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# Government Gazette Staatskoerant

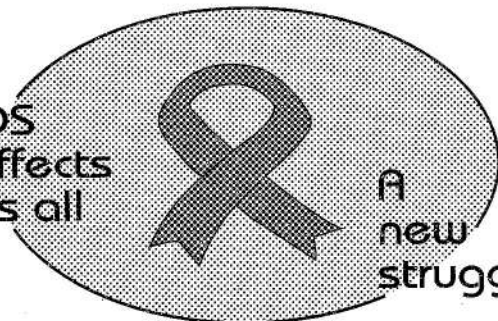
Vol. 422

PRETORIA, 28 AUGUST  
AUGUSTUS 2000

No. 21511

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPUNE**

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DEPARTMENT OF HEALTH

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## GENERAL NOTICES

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### NOTICE 3068 OF 2000

#### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

#### NOTICE OF INTENTION TO AMEND THE FREQUENCY SPECTRUM LICENCES OF VODACOM GROUP (PTY) LTD AND MOBILE TELEPHONE NETWORKS (PTY) LTD ("MTN")

By virtue of the powers conferred upon the Independent Communications Authority of South Africa ("The Authority"), in terms of sections 2, 28, 29 and 30 (6)(a) read in conjunction with section 30(7) of the Telecommunications Act, Act 103 of 1996 ("The Act") and pursuant to the procedure published in Radio Regulations G10A of *Government Gazette* No. 19180 of 24 August 1998, the Authority hereby—

- (a) gives notice of its intention to amend the frequency spectrum licenses issued to Vodacom Group (Pty) Ltd and MTN (Pty) Ltd to use Radio Frequency Spectrum under section 30 with respect to the mobile cellular telecommunication services only;
- (b) notes that in terms of the national master register of assignments that both Vodacom Group (Pty) Ltd and MTN (Pty) Ltd are currently assigned 2 x 11 MHz of radio frequency spectrum in the 900MHz (890–914/935–959 MHz) band only;
- (c) gives notice that in the interest of orderly frequency management, Vodacom (Pty) Ltd and MTN (Pty) Ltd relinquish 2 x 2 MHz of 900 MHz radio frequency spectrum respectively, in exchange for a radio frequency assignment of 2 x 10 MHz in the 1800 MHz (1710–1785/1805–1880 MHz) band to both operators;
- (d) invites written comments from interested parties within 21 days from the date hereof with regard to the said intended amendment;
- (e) gives notice that persons who submit written representations are further required to indicate whether they should be afforded an opportunity to make oral representations, and if so, they must indicate the estimated duration thereof, which duration shall not exceed one hour;
- (f) gives notice that written representations will be made publicly available except where respondents request that their responses or parts thereof are confidential. Respondents are requested to separate any confidential material into a clearly marked confidential annex. Unconditional permission to use such confidential material will be assumed unless the author expressly states otherwise. Any copyright attached to responses will be assumed to have been relinquished unless it is expressly reserved.

The authority may refuse a request for confidentiality in which event the person concerned shall be entitled to withdraw the document in question and the Authority shall not consider a document so withdrawn.

- (g) Gives notice that ten hard copies and an electronic version of all written representations be submitted. Written representations may be posted or hand delivered for the attention:

The Project Director  
Private Bag X1  
Marlboro  
2063

or

ICASA Block A  
Pinmill Farm  
164 Katherine Street  
Sandton  
Gauteng Province

All comments and queries regarding this document should be addressed to Mr Potsane Malebanye

Tel: (011) 321-8314

Fax: (011) 321-8577

e-mail: potsane@satra.gov.za

**CHAIRPERSON-ICASA**

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### NOTICE 3069 OF 2000

#### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

#### NOTICE OF DECISION OF ICASA REGARDING THE APPLICATIONS OF VODACOM AND MTN MENTIONED IN NOTICE 289 OF 2000

On 18 January 2000, the Independent Communications Authority of South Africa (ICASA) issued notice of proposed amendments to the frequency licences of Vodacom (Pty) Ltd and Mobile Telephone Networks (Pty) Ltd in Notice 289 of 2000 (published in *Government Gazette* 20817).

