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## GENERAL NOTICE

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### NOTICE 341 OF 2010



### **Independent Communications Authority of South Africa**

Pinmill Farm, 164 Katherine Street, Sandton  
Private Bag X10002, Sandton, 2146

### **NOTICE OF PUBLIC HEARINGS: DISCUSSION DOCUMENT ON OWNERSHIP AND CONTROL**

The Independent Communications Authority of South Africa ("ICASA") hereby, in accordance with section 4(6) of the Electronic Communications Act ("ECA") No.36 of 2005, gives notice to convene oral hearings on the Discussion Document on Ownership and Control.

ICASA published the Discussion Document on 17 November 2009, General Notice 1532, Government Gazette Number 32719. The Authority invited interested parties, stakeholders, and the public to respond to the issues raised in the Discussion Document. The closing date for the receipt of written representations was 19 February 2010. The Authority received twenty eight (28) submissions. Nineteen (19) of these have indicated their wish to make oral presentations.

**Public hearings will be convened on the 05<sup>th</sup> to the 07<sup>th</sup> May 2010.**

**Venue: Block C Presentation Room,  
164 Katherine Street,  
Pinmill Farm,  
Sandton, Johannesburg.**

**DAY 1****05 May 2010****08h00 - 08h30 Registrations****08h30 – 08h45 Chairperson’s Opening Address**

<b>ORGANIZATION</b>	<b>TIME</b>
<b>1. MultiChoice</b>	<b>08H45 - 09H45</b>
<b>2. African Media Entertainment</b>	<b>09H45- 10H45</b>
<b>3. Avusa Media Limited</b>	<b>10H55 - 11H55</b>
<b>4. Kagiso Media</b>	<b>11H55 – 12H55</b>
<b>5. MDDA</b>	<b>13H55 - 14H55</b>
<b>6. NAB</b>	<b>14H55 – 15H55</b>
<b>7. Cell C</b>	<b>15H55 – 16H55</b>

**DAY 2****06 May 2010**

<b>ORGANIZATION</b>	<b>TIME</b>
1. MTN	09H00 – 10H00
2. Neotel	10H00 – 11H00
3. Telkom SA	11H10 – 12H10
4. E-tv	12H10 – 13H10
5. SABC	14H10 – 15H10
6. SOS	15H10 – 16H10
7. MMA	16H10 - 17H10

**Day 3****07 May 2010**

<b>ORGANIZATION</b>	<b>TIME</b>
1. WNC IT Services	09H00 – 10H00
2. Caxton	10H00 - 11H00
3. MWeb	11H10 - 12H10
4. ISPA	12H10 - 13H10
5. Smile	13H10 - 15H10

The Authority wishes to thank all participants who responded to all the questions presented in the discussion document. Your responses will be considered when we draft recommendations to amend the Electronic Communications Act (2006).

It should be noted however, that the hearings will limit the discussion to the following key issues:

**Broadcasting Service Licensees**

1. Are the recommendations tabled in the 2004 document still relevant notwithstanding the permission contained in Section 92(7) of the Electronic Communications Act?
2. What changes if any should be added to the recommendations?
3. What constitutes control of a licence?
4. What constitutes ownership interest?
5. Should regulation of ownership in terms of section 13 of the EC Act be distinct from regulations on BBBEE in terms of section 4 (3)(k) of the ICASA Act?
6. Should compliance with BBBEE be mandatory for all individual broadcast licensees?
7. How should we advance BBBEE in the broadcasting sector?
8. What measures should be introduced to ensure that the BBBEE is not diluted when the shares are transferred?
9. With reference to question 8 above, can a lock - in period be used? If so, for how long?
10. What measures should the Authority place on companies listed on the JSE in relation to foreign control and ownership in order to promote diversity of views and opinions?
11. What factors should the regulator consider when promoting diversity of views and opinions through ownership and control regulation?

**Electronic Communications Network Service and Electronic Communications Service Licensees**

1. Section 9 (2) (b) allows the Authority to include the minimum percentage of equity ownership to be held by persons from historically disadvantaged groups who are applying for an individual licence. Should the envisaged ownership regulations adopt the same threshold?
2. How can the Authority promote the ownership and control of electronic communications services by historically disadvantaged groups in listed companies?
3. Is the Authority empowered to request a licensee to submit information in respect of its ownership and control annually?
4. Section 13 enable the Authority to limit and restrict ownership and control, how do we then define ownership and control interest?
5. To what extent should the Authority restrict the transfer of ownership and control interest in a licence?
6. What measures should be introduced to ensure that the BBBEE is not diluted when the shares are transferred?
7. With reference to question 6 above, can a lock - in period be used? If so, for how long?
8. Should regulation of ownership in terms of section 13 of the EC Act be distinct from regulations on BBBEE in terms of section 4 (3)(k) of the ICASA Act?
9. Should compliance with BBBEE be mandatory for all individual licensees?
10. How should we advance BBBEE in the electronic communications sector?
11. What constitute HDI as stated in section 2(h) of the EC Act? Should a percentage be allocated towards those categories mentioned?

**Any enquiry in relation to this notice must be submitted in writing (via post, e-mail or fax)**

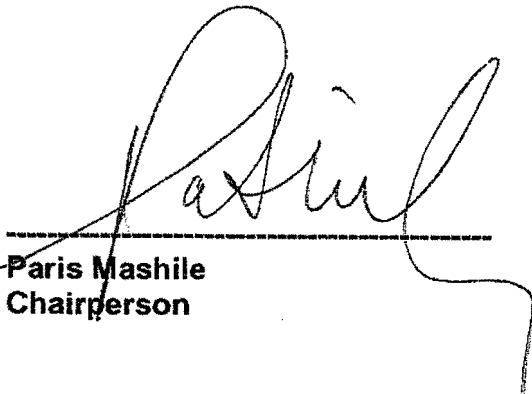
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**Paris Mashile**  
**Chairperson**

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