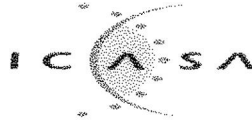

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 877 OF 2015****INVITATION TO APPLY****FOR****MULTIPLEXER 3 (MUX 3) RADIO FREQUENCY SPECTRUM LICENCE
TO PROVIDE COMMERCIAL TELEVISION BROADCASTING SERVICES**

The Independent Communications Authority of South Africa ("the Authority") hereby, in terms of regulation 7 of the Radio Frequency Spectrum Amendment Regulations 2015 ("the RFSR")¹, invites applications for the issuance of the radio frequency spectrum licence making up the third Digital Terrestrial Television (DTT3), referred to as multiplexer 3 ("MUX 3") in the Promotion of Diversity and Competition on Digital Terrestrial Television Regulations 2014 for the purposes of providing commercial subscription television broadcasting services.

All applications will be assessed based on the Electronic Communications Act, 2005 (Act No 36 of 2005) ("the Act"), the RFSR, Promotion of Diversity and Competition on Digital Terrestrial Television Regulations², the Radio Frequency Spectrum Migration Regulations and Plan 2013³, the Terrestrial Broadcasting Plan 2013⁴ read with the First Update to the Terrestrial Broadcasting Plan 2013⁵ and any other applicable regulations promulgated by the Authority including the criteria set out in this Invitation to Apply ("ITA").

RUBBEN MOHLALOGA
ACTING CHAIRPERSON

¹ Government Gazette 38641 (Notice 279 of 2015)

² Government Gazette 37929 (Notice 682 of 2014)

³ Government Gazette 36334 (Notices 352 and 353 of 2013)

⁴ Government Gazette 36321 (Notice 298 of 2013)

⁵ Government Gazette 38005 (Notice 801 of 2014)

APPLICANTS MUST CAREFULLY READ THE NOTES UNDER SCHEDULES AND ALSO REFER TO THE RADIO FREQUENCY SPECTRUM REGULATIONS , RELEVANT PROVISIONS OF THE ACT, AND ANY OTHER APPLICABLE REGULATIONS MADE BY THE AUTHORITY BEFORE COMPLETING THE APPLICATION FORM,

SCHEDULE A

1. Applications must be in writing.
2. Applications submitted must be in the format as provided in Schedule G. Applicants must answer all questions in full as set out Schedule G.
3. If any question is considered not applicable, please mark N/A with further explanation .
4. The applicant must submit the original application, five (5) copies of the original application and a soft copy, in CD format, by the deadline.
5. All applications submitted to the Authority, pursuant to this ITA, will be made available for inspection.
6. Where an applicant require that the application or part thereof be treated as confidential, then an application in terms of section 4D of the ICASA Act, 2000 (Act No. 13 of 2000) must be lodged during the submission of the application.
7. Applicants are requested to separate any confidential material into a clearly marked confidential annexure.
8. Subject to paragraph 6, the Authority may determine that an application or portions thereof are confidential and will inform the applicant within seven (7) days of receiving a request for confidentiality.
9. If the request for confidentiality is refused, the applicant making the request may withdraw portions of the application to which confidentiality was requested . Each application must be permanently bound (using either heat binding or spiral binding).
10. An application must have a cover page reflecting the name of the applicant, the subject matter being applied for and the date of application.
11. The pages immediately following the cover must be the content pages which detail each section of the application and its page number.
12. The application must be properly bound and paginated.
13. In the event that the applicant has to submit its application in more than one part or volume, each part or volume must have a cover page. In this case, the cover page must specify the number of the part or volume (i.e. Part one, Part Two or Volume One, Volume

Two). Each volume or part must also have the full set of content pages and sequentially numbered as noted.

