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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 4139

1 December 2023

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

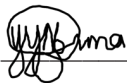
NOTICE OF INTENTION TO CONDUCT AN INQUIRY ON THE EFFECTS OF LOAD SHEDDING AND THE REGULATORY RELIEF MEASURES THE AUTHORITY MAY CONSIDER AS IT SEEKS WAYS TO ALLEVIATE THE IMPACT OF LOAD SHEDDING IN THE ELECTRONIC COMMUNICATIONS, BROADCASTING, AND POSTAL SECTORS

1. The Independent Communications Authority of South Africa ("the Authority") regulates the electronic communications, broadcasting, and postal sectors in South Africa. The Authority is empowered to regulate the three sectors in terms of the following relevant legislative framework: the Independent Communications Authority of South Africa Act, No. 13 of 2000, as amended ("ICASA Act"), the Electronic Communications Act No. 36 of 2005, as amended ("ECA"), the Broadcasting Act No. 4 of 1999, as amended ("Broadcasting Act") and the Postal Services Act No. 124 of 1998 ("Postal Services Act") as amended.
2. Following the termination of the State of Disaster and all associated Regulations/Directions by The Minister of Cooperative Governance and Traditional Affairs (CoGTA), the Authority established a Council committee to conduct an inquiry to look at possible ways in which licensees in the identified sectors may be given relief from challenges caused by loadshedding.
3. In terms of section 4B of the Independent Communications Authority of South Africa Act no. 13 of 2000 ("ICASA Act"), the Independent Communications Authority of South Africa ("the Authority") hereby gives notice of its intention to conduct an inquiry into the effects and measures to be introduced to alleviate challenges of load shedding in the electronic communications, broadcasting, and postal services sectors.

4. The purpose of the Inquiry is to solicit views and inputs from interested stakeholders on the impact of load shedding and the regulatory relief measures the Authority may consider, in seeking to alleviate the impact of load shedding in the electronic communications, broadcasting, and postal services sectors during the various stages of load shedding.
5. The Inquiry will be in the form of a questionnaire wherein interested parties will be required to answer a series of questions in **Annexure A**. When responding to the questions, interested parties are requested to explain their answers and support them with any relevant evidence and documentation where applicable.
6. Interested parties are hereby invited to make written representations within forty-five (45) days from the date of publication of this Notice.
7. Interested parties must submit an electronic version of the representation in PDF format.
8. Written representations should be emailed to electricitycrisis@icasa.org.za. Enquiries should be directed to Mr Gumani Malebusha at email address GMalebusha@icasa.org.za or Mr Eric Nkopodi at email address ENkopodi@icasa.org.za.
9. In terms of section 4D of the ICASA Act, any person may request that any part of the written submission be treated as confidential. Requests for Confidentiality must be submitted in line with the Guidelines for Confidentiality Request as published in Government Gazette No. 41839 of 17 August 2018.
10. Where an interested party has requested confidentiality on sections of its written submission, the written submission must be accompanied by one (1) non-confidential copy with redacted sections. The non-confidential version of the written submission will be published for public comment if the request for confidentiality is granted.
11. Requests for confidentiality will be considered within fourteen (14) working days of receiving the request. The Authority will communicate its decision to the respective Applicant. Where the request for confidentiality is refused, the person who made the request will be allowed to withdraw such representations or portion(s) thereof.
12. Written representation(s) received by the Authority pursuant to this notice, will be made available for inspection by interested persons at the Authority's library and website. Library copies will be obtainable upon payment of the prescribed fee at ICASA

Library at the following address: 350 Witch-Hazel Avenue, Eco Point Office Park, Eco Park, Centurion between 09h00 and 16h00, Monday to Friday.

13. Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations should the Authority decide to hold public hearings. The Authority may hold public hearings on the issues raised in the context of this Inquiry if deemed necessary. The Authority will notify stakeholders of the date, time, and venue in this regard.
14. Due to the need to ensure that the public continues to receive electronic communications, broadcasting, and postal services during various stages of loadshedding, the Authority may develop regulations and publish same in terms of section 4 (7)(b) of the Electronic Communications Act, 2005 should it find that there is an urgent need to implement regulatory measures and relief to licensees by regulations.



YOLISA KEDAMA

ACTING CHAIRPERSON

DATE: 2023 / 11 / 29

ANNEXURE A

Provide a response where applicable:

1. Describe the impact loadshedding is having on your business and provide substantive reasoning around the following areas: economic (e.g business performance, business viability, etc.), infrastructure, social and consumer impact from 01 November 2020 to date.
2. Quantify the severity of the impact of loadshedding in terms of the loadshedding stages.
3. What measures, if any, have you put in place to mitigate the negative impact of loadshedding?
3.1 Have the measures put in place been effective and sustainable?
4. How has loadshedding affected Customer Service?
4.1 What is the proportion of complaints that have been lodged in relation to customer service as a result of loadshedding from 01 November 2020 to date?
4.2 What has been the response, if any, to the customer complaints related to loadshedding?
4.3 Have the responses or solutions to customer complaints been effective and if so, how? Please explain.
4.4 As of 01 November 2020, what has been the impact of loadshedding on customer churn?
4.5 What strategy(ies) did you put in place to retain your customer base during loadshedding?
4.6 In implementing the above strategies or solutions to customer churn, what were the intended benefits to your customers?
4.7 Has there been any compensation provided to consumers for service degradation? if not, is there any proposal(s) to compensate consumers?
5. What are the impediments that are a result of ICASA's existing regulatory framework on your business, particularly related to loadshedding?
6. What regulatory interventions within the Authority's mandate should the Authority consider in order to provide relief to the electronic communications, broadcasting and postal sector concerning each stage of loadshedding? The interventions should be limited to what is within the Authority's mandate.
6.1 How should these interventions vary depending on each stage of loadshedding?
GENERAL QUESTIONS
7. Are there agreements in place in terms of the Energy Users Block Exemption, 2023? If so, have they yielded positive results?
8. Have you concluded any wheeling agreements with Independent Power Producers (IPPs and ESKOM)? If not, are there any plans to conclude such agreements in future?

9. Are there any efforts in place to combat theft, vandalism, and destruction of infrastructure during loadshedding?

10. What measures, if any, have you put in place within your space to mitigate the impact of loadshedding on the business and your customers?

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