
GENERAL NOTICE

NOTICE 315 OF 2006



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

HEREBY ISSUE NOTICE IN TERMS OF SECTION 29(4) OF THE TELECOMMUNICATIONS ACT NO. 103 OF 1996 and SECTION 31(2) OF THE INDEPENDENT BROADCASTING AUTHORITY ACT NO. 153 OF 1993, INVITING REPRESENTATIONS ON ITS INTENTION TO USE CHANNEL 65 AS DESCRIBED IN THE ANNUAL TERRESTRIAL BROADCASTING FREQUENCY PLAN (822-830 MHz) FOR NON-BROADCASTING SERVICES.

Whereas the Independent Communications Authority of South Africa is mandated in terms of Section 2 of Act No 13 of 2000 to -

- (a) regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society, as required by section 192 of the Constitution;
- (b) regulate telecommunications in the public interest; and
- (c) achieve the objects contemplated in the underlying statutes;

And whereas the Authority may from time to time prepare a frequency band plan in respect of any part of the radio frequency spectrum¹;

¹ Telecommunications Act No 103 of 1996, Section 29(1)
1 of 7 pages.

And whereas a frequency band plan shall aim at providing opportunities for the introduction of the widest range of telecommunication services and the maximum number of users thereof as is practically feasible²;

And whereas all powers, functions and duties in relation to the administration, management, planning and use of the broadcasting services frequency bands are vested in the Authority³;

And whereas one of the primary objects of the Independent Broadcasting Authority Act is to promote the most efficient use of the broadcasting services frequency bands⁴;

Now therefore the

1. The Independent Communications Authority of South Africa ("the Authority") hereby give notice and invite comment on the proposed use of channel 65 **as described in the Annual Terrestrial Broadcasting Frequency Plan (822-830MHz)** for non broadcasting services.

2. Interested persons are invited to submit written representations, including an electronic version of the representation in Microsoft Word, on the use of channel 65 (822-830MHz) for non broadcasting services.

3. Persons making representations are further invited to indicate whether they are requesting an opportunity to make oral representation (and the estimated duration thereof, which shall not exceed one hour). The Authority reserves the right to decide whether or not to hold a public hearing on this matter depending on the representation received.

4. Written representations may be posted or hand delivered for the attention of:

Mr. Calvo Mawela, Pr.Eng
Manager: Broadcasting Spectrum,
Email: cmawela@icasa.org.za;
Tel: +27 11-321-8463
Fax: +27 11-321-8564
*Private Bag X10002 or Block A
Sandton Pinmill Farm
2146 164 Katherine Street
South Africa Sandton*

5. All written representations submitted to the Authority pursuant to this notice shall be made available for inspection by interested persons from 31 March 2006 at the ICASA Library and copies of such representations and documents will be obtainable on payment of a fee.

6. At the request of any person who submits a written representation or document pursuant to this notice, the Authority may determine whether such representation or document, or portion thereof, relates to the financial capacity or business plan of any person, or to any other matter reasonably justifying confidentiality, in which event such

² Telecommunications Act No 103 of 1996, Section 29(2)(e)

³ Independent Broadcasting Authority Act No 153 of 1993, Section 29(1)(a)

⁴ Independent Broadcasting Authority Act No 153 of 1993, Section 31(2)(p)

representation or document shall not be made available for inspection by members of public. If the request for non-disclosure to public is refused, the person making the request will be allowed to withdraw the representation or document in question.

7. With respect to the documentation determined not to be open to public inspection as aforementioned in paragraph 6 above, the Authority may direct that the public or any member or category thereof, shall not be present during the oral submission relating to such documentation; provided that those present shall have been notified of this intention, allowed to object thereto and after such objections had been considered by the Authority.

8. Representations may address any relevant issue, whether or not such issue has been raised in the Discussion Document attached hereto. Furthermore, it is not a prerequisite that representations should address any or all of the issue raised in the Discussion Document.

9. The findings, recommendations and conclusions by the Authority following public comment, will be published in the Government Gazette in accordance with Section 29(6) of the Telecommunications Act No 103 of 1996 and Section 31(3) Independent Broadcasting Authority Act No 153 of 1993.

Discussion document attached;-

DISCUSSION DOCUMENT:**INTENTION TO USE CHANNEL 65 AS DESCRIBED IN THE ANNUAL TERRESTRIAL BROADCASTING FREQUENCY PLAN (822-830MHz) FOR NON-BROADCASTING SERVICES****1 Objective**

A key objective of this exercise is to provide spectrum for non broadcasting services in the band 822-830MHz which will provide greater choice of access and distribution technologies to users, and advance competitiveness in the telecommunications industry. To that end, the Authority recognizes the importance of harmonising the spectrum policy and technical requirements with regional and global activities and developments in order to ensure that maximum benefits are derived from the economies of scale. It is also important to encourage the development of innovative applications without causing an increase in harmful interference to other services co-existing in the same spectrum. Non-broadcasting services will therefore be required to operate in accordance with parameters such as not to cause harmful interference to broadcasting services in the band.

2 Background

The Authority published a notice in the Government Gazette, Notice Number 23618 on 12 July 2002, inviting representations with regard to amendment of note 3.9.2 of the radio frequency band plan for frequency in the range of 20MHz to 3GHz (SABRE1). The closing date for submissions of written comments was 17 August 2002 at 16H00.

A public hearing on the subject was held on the 23rd of January 2003 at ICASA's head office in Sandton from 09H00 to 16H00 as per the Government Gazette Number 24263 dated 15 January 2003. The Authority, after having received written comments and conducted a hearing, published its findings in the Government Gazette, Notice Number 25990 on the 3rd of February 2004.

The findings were:

- That there appears to be a tangible need for sharing in the 800MHz broadcasting band with WLL and link systems; and
- That there appears to be technical and administrative feasibility in sharing the UHF TV channels 64 to 68; and
- That the impact on broadcasting can be reduced through proper engineering considerations; and
- That the socio-economic benefits derived from band sharing cannot be overemphasised.

3 Technical Feasibility of Sharing

The Authority conducted research into how sharing could be achieved in this band. The Authority, after due consideration of the broadcasting services currently occupying Channels 64 to 68, came to the conclusion that channel 65 (822-830MHz) is the channel most suited to host non broadcasting services.

The occupation of channel 65 currently is as follows:

	CHANNEL 65 (822-830MHz)
Operational channels (High Power and Gap fillers)	8
Operational Channels (Self-Helps)	17
Spare Channels assigned for future use	10

The Authority is of the opinion that the broadcasting services currently occupying channel 65 (822-830MHz) have to move to alternative channels in order for sharing to occur country wide.

The Authority is in a position to provide alternative frequencies for the services that currently occupy channel 65 (822-830MHz). In making provisions for the alternative frequencies the Authority was mindful of its obligations in terms of the IBA Act. The

services currently occupying this frequency band have been assigned an alternative frequency, and the Authority in assigning the alternative frequency, made sure that there will be minimal inconvenience to the viewers.

