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REPUBLIC OF SOUTH AFRICA  
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## GENERAL NOTICES

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### NOTICE 2284 OF 2003



#### INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

#### **NOTICE OF INTENTION TO DETERMINE TERMS AND CONDITIONS OF A VALUE-ADDED NETWORK SERVICE LICENCE AND A PRIVATE TELECOMMUNICATIONS NETWORK LICENCE.**

The Independent Communications Authority of South Africa ("the Authority"), hereby:

- (1) Gives notice that it intends making the following regulations in terms of section 32(1) read with sections 34, 35, 39(4), 40 and 41(1) (b) and (c) of the Telecommunications Act, 1996 (Act No. 103 of 1996), as amended.
- (2) In Government Gazette No. 22349 published on 1 June 2001, the Authority gave notice of its intention to hold an enquiry on the proposed terms and conditions of a value-added network service licence and a private telecommunications network licence.
- (3) After receiving written and oral representations on the proposed terms and conditions from interested parties, the Authority has revised the proposed terms and conditions. The Authority would like to receive additional public comment on

the revised terms and conditions of a value-added network service licence and a private telecommunication network licence.

- (4) The Authority hereby invites written comments from interested parties within 30 days from publication of this notice with regard to the proposed amendments.
- (5) Persons submitting written representations are invited to indicate on the first page of the submission whether they would like to make oral presentations which should be limited to one hour.
- (6) Interested persons are hereby invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 30 days from publication of this notice**, by post, hand delivery or fax and also in electronic format (Microsoft Word 6.0, Adobe PDF) for the attention of:
- (7) Mr. Phineas Moleele  
Manager: Telecommunications Licensing  
ICASA Private Bag X10002, Sandton, 2146,  
Block C,  
ICASA  
Pin Mill Farm,  
164 Katherine Street, Sandton;  
Telephone (011) 321-8228;  
Facsimile (011) 321 8583,  
E-mail: pmoleele@icasa.org.za.

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

**NOTICE 2285 OF 2003****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA  
LICENCE FOR THE PROVISION OF VALUE-ADDED NETWORK SERVICES**

In terms of the provisions of section 40 of the Telecommunications Act (Act 103 of 1996) and the applicable regulations

**"VANS provider's name"**

(hereafter called the Licensee), is hereby licensed to provide value-added network services, subject to the following terms and conditions:

**DEFINITIONS AND INTERPRETATIONS**

1. In this licence, unless otherwise stated, words and terms used shall have the same meaning as defined in the Telecommunications Act, (Act No. 103 of 1996, as amended) and any regulations derived therefrom.

**"Act"** means the Telecommunications Act, 1996 (Act No. 103 of 1996, as amended).

**"Licence Fee Income"** means the total annual invoiced revenue of the Licensee (less discounts, value-added tax and other indirect taxes) derived from customers for the provision to them of any aspect of the value-added network services, less net facilities leasing fees and charges and bad debts incurred and as provided for in terms of the Income Tax Act, No. 58 of 1962.

**"value-added network service"** means a telecommunication service provided by a person over a telecommunication facility, which facility has been obtained by that person in accordance with the provisions of section 40(2) of the Act, to one or more customers of that person concurrently, during which value is added for the benefit of the customers, which may consist of-

- (a) any kind of technological intervention that would act on the content, format or protocol or similar aspects of the signals transmitted or received by the customer in order to provide those customers with additional, different or restructured information;



- (b) the provision of authorised access to, and interaction with, processes for storing and retrieval of text and data;
- (c) managed data network services.

## **RIGHTS AND OBLIGATIONS OF THE LICENSEE**

### **2. Unless otherwise stated**

- a. The Licensee shall be entitled, subject to the other provisions in this licence, to provide any or all value-added network services.
- b. This Licensee shall provide its service by means of telecommunications facilities provided by Telkom, the second national operator, or under serviced area licensees as the case may be, until a date to be fixed by the Minister by notice in the Government Gazette.

## **TERM OF VALIDITY**

- 3. This licence will come into effect on the date of issue and remain valid for a period of ten (10) years, provided that such a licence may be renewed on application in accordance with the provisions of section 49 of the Act.

## **LICENCE FEE**

- 4. The licensee shall on each anniversary of the date of issue pay to the Authority an annual variable licence fee in amount equal to 0.1% of the audited Licence Fee Income.

Issued at .....on ..... day of ..... 20....

.....  
Chairperson

.....  
Chief Executive Officer

**NOTICE 2286 OF 2003****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA  
LICENCE FOR A PRIVATE TELECOMMUNICATION NETWORK**

In terms of the provisions of section 41 of the Telecommunications Act (Act 103 of 1996) and the applicable regulations

**"PTN Provider's Name"**

(hereafter called "the Licensee"), is hereby licensed to construct and use a private telecommunication network, subject to the following terms and conditions:

**1. DEFINITIONS AND INTERPRETATIONS**

In this licence, unless otherwise stated, words and terms used shall have the same meaning as defined in the Telecommunications Act No. 103 of 1996, as amended and any regulations derived therefrom.

**"Act"** means the Telecommunications Act, (Act No. 103 of 1996, as amended).

**"private telecommunication network"** means a telecommunication system provided by a person for purposes principally or integrally related to the operations of that person and which is installed onto two or more separate, non-contiguous premises and where the switching systems (nodes) of at least two of these premises are interconnected to the public switched telecommunication network as contemplated in section 41.

**2. RIGHTS OF THE LICENSEE****a) Unless otherwise stated:**

The Licensee shall be entitled, subject to other provisions in this licence, to utilise the private telecommunication network, to provide any and all types of telecommunication services principally and integrally related to the operations of its business.

### 3. TERM OF VALIDITY

This licence shall come into effect on the date of issue and shall remain valid for a period of ten (10) years from that date, provided that such a licence may be renewed on application in accordance with the provisions of section 49 of the Act.

### 4. LICENCE FEE

The licensee shall on each anniversary of the date of issue pay to the Authority an annual licence fee of R5000.

Issued at .....on ..... day of ..... 20.... By

.....  
Chairperson

.....  
Chief Executive Officer

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