

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 944

28 JUNE 2019



**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)
APPLICATIONS FOR TRANSFER OF AN INDIVIDUAL ELECTRONIC
COMMUNICATIONS SERVICE AND INDIVIDUAL ELECTRONIC
COMMUNICATIONS NETWORK SERVICE LICENCES FROM AIR
COMMUNICATIONS (PTY) LTD TO UBUNTU TECHNOLOGY (PTY) LTD**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it has received applications from Air Communications (Pty) Ltd for the transfer of its Individual Electronic Communications Service ("I-ECS") and Individual Electronic Communications Network Service ("I-ECNS") licences. The applications were lodged in terms of clause 12 of the Processes and Procedures Regulations for Individual Licences, 2010 published in Government Gazette No. 33293 of 14 June 2010 and Regulation 11 of the Amendment Individual Processes and Procedures Regulations 2015 published in Government Gazette No.39871 of 30 March 2016, read with sections 13(1), (2) and (6) of the Electronic Communications Act 2005, as amended.
2. The transfer applications seek approval from the Authority to transfer the I-ECNS and I-ECS licences held by Air Communications (Pty) Ltd "the Applicant" to Ubuntu Technology (Pty) Ltd ("the Transferee") and will be evaluated on the basis of the following criteria:
 - a. promotion of competition in the ICT sector;
 - b. interests of consumers; and
 - c. equity ownership by HDP'S.
3. The Applicant submits that the Transferee is 40% owned by Historically Disadvantaged Persons (HDPs).

4. The applications, relevant schedule and any representations received pursuant thereto will be made available and open for inspection by any interested party in the Authority's library, during the Authority's office hours.
5. Any interested party is invited to lodge written representations to the applications within fourteen (14) working days from the date of publication of this notice in the Government Gazette.
6. Any person who makes written representations must indicate whether they require an opportunity to make oral representations in the event that the Authority decides to hold public hearings.
7. All written representations, responses and other correspondence in terms hereof must be directed to Mr Peter Mailula at ECNS, ECS and Postal Licensing Unit, Licensing Division, at Block B, 350 Witich – Hazel Avenue, Eco Point Office Park, Eco Park, Centurion **OR** Private Bag X10, Highveld Park, 0169 **OR** by fax no. (012) 568 3658 **OR** by e-mail: PMailula@icasa.org.za
8. Any person who may lodge representations in terms hereof, must also furnish proof to the satisfaction of the Authority that a copy of the representation has been delivered by hand to Arnold Owen Pretorius at Air Communications (Pty) Ltd located at 11th Floor, Convention Tower , Corner Heerengracht and Walter Sisulu Avenue, Foreshore, Cape Town, 8001, **OR** sent by e-mail to owen@fastcomm.com
9. Air Communications (Pty) Ltd has the right to respond in writing to written representations made by any interested person on the transfer applications. The written responses must be lodged with the Authority within twenty-one (21) working days from the date of publication of this notice in the Government Gazette.

10. Air Communications (Pty) Ltd must, at the time of lodging the written response, furnish proof to the Authority's satisfaction that it has delivered a copy of the response by hand, **OR** has sent a copy thereof by facsimile **OR** by e-mail to the relevant person having made the written representations.



DR. KEABETSWE MODIMOENG
ACTING CHAIRPERSON