STATION NAME	CODE	SERVICE	STATUS	CLASS	FREQ (MHz)	CHAN NO.	ERP (kW)	PROPOSED FREQ	CHAN NO
ALEXANDER BAY	C41.1	SBC3	OPER	PBS	823.25	65	0.1	743.25 / 775.25	55 / 59
ALIWAL NORTH	C37	SPBS	SPAR	PBS	823.25	65	100	807.25 / 839.25	63 / 67
CARNARVON	C33	SPTE	SPAR	PTE	823.25	65	10		
DOUGLAS	C59	SPBS	SPAR	PBS	823.25	65	10		
DULLSTROOM	T105	SPBS	SPAR	PBS	823.25	65	500		
FISHHOEK	C1.15	SPTE	SPAR	PTE	823.25	65	0.1		
FRANSCHHOEK	C1.5	SBC3	OPER	PBS	823.25	65	0.9976		
GREYTOWN	N64	SBC3	OPER	PBS	823.25	65	10	807.25	63
KROONSTAD	O84	SBC3	OPER	PBS	823.25	65	100	703.25	50
MENLO PARK	T103.1	SBC3	OPER	PBS	823.25	65	0.0399	623.25	40
MULBARTON	T97.5	MNET	OPER	PTE	823.25	65	0.0302	807.25 / 839.25	63 / 67
PILANESBERG	BO4	SPBS	SPAR	PBS	823.25	65	15.8114		
PORT ELIZABETH CITY	C8.1	MNET	OPER	PTE	823.25	65	0.3991	615.25 / 647.25	39 / 43
PORT ST JOHNS	C39.1	TBNC	OPER	COM	823.25	65	3.9905	511.25 / 543.25 / 575.25	26 / 30 / 34
SOMERSET EAST	C9.1	SPTE	SPAR	PTE	823.25	65	0.0501		
UBOMBO	N89	SPBS	SPAR	PBS	823.25	65	10		
VILLIERSDORP	C2	SPTE	SPAR	PTE	823.25	65	504.9083		
WILLOWMORE	C6	SPBS	SPAR	PBS	823.25	65	10		

Selhelp Stations Table

STATION NAME	CODE	SERVICE	STATUS	CLASS	FREQ (MHz)	CHAN NO.	ERP (kW)	PROPOSED FREQ	CHAN NO.
EKULINDENI	S238	ETV	OPER	PTE	823.25	65	0.0032	807.25 / 839.25	63 / 67
COOKHOUSE	S137	ETV	OPER	PTE	823.25	65	0.004	743.25	55
PEARSTON	S131	SBC3	OPER	PBS	823.25	65	0.004	759.25	57
SOMERSET EAST	S045	MNET	OPER	PTE	823.25	65	0.004	743.25	55
CLARENS	S101	SBC2	OPER	PBS	823.25	65	0.01	743.25	55
DEWETSDORP	S022	MNET	OPER	PTE	823.25	65	0.006	751.25	56
PAULPIETERSBURG	S023	ETV	OPER	PTE	823.25	65	0.05	847.25	68
KIEPERSOL BOEREVERENIGING	S235	SBC3	OPER	PBS	823.25	65	0.03	743.25	55
BRANDVLEI	S428	ETV	OPER	PTE	823.25	65	0.0063	743.25	55
EKSTEENFONTEIN	S858	ETV	OPER	PTE	823.25	65	0.004	743.25	55
KENHARDT	S381	MNET	OPER	PTE	823.25	65	0.004	743.25	55
GRIEKWASTAD	S069	SBC1	OPER	PBS	823.25	65	0.002	791.25	61
RIEMVAAK SENDING	S813	ETV	OPER	PTE	823.25	65	0.004	743.25	55
SUTHERLAND	S332	SBC3	OPER	PBS	823.25	65	0.004	815.25	64
FRASERBURG	S319	SBC3	OPER	PBS	823.25	65	0.005	743.25	55
NELSPoord	S483	ETV	OPER	PTE	823.25	65	0.0079	743.25	55
PIKETBERG	S011	MNET	OPER	PTE	823.25	65	0.1259	847.25	68

The Authority is also mindful of the STL (studio to transmitter) links that currently occupy channel 65 (822-830MHz).

4 Protection of Television Assignment in South Africa

The ITU has specified sharing criteria between broadcasting television services and fixed and mobile services ⁵(Final Acts GE89) to ensure acceptable reception by the public. The ITU Agreement stipulates that the minimum values of field strength for television reception in Band V, which requires protection from fixed and mobile services, is 58dB μ V/m.

5. The band 822-830 MHz

From this invitation to comment on its proposal to allow telecommunication services to use the frequency band 822-830 MHz, the Authority wishes to clarify the following;

- the overall economic benefit;
- the potential of interference to existing users;
- the quality of service that could be offered.
- cost of migration of the existing broadcasting services.

⁵ Final Acts of the Regional Administrative Conference for the Planning of VHF/UHF Television Broadcasting in the African Broadcasting Area and Neighbouring Countries Geneva, 1989