14. An applicant must apply for the assignment of MUX 3 broadcasting frequencies as specified in Annexure G and or the Latest Version of the Terrestrial Broadcasting Frequency Plan 2013.
15. Every application must be accompanied by proof of payment of a non-refundable application fee of R 100 000.00 (One Hundred Thousand Rands). The payment must be in the form of an electronic transfer or via a direct deposit into the following bank account:
Account Holder's Name: ICASA
BANK: Nedbank Limited
BRANCH: All Branches
BRANCH CODE: 198765
ACCOUNT NO: 1080249044
REFERENCE: Applicant Name
16. Applications must be submitted by no later than 16H00 on 30 November 2015 (Central African Time).
17. The time indicated on the clock in the reception hall of Block B at ICASA head office, will be regarded as the correct time.
18. Applications submitted must be addressed to the Chairperson, Independent Communications Authority of South Africa, 164 Katherine Street, Sandton, Johannesburg.
19. Sealed applications must be **DEPOSITED IN THE BID BOX SITUATED AT:** Block B, Pinmill Farm, 164 Katherine Street, Sandton, Johannesburg.
20. The Authority will open the applications after the closing time and affix on each container the time of receipt and must provide each applicant with an acknowledgement.
21. **Applications received after the deadline will not be accepted and considered by the Authority.**
22. Failure to comply with any of these requirements and provisions of the Radio Frequency Spectrum Regulations 2015 will render the application null and void.
23. The Radio Frequency Spectrum licence for MUX 3 frequencies must be awarded using competitive processes. The following three (3) stages will be followed:
 - Phase 1 - Prequalification criteria
 - Phase 2 - Sealed Bids
 - Phase 3 - Granting of spectrum licence

24. The prequalification stage, found in paragraph 25, sets out the requirements that must be met in order for a person to participate in a competitive licensing process.
25. The minimum requirements for the prequalification stage are as follows:
- 25.1. An applicant must be a television broadcasting service licensee as defined in the Promotion of Diversity and Competition on Digital Terrestrial Television Regulations or a commercial subscription television broadcasting service licence granted by the Authority.
 - 25.2. An applicant must have a minimum of 30% ownership held by historically disadvantaged person(s) and/or a level 4 (four) Broad Based Black Economic Empowerment (BBBEE) status.
26. An applicant that fail to comply with any of the requirements of paragraph 25 will be disqualified.
27. An applicant that has complied with all the requirements of paragraph 25 will qualify to participate in the next phase, which is the Sealed Bids. The Authority will inform the applicants to submit sealed/closed bids. The successful applicant will be the highest bidder.
28. MUX 3 broadcasting frequencies will be assigned to the successful applicant.
29. The successful applicant will be assigned 45 % of MUX 3 capacity by the Authority for commercial subscription television broadcasting services.
30. The Authority reserves the right not to award frequencies should applicants not meet the requirements as set out in this ITA.
31. An applicant must commit not to engage in any activity, which would or could be construed as an illegal or corrupt practice, either directly or indirectly. Any such practice will be grounds for disqualification.
32. All applicants shall carry their own costs in responding to the ITA.

SCHEDULE B – PROPOSED LICENCE TERMS AND CONDITIONS

1. TYPE OF LICENCE

1.1	Multiplex 3 (MUX 3) Radio Frequency Spectrum Licence
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2. GEOGRAPHICAL AREA

2.1	National, within the borders of the Republic of South Africa
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3. DURATION OF SPECTRUM LICENCE

3.1	This licence shall be valid from the date of issue and shall run parallel to and not exceed the duration of a service licence contemplated in Chapter 3 of the Electronic Communications Act, 2005 (Act No. 36 of 2005).
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4. SPECTRUM LICENCE FEES

4.1	The licensee must pay radio frequency spectrum licence fee as prescribed from time to time.
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5. RIGHT TO USE MUX 3 RADIO FREQUENCY SPECTRUM

5.1	The licensee is authorized to use the frequencies in accordance with the technical parameters and locations as set out in Annexure G that forms part of this licence.
5.2	<p>The Authority makes the following transitional arrangements for the right of use of radio frequency spectrum in Annexure G until analogue switch off, where after the plan as set out in Annexure J of the latest version of the Terrestrial Broadcasting Frequency Plan will be applicable in relation to MUX3:</p> <p>5.2.1 That Broadcasting Spectrum Assignments in the band above 694 MHz, in the affected areas as stipulated in the Terrestrial Broadcasting Frequency Plan, are to be used subject to meeting the conformance requirements in line with the GE06 Plan and are to be phased out during the performance period.</p> <p>5.2.2 That broadcast transmissions and services ancillary to broadcasting in the band above 694 MHz are to be systematically switched off.</p> <p>5.2.3 That sharing and co-existence in the band above 694 MHz is to be implemented systematically through a Geographic separation of Mobile IMT Systems and Broadcasting Services in affected areas in accordance with the Terrestrial Broadcasting Frequency Plan 2013, read with the First Update to the Terrestrial Broadcasting Plan 2013 until the end of migration from Analogue to Digital Terrestrial Television process.</p>

