforcement
ICASA
Private Bag X10002
Sandton
2146

Block C
Pin Mill Farm,
164 Katherine Street,
Sandton
2146

Telephone: (011) 321 8425

Facsimile: (011) 321 8583

E-mail: LACassie@icasa.org.za

Schedule A**NATIONAL MOBILE DATA TELECOMMUNICATIONS LICENCE**

**Issued to ~~Vula Mobile Data(Pty) Ltd trading as Wireless Business Solutions~~
~~of 2/219 George Street, Glen Austin, MIDRAND~~ Wireless Business Solutions
(Proprietary) Limited Registration No: 96/13739/07, of 15th Floor, Radiopark
Building, Henley Road, Auckland Park, JOHANNESBURG (the Licensee) in
respect of the Territory in terms of Section 78 of the Post Office Act, read
with the radio licence issued in terms of the Radio Act.**

DEFINITIONS

In this licence:

- (a) all words and expressions used shall, unless the context otherwise requires, have the same meanings as ascribed thereto in terms of the Post Office Act.
- (b) the following words and expressions shall have the meanings ascribed to them hereunder:

"Authority" means the ~~South African Telecommunications Regulatory Authority~~ Independent Communications Authority of South Africa established in terms of section 3 of the Independent Communications Authority of South Africa Act, No 13 of 2000 and entrusted with regulation of telecommunications in terms of the Telecommunications Act;

- (a) ~~containing switching capability allowing for the routing of calls between subscribers of the network; and~~
- (b) ~~allowing for hand-over of continuously maintained calls between base stations; and~~

- (c) ~~allowing for wide area radio coverage by means of several cells provided for from base stations and allowing for ordered reuse of frequencies between such cells;~~

"Commercial Date" means the date on which the Licensee may commence providing the Service in terms of paragraph 4.1 of this licence for commercial purposes, which shall not be later than 1 January 1998 or such other date as may be determined by the Authority by written notice to the Licensee;

"Customer" means any person who has applied in writing to enter into a contract for the provision of the Service with the Licensee or a Service Provider or has entered into and not in breach of such a contract;

"Frequency Band" means a specified range of frequencies for use by one or more radio communications services;

"Frequency Band Plan" means the table setting out the allocations of various frequency bands for use by one or more radio communications service under specified conditions, as published from time to time in the Government Gazette in terms of section 29 of the Telecommunications Act;

"Interconnection Agreement" means the agreement between Telkom or any similarly licensed person and the Licensee defining the commercial and technical arrangements for:

- (a) the transfer of Messages in either direction between Telkom or any such similarly licensed person and the Licensee;
- (b) the use of Leased Connections; and
- (c) the provision of related services; and
- (d) the charging and payment of any fees tariff or charge by Telkom or any such similarly licensed person to the Licensee or by an Operator to the Licensee and *vice versa*;