

Spectrum issues and obligations

By *Thato Toko*

It is safe to say that March 2022 was interesting, edgy and confusing for the South African telecommunications framework.

There were several public statements, including from broadcasters and bodies such as non-profit organisations, against the gazetting of the analogue switch-off (ASO) scheduled for 31 March 2022. As planned, the Independent Communications Authority of South Africa (ICASA) commenced and concluded the spectrum auction for the high-demand spectrum, including the 700 and 800 MHz bands currently occupied by terrestrial broadcasting services.

The month concluded with the Pretoria High Court ruling on the e.tv vs Minister of Communication and Digital Technologies litigation (case no. 51159/2021), with the judgment in favour of the minister but simultaneously extending ASO to 30 June 2022.

High demand spectrum auction

On 17 March 2022 ICASA concluded South Africa's first spectrum auction collecting, R14.4-billion in revenue on behalf of Treasury, almost double ICASA's initial target of R8.375 billion. The auction process included six pre-qualified bidders, namely Cell C, Liquid Intelligent Technologies, MTN, Rain Networks, Telkom and Vodacom.

After the auction process, between April and June 2022, ICASA and the bid winners will discuss terms and conditions, including obligations that will be attached to the spectrum licences. It is also important to note that bid winners will additionally be required to pay annual spectrum fees in advance, for the spectrum obtained during the auction process. For the 2022/23 financial year, the payment for the newly acquired spectrum will be commensurate to the period the spectrum licences will become effective.

Transitional period: 700 and 800 MHz bands

ICASA acknowledges that the frequency bands subject to the ASO date are part of the radio frequency spectrum bands licensed under the provisional spectrum licensing regime, which

commenced on 1 December 2021, and ends on 30 June 2022 (in terms of Government Gazette no. 45458, published on 11 November 2021). Furthermore, the 700MHz and 800MHz radio frequency bands were also part of the radio frequency spectrum bands successfully auctioned by ICASA.

To allow licensees sufficient time to vacate the frequencies provisionally assigned to them, and in accordance with the provisional spectrum licensing regime, ICASA points out that the validity period of the spectrum licences to be issued following the auction on 17 March 2022, shall only commence on 1 July 2022. As a result, the Council of ICASA has resolved that the period 1 April 2022 to 30 June 2022 shall constitute a transitional period for broadcasting service licensees and signal distributors, to ensure a seamless transition process for the switch-off of remaining analogue transmitters.

The National Radio Frequency Plan 2021

On 25 March 2022, ICASA gazetted the final National Radio Frequency Plan 2021 (NRFP-21). It allocates the radio frequency spectrum to radio services in the frequency bands between 8.3 kHz and 3000 GHz. All frequency assignments (licensing) in South Africa must be in accordance with the National Radio Frequency Plan.

The NRFP-21 incorporates the decisions taken by the ITU World Radiocommunication Conference 2019 (WRC-19). The revision reflects the 2020 version of the ITU Radio Regulations edition, including the frequency allocations relevant to Region 1 and its associated footnotes. It also includes updates on the Table of Frequency Allocations extending up to 3000 GHz and South African National Footnotes.

Summary:

- Digital sound broadcasting (DSB) is included as the typical application in the following bands: 87.5 – 108 MHz and 214 – 230 MHz
- Terrestrial broadcasting allocation was removed from the following bands: 700MHz (694 – 790) and 800 MHz (790 – 862)

- Mobile allocation and IMT identification have been included in the following bands: 3300 – 3400 MHz, 24 250 – 27 500 MHz, 37 000 – 43 500 MHz, 45 500 – 47 000 MHz, 47 500 – 48 200 MHz, 66 000 – 71 000 MHz.

Licensing of the WOAN

On 11 March 2022, the Department of Communication and Digital Technologies gazetted the *Proposed Amendment of Policy on High Demand Spectrum and Policy Direction on the Licensing of a Wireless Open Access Network*. The submission deadline is 28 April 2022. The proposal removes the policy directive for the formation of the Wireless Open Access Network (WOAN), then encourages ICASA to use obligations for the open access principle and infrastructure sharing to encourage competition. The gazetting of the final policy, with the same proposed deletion will result in the following high-demand spectrum becoming available for ICASA to license through an invitation to apply process.

Megahertz (MHz)	Initially targeted for the WOAN	Total available spectrum
700 MHz	1 x 10 MHz	10 MHz
2600 MHz	1 x 30 MHz	30 MHz
3500 MHz	1 x 30 MHz	30 MHz

SENTECH obligations

On 25 March 2022, ICASA gazetted the final and official SENTECH obligations. The Electronic Communications Act requires ICASA to prescribe universal access and universal services obligations to each licensee.

- o SENTECH shall implement a LAN for 63 Community Education and Training (CET) college sites, consisting of nine CET college head offices and 54 Community Learning Centres, as allocated by ICASA, over a period of three years from the effective date, 25 March 2022
- o SENTECH must provide a rollout plan, developed along with Rain Networks, and that plan must be approved by ICASA
- o A copy of the service level agreement (SLA) between SENTECH and Rain Networks must be filed with ICASA within 60 days after both entities' obligations are published in the Notice, for record-keeping purposes
- o Each of the college sites must receive support from SENTECH (monitoring, maintenance, skills transfer, etc.) for the duration of the support period



The company's obligations are linked to Rain's obligations, and an SLA between the two companies must be submitted to ICASA by June 2022.