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SUID-AFRIKA

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No. 21642

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

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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**CONTENTS • INHOUD**

No.		Page No.	Gazette No.
<b>GENERAL NOTICES</b>			
<b>Independent Communications Authority of South Africa</b>			
<i>General Notice</i>			
4038	Telecommunications Act (103/1996): Notice of intention to make regulations in terms of section 96 read with section 88 (1): Relating to application fees and penalties for value added network services and private telecommunication networks .....	3	21642
4039	do.: Notice of intention to make regulations in terms of section 96 read with section 34 (1): Relating to value added network services .....	5	21642
4040	do.: Notice of intention to make regulations in terms of section 96 read with section 33 (2): Relating to certain types of telecommunication services or activities which may be conducted without a licence.....	9	21642
4041	do.: Notice of intention to make regulations in terms of section 52 (1): Relating to ownership and control of value added network services .....	11	21642
4042	do.: Notice of intention to make regulations in terms of section 96 read with section 67 (2): Relating to Universal Service Fund contributions by value added network service and private telecommunication network licensees .....	12	21642
4043	do.: In terms of section 27: The Independent Communications Authority of South Africa gives notice of its intention to hold an enquiry into whether a virtual private network (VPN) constitutes a managed data network service (MDNS).....	13	21642

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## GENERAL NOTICES

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### NOTICE 4038 OF 2000

#### **NOTICE OF INTENTION TO MAKE REGULATIONS IN TERMS OF SECTION 96 READ WITH SECTION 88(1) OF THE TELECOMMUNICATIONS ACT 103 OF 1996 ("THE ACT") RELATING TO APPLICATION FEES & PENALTIES FOR VALUE ADDED NETWORK SERVICES & PRIVATE TELECOMMUNICATION NETWORKS.**

Interested persons are hereby invited to submit written representations in relation to this regulation to the Authority by no later than **13h00 on Tuesday, 9<sup>th</sup> of January 2001** by post, hand delivery or facsimile transmission. Where available a softcopy of the corresponding hardcopy of the representation should be e-mailed to [matta@satra.gov.za](mailto:matta@satra.gov.za).

The written representations must be addressed to **Mr Andries Matthysen**, Acting HOD: Telecommunication Licensing, Independent Communications Authority of South Africa, Private Bag X1, Marlboro, 2063, or Block A, Pin Mill Farm, 164 Katherine Street, Sandton, Facsimile (011) 321-8550, Tel 011 321 8377 or Cell 083 326 3543.

Persons making written representations must indicate in their representations if they wish to make oral representations (and the duration thereof which shall not exceed one (1) hour) at the public hearings to be held on **23<sup>rd</sup> of January 2001 at 10h00** at Block B, Pin Mill Farm, 164 Katherine Street, Sandton, Gauteng.

**MANDLA LANGA  
CHAIRPERSON  
ICASA**

### **Draft SCHEDULE**

#### **1. APPLICATION FEES (SECTION 88(1))**

The following application fees shall accompany application for the respective licence categories:

- |    |   |            |
|----|---|------------|
| a) | Value Added Network Services (VANS)       | R10,000.00 |
| b) | Private Telecommunications Networks (PTN) | R10,000.00 |

#### **2. TIME FOR PAYMENT OF LICENCE FEES FOR VANS & PTNs LICENCES (SECTION 88(2))**

- a) The first payment of licence fees for any Value Added Network Service Licence or Private Telecommunications Network licence shall be paid on or before the date specified on the licence, for such payment.

- b) Subsequent annual licence fees shall be paid on or before the same day and month specified on the licence, of each year thereafter.

**3. PENALTY FOR LATE PAYMENT (SECTION 88(3))**

A licensee who fails to pay the annual fee on or before the due date shall, in addition to the annual fee, pay a penalty comprising 16% (sixteen percent) of the licence fee calculated annually.