6. WITHDRAWAL OF RADIO SPECTRUM LICENCE

6.1	Failure to meet fifty percent (50%) of the rollout-targets set out in the roll-out obligation prior to second anniversary of the first proposed launch of the service is considered non-utilization and will result in the radio frequency spectrum licence withdrawal.
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7. RADIO COVERAGE ROLL-OUT OBLIGATIONS

7.1	A licensee must ensure that the appointed signal distributor use the MUX 3 broadcasting frequencies for the construction and operation of Digital Terrestrial Television Distribution Network for the provisioning of commercial television broadcasting services.
7.2	A licensee must ensure that the appointed signal distributor distribute 45% of MUX3 capacity that is assigned by the Authority pursuant to the issue of this spectrum licence.
7.3	A licensee must ensure that the appointed signal distributor, through a commercial arrangement and without prejudice, distribute 55% of MUX3 capacity that would be assigned by the Authority pursuant to finalization of a process to licence additional commercial Free-to-Air (FTA) television broadcasting services licensee.
7.4	Fifty percent (50%) of the MUX 3 Digital Terrestrial Television Distribution network must be completed prior to second anniversary of the first proposed launch of the service.
7.5	The Authority will review the radio frequency spectrum utilization by the licensee two (2) years after Analogue Switch Off (ASO).
7.6	A licensee must submit to the Authority, prior to the second anniversary of the launch of the service , a declaration: <ul style="list-style-type: none"> a) Stating that the services are being provided; and b) Detailing the extent of the network roll-out

8. GENERAL CONDITIONS

8.1	The licensee must at all times observe the provisions of international telecommunications conventions, such as those governing the International Telecommunication Union (ITU) and as they apply to the Republic of South Africa.
8.2	The licensee indemnifies ICASA against any claims for damages that may occur as a result of the switching off of the transmitters as stipulated in Annexure J or, as a result of any interruptions to the service that may affect the quality of signals.
8.3	The licensee indemnifies ICASA against any claims for damages that may result from interference to or interruption of the transmitters caused by radio users and electronic communication lines lawfully operated in terms of the Radio Frequency Spectrum Regulations, of the Electronic Communications Act, 2005 (Act No. 36 of 2005).

SCHEDULE C – APPLICATION AMENDMENT

1. An applicant, who after submitting an application, wishes to effect changes to the application with respect to information detailed in Schedule A, must within seven (7) days from the date that such change becomes effective, notify the Authority in writing.
2. No changes can be effected to Schedule G.
3. The Authority will, after being notified by an applicant of the changes referred to: ;
 - 3.1 Determine whether such changes significantly alters the initial application so as to constitute a new application.
 - 3.2 Determine whether the application, so altered, is disqualified in terms of the Regulations, from the application process.
 - 3.3 notify the applicant of its determination regarding its qualification or disqualification, as the case may be, from consideration within the application process.

SCHEDULE D – REQUEST OF SUBMISSION OF SUPPLEMENTARY INFORMATION

1. The Authority may require an applicant to prepare and submit any supplementary information regarding any aspect of its application within the application process.
2. The Authority may direct an applicant to submit any such supplementary information within seven (7) days after receiving a written request.
3. Any request by the Authority may be made to any applicant who submitted an application by the closing date.

SCHEDULE E – CRITERIA FOR THE AWARD

Phases	Description	Score	Criteria
Phase 1.	Prequalification criteria		<ol style="list-style-type: none"> 1. Television broadcasting services licensee as defined in Promotion of Diversity and Competition on Digital Terrestrial Television Regulations 2014 and has been issued a commercial subscription television broadcasting services licence.