Interested parties were requested to submit written representations. After ICASA received written representations, it also held an oral hearing from 14 to 16 March 2000.

After considering the applications, written representations, the submissions at the oral hearings, ICASA has decided to deny the applications for the following reasons:

1. Sections 2(j) and 2(p) of the Act provide that

The primary object of the Act is to provide for the regulation and control of telecommunication matters in the public interest, and for that purpose to—

....

(j) ensure fair competition within the telecommunications industry;

....

(p) ensure efficient use of the radio frequency spectrum;

....

2. ICASA found, in respect of the inquiry conducted into the economic feasibility of the provision of more than two mobile cellular telecommunication services (MCTS) licensees, that it was economically feasible to license two additional MCTS licensees and that such licensees could use any technology. (Notice 1526 of 1998 published in *Government Gazette* 19115 dated 31 July 1998.)
3. On 26 February 1999 the Minister invited persons to apply for the third MCTS licence, ICASA thereafter processed the applications submitted in response to the invitation and made a recommendation to the Minister in terms of section 35(2)(b) of the Telecommunications Act, 1996. However, one of the applicants has obtained an order from the High Court interdicting the Minister from making a decision. Thus, ICASA has not been able to issue a single competing MCTS licence or consider applications for frequency use licences to accompany such MCTS licences.
4. Given the above, ICASA cannot grant a request for use of additional frequencies by an existing MCTS licensee unless the request, if granted, would leave in the Authority's view, sufficient frequency spectrum for fair competition for the third (and forth) licensees so that such additional licensees may have access to both 900 and 1800 MHz frequencies.
5. Because the requests of Vodacom and MTN would not leave such frequency spectrum available, the requests are denied.

ICASA

## NOTICE 3070 OF 2000

### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

#### NOTICE OF INTENTION TO AMEND THE TELECOMMUNICATIONS SERVICE LICENCES OF VODACOM GROUP (PTY) LTD AND MOBILE TELEPHONE NETWORKS (PTY) LTD ("MTN")

By virtue of the powers conferred upon the Independent Communications Authority of South Africa ("The Authority"), in terms of section 48 (1) (c) of the Telecommunications Act, Act No. 103 of 1996 ("The Act"), the Authority hereby—

- (a) gives notice of its intention to amend the Telecommunications Service Licenses issued to Vodacom Group (Pty) Ltd and MTN (Pty) Ltd with respect to the mobile cellular telecommunications services.
- (a) Invites written comments from interested parties within 21 days from the date hereof with regard to the said intended amendment.
- (b) Gives notice that persons who submit written representations are further required to indicate whether they should be afforded an opportunity to make oral representations, and if so, they must indicate the estimated duration thereof, which duration shall not exceed one hour.
- (c) Gives notice that written representations will be made publicly available except where respondents request that their responses or parts thereof are confidential. Respondents are requested to separate any confidential material into a clearly marked confidential annex. Unconditional permission to use such confidential material will be assumed unless the author expressly states otherwise. Any copyright attached to responses will be assumed to have been relinquished unless it is expressly reserved.

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Sandton  
Gauteng Province.

All comments and queries regarding this document should be addressed to Mr Potsane Malebanye

Tel: 011-321 8314

Fax: 011-321 8577

e-mail: potsane@satra.gov.za.

- (e) The proposed amendment of the telecommunications service licence is as follows:

#### Notice 1078 of 1993

### NATIONAL CELLULAR TELECOMMUNICATIONS LICENCE

#### **Definitions:**

"GSM" means Global System for Mobile Communications as defined in the ETSI structure of technical specification and operating in 900 MHz and 1800 MHz frequency band.