**NOTICE 4039 OF 2000****NOTICE OF INTENTION TO MAKE REGULATIONS IN TERMS OF SECTION 96 READ WITH SECTION 34(1) OF THE TELECOMMUNICATIONS ACT 103 OF 1996 ("THE ACT") RELATING TO VALUE ADDED NETWORK SERVICES.**

Interested persons are hereby invited to submit written representations in relation to this regulation to the Authority by no later than **13h00 on Tuesday, 9<sup>th</sup> of January 2001** by post, hand delivery or facsimile transmission. Where available a softcopy of the corresponding hardcopy of the representation should be e-mailed to [matta@satra.gov.za](mailto:matta@satra.gov.za).

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**MANDLA LANGA**  
**CHAIRPERSON**  
**ICASA**

**Draft SCHEDULE****Definitions**

1. In these regulations any expression shall have the meaning ascribed to it in the Telecommunications Act (Act 103 of 1996) (the "Act") and unless the context otherwise indicates -

**"Value Added Network Service"** means a telecommunication service(s) provided by a person over a telecommunication facility to one or more customers concurrently, during which value is added for the benefit of the customer(s). Such added value can consist of one or more of the following

- any kind of technological intervention, presently available or still to be developed, that would act on the content, format, protocol or similar aspects of

- the signals transmitted and received by the customer(s), primarily in order to provide those customer(s) with additional, different or restructured information,
- the provision of service access to, and interaction with, processes for storing and/or retrieval of text and data,
  - the application of technical resources and managerial skills that would increase the efficiency of the telecommunication facility and achieve the service objectives of customer(s).

Without derogating from the generality of this definition, VANS include, but are not limited to

- electronic data interchange;
- electronic mail;
- protocol conversion;
- access to a data base or a managed data network service
- voice mail;
- store-and-forward fax;
- video conferencing;
- telecommunication related publishing and advertising services, whether electronic or print;
- electronic information services;
- Internet access; and
- any other telecommunication service in respect of which the conveyance of signals is no more than incidental to, and necessary for, the provision of that service.

### **Licensing of Value Added Network Services**

2. The Authority shall determine if a service provided over a telecommunication facility falls within the scope of definition of the Value Added Network Services .

### **Manner and form of application**

3. An application for a Value Added Network Services licence or the amendment to a Value Added Network Services licence shall :
  - (1) be made to the Authority in writing;
  - (2) identify the applicant and for this purpose:
    - 1) if the applicant is a natural person, the full names, identity number, permanent residential and business addresses, telephone and fax numbers and e-mail address shall be furnished.

and e-mail address shall be furnished.

2) if the applicant is a juristic person, the following information shall be furnished:

- i) the full name, address (physical, postal and e-mail), telephone number, fax number, and where applicable, certified copies of all the founding documents of the applicant.
- ii) of each shareholder or member having an interest exceeding five percent of the total shares or interest in the applicant:
  - the full name, telephone number, business, residential and e-mail addresses;
  - the percentage of shares or interest;
  - the number of shares or interests, and.
  - the classes of shares or interest.
- iii) affiliated ownership interests of the applicant in other telecommunication licensees or entities which the applicant has the potential of competing with in South African telecommunication markets;
- iv) employment strategies related to historically disadvantaged individuals;
- v) the percentages of beneficial ownership by historically disadvantaged individuals, and
- vi) the percentages of control by historically disadvantaged individuals.

(3) Contain a full description of the service to be provided;

(4) Contain a full technical description of the network;

(5) Contain a full description of the geographical area where the service will be provided, including relevant maps;

(6) in the case of any telecommunications equipment to be connected to the public switched telecommunication network, contain a certificate of approval by the Authority of the equipment to be used.

**Period within which the applicant may request the Authority to furnish him/her/it with reasons for its intended decision or recommendation (section 35(1)(a)(ii) of the Act)**

4. (1) The applicant may not later than ten business days from the date of notification of the Authority's decision or recommendation made pursuant to his/her application, request the Authority in writing to furnish him/her with reasons therefor.
- (2) For the purpose of regulation 4(1), the date of notification shall be deemed to be:
- 1) the date of delivery if the notification is delivered by hand at the applicant's address;
  - 2) the seventh business day following the date of posting if the notification is posted by way of prepaid registered post, or
  - 3) the same day if the notification is transmitted by facsimile

**Period within which the applicant may make representation to the Authority in relation to the intended decision or recommendation (section 35(1)(b) of the Act)**

5. (1) The applicant may, not later than twenty one business days from the date of notification of the Authority's intended decision or recommendation, make written representations in regard thereto.
- (2) For the purposes of regulation 5(1), the provisions of regulation 4(2) above shall apply with the necessary alteration to the date of notification.



**NOTICE 4040 OF 2000****NOTICE OF INTENTION TO MAKE REGULATIONS IN TERMS OF SECTION 96 READ WITH SECTION 33(2) OF THE TELECOMMUNICATIONS ACT 103 OF 1996 ("THE ACT") RELATING TO CERTAIN TYPES OF TELECOMMUNICATION SERVICES OR ACTIVITIES WHICH MAY BE CONDUCTED WITHOUT A LICENCE.**

These regulations attempt to draw a distinction between Internet Access Providers and Internet Service Providers and the latter being exempted from requiring a telecommunications Licence.

Interested persons are hereby invited to submit written representations in relation to this regulation to the Authority by no later than **13h00 on Tuesday, 9<sup>th</sup> of January 2001** by post, hand delivery or facsimile transmission. Where available a softcopy of the corresponding hardcopy of the representation should be e-mailed to [matta@satra.gov.za](mailto:matta@satra.gov.za).

The written representations must be addressed to **Mr Andries Matthysen**, Acting HOD: Telecommunication Licensing, Independent Communications Authority of South Africa, Private Bag X1, Marlboro, 2063, or Block A, Pin Mill Farm, 164 Katherine Street, Sandton, Facsimile (011) 321-8550, Tel 011 321 8377 or Cell 083 326 3543.

Persons making written representations must indicate in their representations if they wish to make oral representations (and the duration thereof which shall not exceed one (1) hour) at the public hearings to be held on **23<sup>rd</sup> of January 2001 at 10h00** at Block B, Pin Mill Farm, 164 Katherine Street, Sandton, Gauteng.

**MANDLA LANGA**  
**CHAIRPERSON**  
**ICASA**

**Draft SCHEDULE****1. Definitions**

In these regulations any expression shall have the meaning ascribed to it in the Telecommunications Act (Act 103 of 1996) (the "Act") and unless the context otherwise indicates -;

**"Internet"** means a global network of interoperable packet switched data networks and other interactive computer services designed for, but not limited to, educational, research, informational or entertainment purposes — accessed by a person with a computer and a modem directly via an Internet access provider (*Tier 1 access*) or indirectly via an Internet service provider (*Tier 2 access*);

**"Internet access provider"** means any person that is responsible, in whole or in part, for the provision of direct access to the Internet by means of

telecommunication facilities provided by Telkom or any other person licenced to provide public switched telecommunication service;

**"Internet service provider"** means any person who provides indirect access (*Tier 2 access*) to Internet service through an Internet access provider (*Tier 1 access*). An Internet Service Provider does not own, operate or maintain a network, or part thereof, neither resell network capacity. An Internet Service Provider may: -

- a) render an *Interactive computer service* which means any information service, or access software provider that provides or enables computer access by multiple users to a computer server;
- b) act as an *Information content provider* which means any person that is responsible, for the creation or development of information provided through the Internet or any other interactive computer service.
- c) act as an *Access software provider* which means a provider of software (including client or server software), or enabling tools that do any one or more of the following:
  - i) filter, screen, allow, or disallow content;
  - ii) pick, choose, analyze, or digest content; or
  - iii) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.

#### **INTERNET ACCESS PROVIDERS VIS-À-VIS INTERNET SERVICE PROVIDERS**

1. Internet access providers shall require a Value Added Network Service licence;
2. Internet Service Providers are exempt from the licensing requirements of section (1).