			2. 30% or more ownership by HDP and or Level 4 BBBEE or more.
Phase 2.	Sealed bids		Highest Bidder
Phase 3.	Granting of MUX 3 spectrum licence		Successful applicant

SCHEDULE F – DISQUALIFICATION CRITERIA

An applicant will be disqualified from the application process where such applicant:

1. Has submitted an application and is an affiliate of another applicant, or possesses an ownership or financial interest in another applicant within the same application process.
2. Has capacity assigned in Multiplexer 1 or 2.
3. Is not a television broadcasting services licensee as contemplated in Promotion of Diversity and Competition on Digital Terrestrial Television Regulations and is not a holder of a commercial subscription television broadcasting services licence.
4. Has submitted more than 1 (one) application to the Authority for the granting of a radio spectrum licence within the designated range; or
5. Has less than 30% of ownership by Historically Disadvantaged Person(s) (HDP) or below level 4 contributor (BBBEE status); or
6. Has submitted an application which contains false or misleading information; or
7. Is colluding or has attempted to collude, with another applicant with the intention to distort or manipulate information; or
8. Has, without consent, obtained or acquired confidential information relating to another applicant; or
9. Has failed to comply with the terms and conditions of the application as set out in the ITA.

SCHEDULE G – APPLICATION PROCEDURE

The following information must be provided, if the information to be supplied is not applicable, then the term 'not applicable' must be written with a short explanation.

1.1 APPLICANT DETAILS

No.	Information Required
1	Name, address, identification number, telephone number and Email address of applicant.
2	Annual report of the applicant and its main shareholders from the previous three years. The applicant must submit three years audited financial statements.
3	Full particulars of the experience and expertise of the applicant, its partners, shareholders, suppliers and contractors in the business contemplated
4	Extent of beneficial ownership of the applicant to be held by historically disadvantaged persons: 4.1 Extent of beneficial ownership by women. 4.2 Extent of beneficial ownership by the youth. 4.3 Extent of beneficial ownership by the disabled Or 4.5 BBBEE status.
5	Name and particulars of proposed signal distributor

1.2 DESCRIPTION OF SERVICE

No.	Information Required
1	Description of service to be provided.
2	Target – population coverage

1.3 UNDERTAKING**WARRANTY UNDERTAKING**

I..... (duly authorised person)

Have prepared and/ or compiled, or directly supervised those who have prepared all or parts of this application and/or information constituting this application.

To the best of my knowledge, the application information contained herein, and any attachment thereto, is accurate and not misleading.

I further understand that should any information included herein be found to be false or misleading the entire application will be disqualified and the applicant precluded from further consideration within the application process.

Name and title of the person authorised to sign this undertaking:

Authorised Signature: _____

Date: ____/____/ 2015

I certify that this declaration was signed and sworn to before me at

.....on the day of 2015, by the deponent who acknowledged that he/she:

- i. knows and understands the contents hereof;
- ii. has no objection to taking the prescribed oath or affirmation; and
- iii. considers this oath or affirmation to be truthful and binding on his/her conscience.

COMMISSIONER OF OATHS

Name:

Address:

Capacity:

ANNEXURE G - Digital Terrestrial Television Frequency Network 2013***DTT FREQUENCY ASSIGNMENTS DURING ANALOGUE-TO-DIGITAL MIGRATION***