#### **Licence Authority**

- 2.1(a) provided GSM national mobile radio telephony service operating in the 900 MHz and 1800 MHz frequency band, and

#### **Frequencies**

- 16.1 The Postmaster General shall assign for the duration of the licence, at least 9MHz of the paired frequencies in the frequency band 890 MHz to 960 MHz and 2 x 10 MHz in the 1800 MHz frequency band to the Licensee in accordance with a Master Frequency Plan as amended from time to time by the Postmaster General to confirm with internationally accepted standards.
- 16.2 The Licensee shall only be entitled to utilise as assigned frequency after the issue by the Postmaster General of a valid Radio Licence covering such frequency.

#### **Multiparty Implementation Agreement**

#### **Introduction**

Whereas a Radio Licence permitting the Licensee to use radio frequencies in the 890 MHz to 960 MHz and 1800 MHz bands and a Telecommunications Licence authorising the construction, maintenance and use of GSM Telecommunications Lines have been granted on even date to each of Vodacom and MTN and such Licences are conditional on each of Vodacom and MTN entering into supplemental agreements.

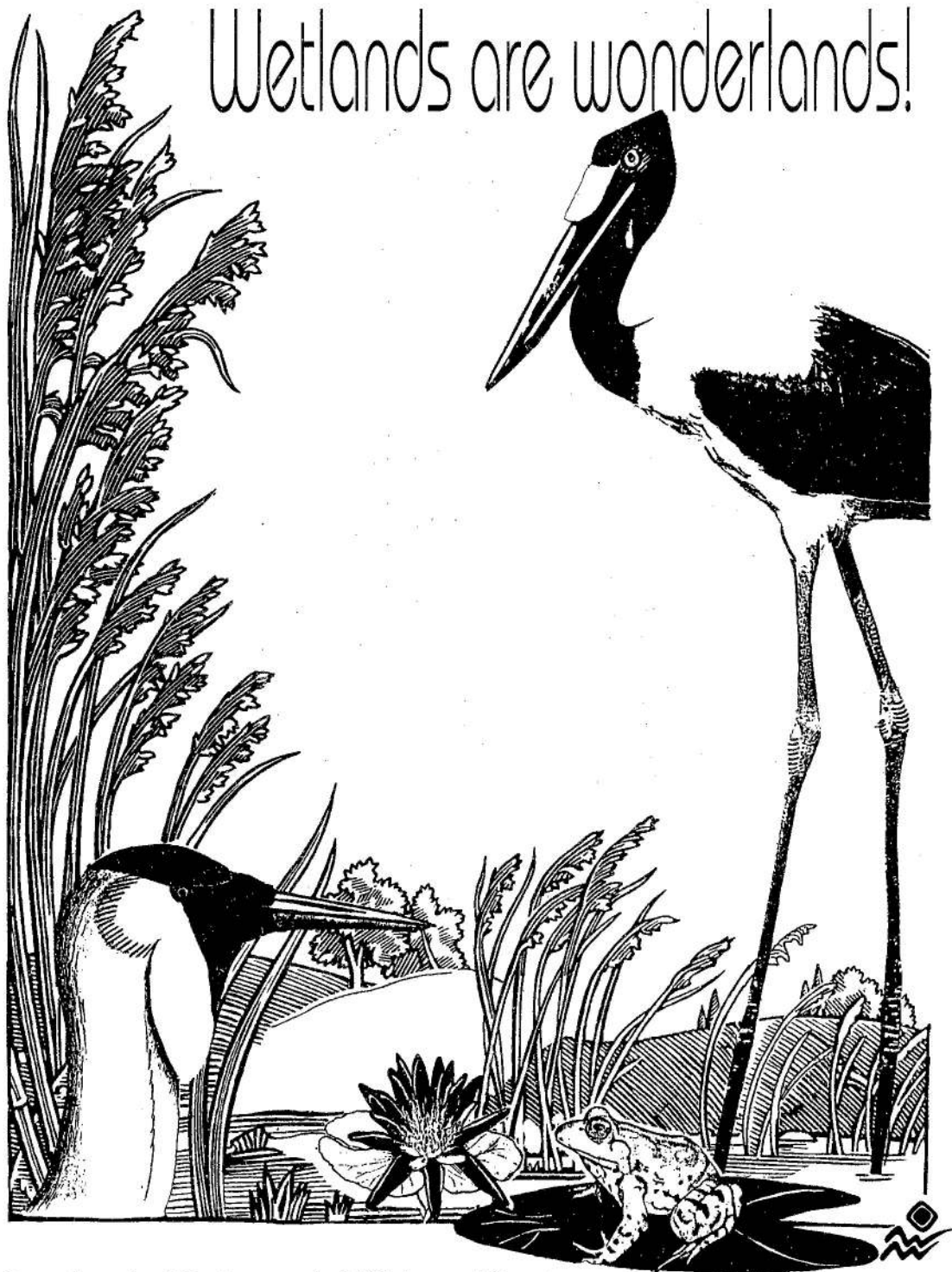
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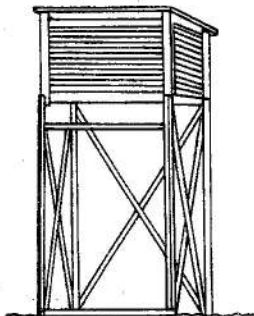
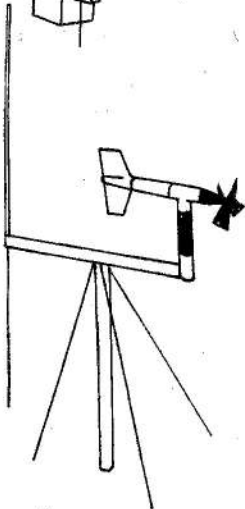
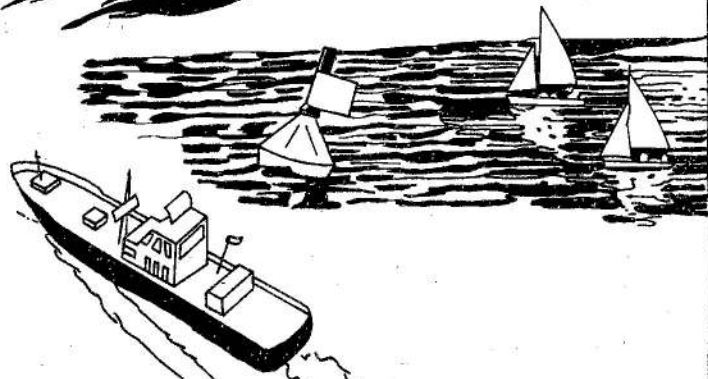
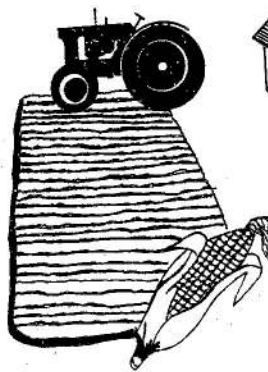
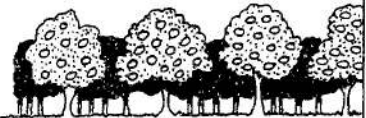
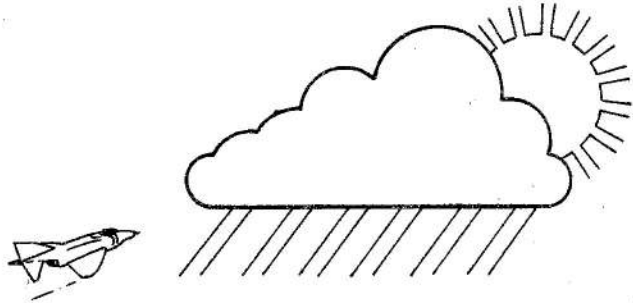
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Department of Environmental Affairs and Tourism

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