
GENERAL NOTICE

NOTICE 315 OF 2006



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

HEREBY ISSUE NOTICE IN TERMS OF SECTION 29(4) OF THE TELECOMMUNICATIONS ACT NO. 103 OF 1996 and SECTION 31(2) OF THE INDEPENDENT BROADCASTING AUTHORITY ACT NO. 153 OF 1993, INVITING REPRESENTATIONS ON ITS INTENTION TO USE CHANNEL 65 AS DESCRIBED IN THE ANNUAL TERRESTRIAL BROADCASTING FREQUENCY PLAN (822-830 MHz) FOR NON-BROADCASTING SERVICES.

Whereas the Independent Communications Authority of South Africa is mandated in terms of Section 2 of Act No 13 of 2000 to -

- (a) regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society, as required by section 192 of the Constitution;
- (b) regulate telecommunications in the public interest; and
- (c) achieve the objects contemplated in the underlying statutes;

And whereas the Authority may from time to time prepare a frequency band plan in respect of any part of the radio frequency spectrum¹;

¹ Telecommunications Act No 103 of 1996, Section 29(1)
1 of 7 pages.

And whereas a frequency band plan shall aim at providing opportunities for the introduction of the widest range of telecommunication services and the maximum number of users thereof as is practically feasible²;

And whereas all powers, functions and duties in relation to the administration, management, planning and use of the broadcasting services frequency bands are vested in the Authority³;

And whereas one of the primary objects of the Independent Broadcasting Authority Act is to promote the most efficient use of the broadcasting services frequency bands⁴;

Now therefore the

1. The Independent Communications Authority of South Africa ("the Authority") hereby give notice and invite comment on the proposed use of channel 65 **as described in the Annual Terrestrial Broadcasting Frequency Plan (822-830MHz)** for non broadcasting services.

2. Interested persons are invited to submit written representations, including an electronic version of the representation in Microsoft Word, on the use of channel 65 (822-830MHz) for non broadcasting services.

3. Persons making representations are further invited to indicate whether they are requesting an opportunity to make oral representation (and the estimated duration thereof, which shall not exceed one hour). The Authority reserves the right to decide whether or not to hold a public hearing on this matter depending on the representation received.

4. Written representations may be posted or hand delivered for the attention of:

Mr. Calvo Mawela, Pr.Eng
Manager: Broadcasting Spectrum,
Email: cmawela@icasa.org.za;
Tel: +27 11-321-8463
Fax: +27 11-321-8564
*Private Bag X10002 or Block A
Sandton Pinmill Farm
2146 164 Katherine Street
South Africa Sandton*

5. All written representations submitted to the Authority pursuant to this notice shall be made available for inspection by interested persons from 31 March 2006 at the ICASA Library and copies of such representations and documents will be obtainable on payment of a fee.

6. At the request of any person who submits a written representation or document pursuant to this notice, the Authority may determine whether such representation or document, or portion thereof, relates to the financial capacity or business plan of any person, or to any other matter reasonably justifying confidentiality, in which event such

² Telecommunications Act No 103 of 1996, Section 29(2)(e)

³ Independent Broadcasting Authority Act No 153 of 1993, Section 29(1)(a)

⁴ Independent Broadcasting Authority Act No 153 of 1993, Section 31(2)(p)

representation or document shall not be made available for inspection by members of public. If the request for non-disclosure to public is refused, the person making the request will be allowed to withdraw the representation or document in question.

7. With respect to the documentation determined not to be open to public inspection as aforementioned in paragraph 6 above, the Authority may direct that the public or any member or category thereof, shall not be present during the oral submission relating to such documentation; provided that those present shall have been notified of this intention, allowed to object thereto and after such objections had been considered by the Authority.

8. Representations may address any relevant issue, whether or not such issue has been raised in the Discussion Document attached hereto. Furthermore, it is not a prerequisite that representations should address any or all of the issue raised in the Discussion Document.

9. The findings, recommendations and conclusions by the Authority following public comment, will be published in the Government Gazette in accordance with Section 29(6) of the Telecommunications Act No 103 of 1996 and Section 31(3) Independent Broadcasting Authority Act No 153 of 1993.

Discussion document attached;-