
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 198 OF 2020****NOTICE ON THE LICENSING PROCESS OF AN INDIVIDUAL ELECTRONIC COMMUNICATIONS NETWORK SERVICE ("I-ECNS") AND RADIO FREQUENCY SPECTRUM ("RFS") LICENCE**

The Independent Communications Authority of South Africa ("the Authority"), hereby publishes a Notice outlining the process on the licensing of Individual Electronic Communications Network Services (I-ECNS) and accompanying Radio Frequency Spectrum Licence (RFS) in terms of sections 9 and 31 of the Electronic Communications Act No. 36 of 2005, as amended, and the Radio Frequency Spectrum Regulation published under Government Gazette No. 38641 on 30 March 2015 ("RFSR 2015") as amended. This Notice is published pursuant to the *Policy on High Demand Spectrum and Policy Direction on the Licensing of a Wireless Open Access Network (WOAN)* published under Government Gazette No. 42597, Notice 1013,

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

DR KEABETSWE MODIMOENG**ACTING CHAIRPERSON****ICASA**

NOTICE ON THE LICENSING PROCESS FOR AN INDIVIDUAL ELECTRONIC COMMUNICATIONS NETWORK SERVICE ("I-ECNS") AND RADIO FREQUENCY SPECTRUM ("RFS") LICENCE

Section 5(6) of the Electronic Communications Act No. 36 of 2005, as amended ("ECA") provides that *"the Authority may only accept and consider applications for individual electronic communications network service licences in terms of a policy direction issued by the Minister in terms of section 3"*.

On 26 July 2019, the Minister of Communications ("the Minister") issued a *Policy on High Demand Spectrum and Policy Direction on the Licensing of a Wireless Open Access Network under Government Gazette No. 42597, Notice 1013* ("the Policy Direction") in terms of sections 3(1), 3(2) and 5(6) of the ECA.

The Authority has duly considered the contents of the Policy Direction as required by section 3(4) of the ECA and subsequently published an *Information Memorandum for International Mobile Telecommunications Spectrum Assignment on 1 November 2019 under Government Gazette No. 42820* ("the Information Memorandum"), for public comment. The purpose of the Information Memorandum was to provide information and guidance to stakeholders, including prospective applicants intending to apply for designated Radio Frequency Spectrum for purposes of providing national broadband wireless open access services.

By the closing date of 31 January 2020, the Authority had received fifty-three (53) written submissions which have duly been considered and analysed.

The Authority intends to issue a Composite Invitation to Apply for an I-ECNS licence and corresponding Radio Frequency Spectrum Licence for the purposes of providing wireless open access network services in terms of sections 9 and 31 of the ECA read with the Radio Frequency Spectrum Regulation, Government Gazette No. 38641, 30 March 2015 ("RFSR 2015").

The published composite ITA will detail:

1. The place for the submission of the application;
2. The application fee;

3. Any qualification criteria that are applicable;
4. The terms and conditions relating to the application;
5. The proposed license terms and conditions;
6. The procedures for submission of the application;
7. The deadline for the submission of the application;
8. Conditions and procedures for the amendment of an application;
9. Conditions and procedures for the submission of supplementary information;
10. Conditions for the disqualification of an applicant from the application process;
11. The selection process;
12. The evaluation criteria;
13. The licensing method the Authority will use; and
14. Any other information or requirements as the Authority may deem necessary.

Received applications for the service and spectrum licences will be evaluated on the basis of the following criteria – amongst others to be detailed in the published ITA:

1. Promotion of competition and transformation in the ICT sector;
2. Interests of consumers;
3. Equity ownership by Historically Disadvantaged persons and South African citizens;
4. Viability of the proposed service;
5. Technical efficiency;
6. Functional efficiency; and
7. Economic efficiency.

Received applications will be subjected to a public consultation process in terms of the provisions of section 9(2) of the ECA read with section 4B(2)(b) of the Independent Communications Authority of South Africa Act, 13 of 2000 ("ICASA Act"). Applications will be made available for public scrutiny and interested stakeholders are invited to make written and oral submissions on the applications.

The process to be followed in licensing the Wireless Open Access Network is outlined below:

