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GENERAL NOTICE

NOTICE 887 OF 2001



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

**NOTICE OF INTENTION TO MAKE REGULATIONS ON FEES AND CHARGES IN
THE PUBLIC SWITCHED TELECOMMUNICATIONS SECTOR.**

THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ("ICASA") HEREBY GIVES NOTICE THAT IT INTENDS MAKING THE FOLLOWING REGULATIONS IN TERMS OF SECTIONS 96 (1) AND 96 (4) READ WITH SECTION 45 OF THE TELECOMMUNICATIONS ACT, 1996 (ACT No. 103 OF 1996). INTERESTED PERSONS ARE HEREBY INVITED TO MAKE WRITTEN COMMENTS OR REPRESENTATIONS WITH REGARD TO THE PROPOSED REGULATIONS TO BE RECEIVED BY NO LATER THAN 12:00 ON 23 JULY 2001 BY POST, HAND DELIVERY OR FACSIMILE TRANSMISSION, FOR THE ATTENTION OF MR. P. HLAPOLOSA, ICASA: PRIVATE BAG X10002, SANDTON, 2146; BLOCK A, PIN MILL FARM, 164 KATHERINE STREET, SANDTON; FACSIMILE (011) 321 8536.

**MANDLA LANGA
CHAIRPERSON
ICASA**

1. Definitions

In these regulations a word or expression shall have the meaning assigned to it in terms of the Telecommunications Act, 1996 (Act No. 103 of 1996), and, unless the context indicates otherwise –

“basket services” means the telecommunication services listed in Schedule A to which price regulation applies.

“business day” means any day other than a Saturday, Sunday or Public holiday

“customer premise equipment” means an item of equipment approved under Chapter IV of the Act, which does not form part of the Public Switched Telecommunication Network, but is connected or intended to be connected, to Terminal Connection Equipment, whether fixed or portable, and by means of which signals are initially transmitted or ultimately received.

“emergency” means an emergency of any kind, including without limitation, any circumstance whatsoever resulting from major accidents and natural disasters.

“exchange line” means a local line provided to connect a Terminal connection point to the Local Exchange

“ISDN” means Integrated Services Digital Network which is defined as Switched Services Digital Network providing end-to-end digital connection for simultaneous transmission of voice and/or data over multiple multiplexed communication channels and employing transmission that conforms to internationally-defined standards.

"local exchange area" means a geographically defined area within which all exchange lines are connected to, and served by, the same Local Exchange.

"local exchange" means that part of a telecommunication system comprised in the Local Access Network installed in the local exchange area to provide switched Local Access Telecommunication Services to customers connected Local Lines comprised in that local exchange area.

"n" means the number of services in the basket

"operator" means any person licensed to provide a telecommunication service pursuant to a licence of a type referred to in section 34(2) of the Act.

"price control period" means the period commencing on the date on which the relevant tariff regime becomes effective and subsequent periods commencing on the anniversary of such date.

"price control year" means a calendar year period during which the approved tariffs shall be in force.

"PSTS" means Public Switched Telecommunications Services.

"public pay telephone" means apparatus (including any kiosk, booth, acoustic hood, shelter or other similar structure in which that apparatus may be installed) at which public pay telephone services are made available to the public or segments of the public, and which contains a device to accept payment for those services.

"RC" means Revenue Change

"t" means the current year in the Price control period

"terminal connection point" means any point within an item of Terminal Connection Equipment at which signals are conveyed to or from one or more items of customer premises equipment.

2. Application of these regulations

- (a) These regulations shall be applicable to fees and charges (together "prices") payable, pursuant to the Telecommunications Act, as amended, to PSTS licensees for the telecommunications services listed in Schedule A ("the basket services"), as such may be modified from time to time in accordance with the provisions of these regulations.
- (b) These regulations shall be effective as from 1 January 2002 and shall remain in force for a period of at least eighteen (18) months or until such time that a new regime is prescribed.

3. General Price Control Formula

- (a) The licensee shall take all reasonable steps to ensure that in each price control year the price charged for the basket services shall be set so as to satisfy the criteria in formulae (1) and (2) set forth below:

$$(RC_{(t)}/RR_{(t-1)}) 100 \leq \Delta CPI_{(t)} - X_{(t)} \quad (1)$$

$$X_{(t)} = 5.0\% \quad (2)$$

Subject to the following definitions:

(t): the current year in the price control period

(t-1): the preceding year

$X_{(t)}$: the productivity factor