STATION NAME	GEO. CO-ORDINATES		EXISTING				AMENDMENT			ADMINISTRATIVE	
	LAT	LONG	FREQ (MHZ)	C H	ERP (KW)	POL	FRE Q (MHZ)	C H	ERP (KW)	STA T	CAT
AURORA	33S49 39	18E38 29	562	32	0.001	V	562	32	0.25	SPA	DTT 3
BEZ VALLEY	26S11 41	28E05 00	570	33	0.07	V	570	33	0.5	SPA	DTT 3
BLOEMFONTEIN	29S06 04	26E13 44	682	47	71	H	682	47	100	SPA	DTT 3
CAPE TOWN	34S03 18	18E23 11	562	32	20	H	562	32	50	SPA	DTT 3
DURBAN	29S46 12	30E43 00	506	25	62	H	506	25	100	SPA	DTT 3
EAST LONDON	32S56 20	27E48 56	562	32	50	H	562	32	63	SPA	DTT 3
FISHHOEK	34S08 59	18E26 08	562	32	0.05	V	562	32	0.1	SPA	DTT 3
GRABOUW	34S06 07	18E58 00	562	32	0.5	V	562	32	1	SPA	DTT 3
HELDERKRUIN	26S06 05	27E51 27	570	33	1	V	570	33	20	SPA	DTT 3
HOUT BAY	34S00 46	18E20 51	562	32	2.5	V	562	32	4	SPA	DTT 3
KIMBERLEY	28S51 15	24E54 17	666	45	10	H	666	45	68	SPA	DTT 3
KLERKSDORP	26S45 15	26E24 28	530	28	10	H	530	28	50	SPA	DTT 3
MENLO PARK	25S46 16	28E16 05	570	33	0.04	V	570	33	0.2	SPA	DTT 3
MONDEOR	26S16 54	27E59 37	570	33	0.022	V	570	33	0.5	SPA	DTT 3
MULBARTON	26S17 38	28E03 56	570	33	0.03	V	570	33	0.3	SPA	DTT 3
NELSPRUIT ¹⁹	25S30 57	30E46 33	690	48	10	H	690	48	76	SPA	DTT 3
OVERPORT	29S50 12	30E59 44	506	25	1.2999	V	506	25	26	SPA	DTT 3
PAARL	33S42 51	18E56 23	562	32	2.4998	V	562	32	20	SPA	DTT 3
PIETERMARITZBURG	29S34 47	30E19 49	506	25	1	V	506	25	20	SPA	DTT 3
PRETORIA NORTH	25S41 29	28E10 02	570	33	0.02	V	570	33	0.25	SPA	DTT 3
SEA POINT	33S54 33	18E23 51	562	32	0.3	V	562	32	0.4	SPA	DTT 3
SIMONSTOWN	34S11 55	18E25 36	562	32	0.2	V	562	32	2	SPA	DTT 3

STELLENBOSCH	33S54 59	18E52 10	562	32	0.5	V	562	32	0.8	SPA	DTT 3
SUNNYSIDE	25S45 58	28E12 21	570	33	1	V	570	33	20	SPA	DTT 3
TABLE MOUNTAIN	33S57 26	18E24 11	562	32	0.5	V	562	32	0.6	SPA	DTT 3
THE BLUFF	29S54 42	31E00 44	506	25	1.3	V	506	25	2.5	SPA	DTT 3
THEUNISSEN	28S11 55	26E34 50	650	43	10	H	650	43	34	SPA	DTT 3
TYGERBERG	33S52 31	18E35 44	562	32	1.9999	V	562	32	50	SPA	DTT 3

Limitations on broadcast antenna systems due to
SKA Limitations

Foot Note No.	STATION NAME	BEAM WIDTH (DEGREES)	AZIMU TH (DEGR EES FROM TRUE NORT H)
1	BEAUFORT WEST	236	145
2	CALVINIA	150	225
3	DE AAR	236	90
4	DOUGLAS	236	60
5	GARIES	284	260
6	POFADDER	150	345
7	PRIESKA	160	35
8	SPRINGBO K	284	270
9	UPINGTON	160	35
10	VICTORIA WEST	240	130
11	WILLISTON	150	225

Limitations on broadcast antenna systems due to Coordination with
Neighboring countries

Foot Note No.	STATION NAME	ERP REDUCTIO N	REDU CTION RANG E (DEGR EES FROM TRUE NORT H)
12	ZEERUST	5dB	271°- 16°
13	THABAZIMB I	10dB	246°- 16°
14	TOLWE	12dB	259°- 35°
15	ALI WAL NORTH	7dB	18°- 85°
16	BETHLEHE M	7dB	147°- 214°
17	ELANDS HEIGHT	10dB	301°- 46°
18	MBUZINI	10dB	13°- 293°
19	NELSPRUIT	8dB	110°- 180°
20	UBOMBO	10dB	295°- 48°
21	ULUNDI	7dB	344°- 25°