**NOTICE 4041 OF 2000****NOTICE OF INTENTION TO MAKE REGULATIONS IN TERMS OF SECTION 96 READ WITH SECTION 52(1) OF THE TELECOMMUNICATIONS ACT 103 OF 1996 ("THE ACT") RELATING TO OWNERSHIP & CONTROL OF VALUE ADDED NETWORK SERVICES.**

Interested persons are hereby invited to submit written representations in relation to this regulation to the Authority by no later than **13h00 on Tuesday, 9<sup>th</sup> of January 2001** by post, hand delivery or facsimile transmission. Where available a softcopy of the corresponding hardcopy of the representation should be e-mailed to [matta@satra.gov.za](mailto:matta@satra.gov.za).

The written representations must be addressed to **Mr Andries Matthysen**, Acting HOD: Telecommunication Licensing, Independent Communications Authority of South Africa, Private Bag X1, Marlboro, 2063, or Block A, Pin Mill Farm, 164 Katherine Street, Sandton, Facsimile (011) 321-8550, Tel 011 321 8377 or Cell 083 326 3543.

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**MANDLA LANGA**  
**CHAIRPERSON**  
**ICASA**

**Draft SCHEDULE**

The ownership and control interests in a VANS licence by historically disadvantaged persons shall not equate to less than fifteen percent (15%) of the total ownership and control interests in such a licence.

**NOTICE 4042 OF 2000****NOTICE OF INTENTION TO MAKE REGULATIONS IN TERMS OF SECTION 96 READ WITH SECTION 67(2) OF THE TELECOMMUNICATIONS ACT 103 OF 1996 ("THE ACT") RELATING TO UNIVERSAL SERVICE FUND CONTRIBUTIONS BY VALUE ADDED NETWORK SERVICE AND PRIVATE TELECOMMUNICATION NETWORK LICENSEES.**

Interested persons are hereby invited to submit written representations in relation to this regulation to the Authority by no later than **13h00 on Tuesday, 9<sup>th</sup> of January 2001** by post, hand delivery or facsimile transmission. Where available a softcopy of the corresponding hardcopy of the representation should be e-mailed to [matta@sarra.gov.za](mailto:matta@sarra.gov.za).

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**MANDLA LANGA**  
**CHAIRPERSON**  
**ICASA**

**Draft SCHEDULE**

Value Added Network Services (VANS) and Private Telecommunications Network (PTN) licensees shall contribute 0.25% of their annual turnover towards the Universal Service Fund from the effective date of this regulation.

**NOTICE 4043 OF 2000**

**THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA HEREBY IN TERMS OF SECTION 27 OF THE TELECOMMUNICATIONS ACT OF 1996 ("THE ACT") GIVES NOTICE OF ITS INTENTION TO HOLD AN ENQUIRY INTO WHETHER A VIRTUAL PRIVATE NETWORK (VPN) CONSTITUTES A MANAGED DATA NETWORK SERVICE (MDNS).**

The Independent Communications Authority of South Africa gives notice of its intention to hold an enquiry in terms of Section 27 of the Telecommunications Act of 1996.

The subject of the enquiry is the question of whether a virtual private network (VPN) constitutes a managed data network service (MDNS) or not.

Interested persons are hereby invited to submit written representations in relation to this enquiry to the Authority by no later than **13h00 on Thursday, 9<sup>th</sup> of November 2000** by post, hand delivery or facsimile transmission. Where available a softcopy of the corresponding hardcopy of the representation should be e-mailed to [matta@sata.gov.za](mailto:matta@sata.gov.za).

The written representations must be addressed to **Mr Andries Matthysen**, Acting HOD: Telecommunication Licensing, Independent Communications Authority of South Africa, Private Bag X1, Marlboro, 2063, or Block A, Pin Mill Farm, 164 Katherine Street, Sandton, Facsimile (011) 321-8550, Tel 011 321 8377 or Cell 083 326 3543.

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**MANDLA LANGA  
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