



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 454 Pretoria 2 April 2003 No. 24692



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL NOTICE

NOTICE 971 OF 2003



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO INCLUDE ANY LICENSEE WITH RELEVANT MARKET SHARE OF AT LEAST 35% OF A DEFINED TELECOMMUNICATIONS MARKET, IN THE CATEGORY OF A MAJOR OPERATOR, IN TERMS OF SECTION 2.4 OF SUPPLEMENTARY INTERCONNECTION GUIDELINES AS PUBLISHED IN GOVERNMENT GAZETTE 24203 DATED 19 DECEMBER 2002

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice of a request received from Cell C (Pty) Limited to include Vodacom (Pty) Limited and MTN (Pty) Limited in the category of Major Operator in accordance with paragraph 2.4(a) of above-mentioned regulations on the grounds that both licensees have a market share of at least 35% of the defined Telecommunications Market.

2. In accordance with section 2.4.2 of the above-mentioned regulations the Authority has attached the request received from Cell C (Pty) Limited to this notice as Annexure A.
3. The supporting information submitted by Cell C (Pty) Limited is excerpts from the following publications: the Telkom Prospectus published in February 2002; the MTN Interim Results Review for the six month period ended 30 September 2002; the M-Cell Annual Report 2002; and the Vodacom 2001/2002 Financial year in Review. Due to the fact the supporting information could not be reproduced, it is available at the ICASA Library – Block D, Pinmill Farm, 164 Katherine Street, Sandton, or can be faxed upon request.
4. The Authority invites written comments from interested parties with regard to the proposed inclusion of Vodacom (Pty) Limited and MTN (Pty) Limited in the category of Major Operator to be submitted to the Authority by **15 May 2003 at 16h30**.
5. The Authority 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. Requests for confidentiality will be dealt with in accordance with the Act and other relevant statutes.
6. Interested persons are hereby invited to submit written representations on the proposed inclusion of Vodacom (Pty) Limited and MTN (Pty) Limited as major operators in terms of the Supplementary Interconnection Guidelines, to be received by post, hand delivery, e-mail or fax for the attention of:

Rossana Achterberg

Manager: Policy Analysis and Research

ICASA, Private Bag X10002, Sandton, 2046 or

ICASA, Block C, Pin Mill Farm, 164 Katherine Street, Sandton;

Telephone: (011) 321 8473

Facsimile: (011) 444 7954

e-mail: rachterberg@icasa.org.za and copy mmsimang@icasa.org.za

6. In terms of clause 2.4.3 of the Supplementary Interconnection Guidelines, at the conclusion of the public process the Authority may, based on its findings, declare either Vodacom (Pty) Limited, or MTN (Pty) Limited, or both to Major Operator/s in the mobile telecommunications services market.

MANDLA LANGA
CHAIRPERSON
ICASA