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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**NOTICE 2383 OF 2024****ELECTRONIC COMMUNICATIONS ACT, 2005 AS AMENDED (ACT NO. 36 OF 2005)****APPLICATION FOR THE AMENDMENT OF RADIO FREQUENCY SPECTRUM LICENCE FOR THE PROVISION OF A MOBILE TELEVISION BROADCASTING BY E.TV (PTY) LTD**

1. The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it has received an application from e.tv (Pty) Ltd ("the Applicant") for an amendment of its Radio Frequency Spectrum (RFS) licence for the provision of a Mobile Television Broadcasting.
2. The application is submitted in terms of section 10 of the Electronic Communications Act No. 36 of 2005 as amended ("the EC Act") read with regulation 9 of the Processes and Procedures Regulations for Individual Licences, 2010 as amended.
3. In terms of section 10(2) read with section 9(2) of the EC Act, the Authority is required to give notice of the application in the Government Gazette and invite interested persons to submit written representations in relation to the application.
4. The Applicant submits that it holds eighty-one percent (81%) equity ownership from historically disadvantaged individuals as required in terms of section 9(2)(b) of the EC Act.
5. The application for amendment and any representations received pursuant to this notice, will be made available to any interested party on the Authority's website: www.icasa.org.za.

6. Any interested party is invited to lodge written representations in relation to the application within fourteen (14) working days from the date of publication of this notice in the Government Gazette.
7. Persons who lodge representations must also indicate whether they wish to make oral submissions should the Authority decide to hold a public hearing in respect of the application.
8. All written representations, responses, and other correspondence in terms of this notice must be directed to the Licensing Department, at Block B, 350 Witch – Hazel Avenue, Eco Point Office Park, Eco Park, Centurion OR Private Bag X10, Highveld Park, 0169 OR by e-mail: Licensing@icasa.org.za.
9. Any person/s who lodge representations in terms of this notice, must also furnish proof to the Authority's satisfaction that a copy of the representation has been delivered to Mr Antonio Sergio Lee via email: Antonio.Lee@etv.co.za OR delivered by hand to e.tv (Pty) Ltd 4 Albury Road, Dunkeld West, Johannesburg, 2196.
10. The Applicant has the right to respond in writing to the written representations made by any interested person/s on the application. The written responses must be lodged with the Authority within twenty-eight (28) working days from the date of publication of this notice in the Government Gazette.
11. The Applicant must, at the time of lodging the written response/s, furnish proof to the Authority's satisfaction that it has delivered a copy of such response/s via email OR by hand to the relevant person/s having made the written representation.
12. e.tv seeks approval from the Authority to amend its RFS licence for the provision of a Mobile Television Broadcasting Service as follows:

Schedule Sub-Clause 4.2 – Languages – News and Information Programming

- 12.1 It thus reads as follows: *"The Licensee shall broadcast a minimum of two (2) hours of news and information programming per week during the performance period in a wide range of official languages other than English and shall make provision for sign language translation on screen during*

the prime time news bulletin. In complying with its obligations in respect of the use of official languages other than English, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of other official languages."

- 12.2 e.tv proposes that this clause be amended to add the following words at the end of sub-clause 4.2:

"shall be measured across all channels broadcast in terms of this licence."

Schedule 2 Sub-Clause 4.3 – Languages – Programming other than News and Information Programming

- 12.3 Sub-Clause 4.3 reads as follows: *"The Licensee shall broadcast four (4) hours of programming other than news and information per week in official languages other than English. Compliance with this sub-clause shall be measured accordingly over the licence year. In complying with the above obligations, the Licensee shall not make excessive use of a single language, other than English, to the exclusion of the other official language."*

- 12.4 e.tv further proposes to add the following words at the end of sub-clause 4.3 to read as follows: *"shall be measured across all channels broadcast in terms of this licence"*

Schedule Clause 8 – Information Programming

- 12.5 Clause 8 reads as follows: *"The Licensee shall broadcast at least nineteen (19) hours of information programming per week, at least two (2) hours of which shall be broadcast during prime time."*
- 12.6 e.tv further proposes to add the following words at the end of the existing paragraph to read as follows: *"The measurement of the obligations set out herein shall be measured across all channels broadcast in terms of this Licence."*

Schedule Clause 9(b) – News and Current Affairs

12.7 Clause 9(b) reads as follows: *"The Licensee shall broadcast at least two (2) hours of news programming during the performance period, of which at least thirty (30) minutes, packaged as a single programme, shall be broadcast during prime time."*

12.8 e.tv further proposes to add the following words at the end of existing Clause 9(b) to read as follows: *"The Licensee shall make provision for sign language translation on screen during the prime time news bulletin."*

Schedule Clause 10(b) – Programming Targeting at Children

12.9 Clause 10(b) reads as follows: *"The Licensee shall broadcast the children's programming referred to in sub-clause (a) above, between the hours of 13h00 and 18h00 on weekdays and between 07h00 and 13h00 on weekends, provided that:*

- (i) the Licensee shall endeavour to ensure that programming is broadcast at times when large numbers of children are likely to be watching television;*
- (ii) in exceptional circumstances and then only to the extent reasonably necessary, the Licensee may broadcast other programming during the above-mentioned time periods ordinarily allocated to children's programming if a particular broadcast event of considerable importance necessitates that the children's programming be interrupted; and*
- (iii) the total amount of children's programming to be broadcast by the Licensee, to be circulated as a weekly average over the period of a licence year, shall not be reduced."*

12.10 e.tv further proposes to amend sub-clause 10(b) to read as follows: *"The Licensee shall broadcast children's programming referred to in sub-clause 10(a) above, at appropriate times for children, provided that:*

- (i)"*

Schedule Clause 10(c) – Addition of a new clause after the existing clause 10(c) to be numbered 10(d).

12.11 e.tv further proposes to add a new sub-clause 10(d) to read as follows:

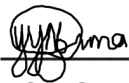
"The measurement of the obligations set out in this clause 10 shall be measured across all channels broadcast in terms of this licence."

Schedule Clause 15 – Limitations on Advertising and Provision of Advertising-related Information.

12.12 Clause 15 reads as follows: *"The Licensee may not broadcast:*

- (a) more than an average of ten (10) minutes of advertisements per hour on the licensed service during any licence year, and*
- (b) advertisements in excess of twelve (12) minutes in any one hour."*

12.13 e.tv proposes the deletion of clause 15 in its entirety.



YOLISA KEDAMA

ACTING CHAIRPERSON

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