
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 983 OF 2015****ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)****APPLICATIONS FOR TRANSFER OF LICENCES FROM RIGEL SERVICES CC T/A
COMPU-DOC TO GLOBAL PLATINUM SOLUTIONS (PTY) LTD**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice in terms of section 9(5) of the Electronic Communications Act, Act No.36 of 2005, as amended, that after considering an application for transfer of individual electronic communications service licence from Rigel Services cc t/a Compu-Doc to Global Platinum Solutions (Pty) Ltd, it has decided to grant and issue the licence to Global Platinum Solutions (Pty) Ltd.
2. The reasons for the Authority's decision on the application are attached to this notice. The copy of the licence for Connect Voice Connect Data (Pty) Ltd is available at the Authority's library in Sandton, Block D, Pinmill Farm, 164 Katherine Street during office hours.

A handwritten signature in black ink, appearing to read 'Rubben Mohlaloga', written over a horizontal line.

RUBBEN MOHLALOGA
ACTING CHAIRPERSON
ICASA



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton

Private Bag X10002, Sandton, 2146

**APPLICATIONS FOR TRANSFER OF LICENCES FROM RIGEL SERVICES CC T/A
COMPU-DOC TO GLOBAL PLATINUM SOLUTIONS (PTY) LTD**

REASONS FOR DECISION

APRIL 2015

A. BACKGROUND

1. On 10 October 2014, the Authority received applications from Rigel Services cc t/a Compu-Doc ("the applicant") for the transfer of its I-ECNS and I-ECS licences to Global Platinum Solutions (Pty) Ltd ("the transferee"). The applications were submitted using Form G of the Processes and Procedures Regulations for Individual Licences published on 14 June 2010 in Government Gazette No.33293.
2. The Authority published General Notice 594 in Government Gazette 38277 of 02 December 2014, inviting all interested persons to make written representations to the Authority in relation to the applications within twenty one (21) working days of the date of the publication of the notice in the Government Gazette.
3. On the closing date, which was on 06 January 2015, the Authority did not receive any written representations in relation to the applications.

B. APPLICABLE LEGISLATIVE FRAMEWORK

4. The applicable legislative and regulatory provisions on these transfer applications are the following:
 - a. Section 13 and 9(2) of the Electronic Communications Act, Act No. 36 of 2005 ("EC Act"); and
 - b. Regulation 11 (Form G) of the Processes and Procedures Regulations for Individual Licences published on 14 June 2010 in Government Gazette No.33293.

Section 13 of the EC Act

5. Section 13(1) of the EC Act states that:

"An individual licence may not be assigned, ceded or transferred to any other person without the prior written permission of the Authority."

6. The applicant has not yet transferred the individual licences. The applicant awaits the approval of the Authority to transfer such licence.
7. Section 13(2) of the EC Act further states that:
“An application for permission to assign, cede or transfer an individual licence may be made to the Authority in the prescribed manner.”
8. The application for transfer of the individual licence is prescribed in terms of Form G of the Processes and Procedures Regulations.
9. Section 13(6) provides that *“The provisions of section 9(2) to (6) apply with the necessary changes, to this section.”*

Regulation 11 (Form G) of Processes and Procedures Regulations

10. Regulation 11 of the Processes and Procedures Regulations for Individual Licences, provides that an application to transfer a licence must be:-
 - a. In the format as set out in Form G;
 - b. accompanied by the applicable fee; and
 - c. submitted by the prospective transferor.
11. The transfer applications have been submitted in terms of Form G and the applicant has made the required payment of R104 000, 00 for the transfer of the I-ECS and I-ECNS licences and provided proof of payment.

C. DISCUSSION AND ANALYSIS

Proposed transfer of the licence

12. The transfer applications seek the approval from the Authority to transfer the Individual Electronic Communications Service (“I-ECS”) and Individual Electronic Communications Network Service (“I-ECNS”) licences from Rigel Services cc (Pty) Ltd to Global Platinum Solutions (Pty) Ltd.

13. The applicant is a private company incorporated in terms of the Companies Act of 2008 with the registration number: 1995/053745/23.
14. The applicant has indicated that the ownership interests in the transferee is 100% owned by a person from a historically disadvantaged group¹ ("HDG"). The ownership interests in the transferee is as follows:
 - Ravind Ramasary: 50%; and
 - Sharone Stumbles: 50%.
15. The transferee intends to provide IT services, cabling, PABX and telephony services to medium and corporate sized enterprises across Africa.

HDI requirements

16. Section 9 (2) (b) states that *the Authority must give notice of the application in the gazette and include the percentage of equity ownership to be held by persons from historically disadvantaged groups, which must not be less than 30% or such other conditions or higher percentage as may be prescribed under section 4(3) (k) of the ICASA Act.*

Grounds to refuse the transfer application

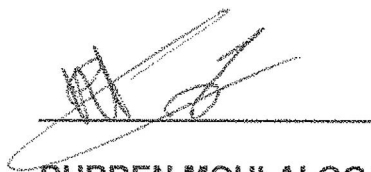
17. In terms of regulation 12 of Processes and Procedures Regulations, the Authority may refuse to transfer a licence if the Licensee has not complied with one or more of the following:
 - a. Where the Licensee has been found guilty of a contravention by the Complaints and Compliance Committee ("the CCC") of the Authority and has not complied with the order by the Authority in terms of section 17 of ICASA Act; or
 - b. Where the Licensee has not paid the licence fees due and payable at the date of the application; or

¹ Form G (Regulation 11): Clause 7.1 the Application. Ownership and Management of the Transferee

- c. Where the Transferee's ownership and control by historically disadvantaged persons is less than 30%.
18. The applicant has not been found guilty of any contravention by the CCC. Further, the applicant has paid the licence fees due and payable at the date of the application.
19. As indicated above, the Authority published the applications in the Government Gazette for public comments. However, no representations were received. The Authority considered that there were no material issues on the applications which warranted a public hearing.
20. The Authority was satisfied that the applicant has submitted all required information and satisfied the requirements prescribed in terms of regulation 11 (Form G) of Processes and Procedures Regulations for Individual Licences read with the EC Act.

D. AUTHORITY'S DECISION

21. In light of the above, at the Council meeting held on 17 March 2015, the Authority decided to approve Rigel Services cc t/a Compu-Doc transfer applications for its Individual Electronic Communications Service and Individual Electronic Communications Network Service licences to Global Platinum Solutions (Pty) Ltd.


RUBBEN MOHLALOGA

ACTING CHAIRPERSON

DATE:

28 August 2015