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GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

No. 1159

29 October 2008

**MINISTER OF COMMUNICATIONS
ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)****POLICY DIRECTION ON THE LICENSING FRAMEWORK OF BROADBAND
INFRACO (PROPRIETARY) LIMITED**

I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, in accordance with Section 3 (5) of the Electronic Communications Act 2005 (Act No. 36 of 2005), hereby publish for public comment, my intention to issue the following policy direction to ICASA with the view to provide a licensing framework for Broadband INFRACO (Proprietary) Limited,

Interested persons are invited to furnish comments on the proposed policy direction, within 30 days of the date of publication of this notice at any of the following addresses:

For attention: The Director, Telecommunications Policy
Department of Communications;

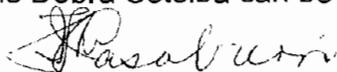
Post to: Private Bag X 860
Pretoria
0001;

or deliver to: First Floor, Block A3
iParioli Office Park
399 Duncan Street
Hatfield;

or fax to: (012) 427 8059
or e-mail to: policycomments@doc.gov.za

Please note that comments received after the closing date may be disregarded.

Ms Debra Setsiba can be reached at tel. (012) 427 8029 for any enquiries.



Dr. Ivy Matsepe-Casaburri
Minister of Communications
2008-09-12

SCHEDULE

POLICY DIRECTION ON THE LICENSING FRAMEWORK OF BROADBAND INFRACO (PROPRIETARY) LIMITED

Acknowledging that Broadband INFRACO (Proprietary) Limited has been established in terms of the Broadband INFRACO Act, 2007 (Act No. 33 of 2007) to expand the availability and affordability of access to electronic communications, including but not limited to under-developed and under-served areas, through the provision of—

- (a) electronic communications network services; and
- (b) electronic communications services.

Further acknowledging the need for a strategic policy intervention to ensure the licensing of Broadband INFRACO (Proprietary) Limited to provide the services contemplated in the Broadband INFRACO Act.

The Independent Communications Authority of South Africa (ICASA) is therefore directed to conduct the necessary processes to grant individual licenses to provide electronic communications network services and electronic communications services to Broadband INFRACO (Proprietary) Limited in accordance with the licensing framework below.

THE LICENSING FRAMEWORK

- (1) In view of the fact that Broadband INFRACO (Proprietary) Limited is a public entity that holds an ownership interest of greater than twenty-five (25%) per cent of its share capital and will have significant impact on socio-economic development, ICASA must, upon application and due consideration, grant Broadband INFRACO (Proprietary) Limited individual licenses for the following:
 - (a) electronic communications network services; and
 - (b) electronic communications services.
 - (2) ICASA shall within 30 days of the coming into effect of the policy directive and once the license fees regulation have been published:
 - (a) commence with the licensing process in a transparent and fair manner;
 - (b) publish the license terms and conditions as well as obligations for a state entity; and
 - (c) the dates for submission of an application in a manner informed by ICASA. (The application forms are set out in the process and procedures regulations outlined in Government Gazette No. 30916 published on 31 March 2008).
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