



**NAB SUBMISSION TO THE INDEPENDENT COMMUNICATIONS AUTHORITY
OF SOUTH AFRICA ON THE DRAFT TERRESTRIAL BROADCAST
FREQUENCY PLAN 2004, AS PUBLISHED IN GOVERNMENT NOTICE 2776
OF 03 DECEMBER 2004.**

14 JANUARY 2005

1. INTRODUCTION

- 1.1 On 03 December 2004, ICASA, in terms of section 31 (2) of the IBA Act, 1993, invited interested parties to give written input on the draft broadcast frequency plan (“draft plan”) and policy issues laid out in section 2 of the document. The National Association of Broadcasters (“the NAB”) welcomes the opportunity to make these written representations.
- 1.2 The NAB hereby also requests an opportunity to make oral representations in support of our written submission. The NAB requests 45 minutes to make such oral representations.
- 1.3 The NAB is the leading representative of South Africa’s broadcasting industry representing:
 - 1.3.1 All television broadcasters;
 - 1.3.2 18 SABC radio stations, 13 commercial radio broadcasters and more than 30 community radio broadcasters;
 - 1.3.3 Both the common carrier and the selective and preferential carrier licensed signal distributors.

2. GENERAL COMMENTS

- 2.1 The NAB notes that the publication of the draft plan comes at a time when the regulator is facing severe limitations in its broadcast frequency planning resources. The NAB also appreciates the pressures that currently exist with regards to digital migration planning. The NAB is

concerned that all of these pressures have had an impact on the many issues laid out in the plan, especially in relation to data accuracy and international coordination. These matters are dealt with in more detail in sections 3, 4 and 5 of this document.

2.2 The NAB further notes that the frequency plan should contribute to the stability of the broadcast industry by laying out current usage of frequencies and indicating future requirements.

2.3 The NAB believes that the omissions and inaccuracies that appear in the draft plan can lead to instability and uncertainty for the industry.

2.4 The NAB is of the view that rectifying these issues should be a priority for the regulator.

2.5 In this regard, the NAB refers ICASA to section 31 of the IBA Act, 153 of 1993.

2.5.1 Section 31(2) mandates ICASA to prepare a National frequency plan and sets the parameters within which ICASA must prepare such a plan.

2.5.2 Section 31(3) requires ICASA to publish the National frequency plan in the Government Gazette once the provision of section 31(2) has been met.

2.5.3 Section 31(5) provides the procedure for the annual review of the National frequency plan.

2.5.3.1 Section 31(5)(a) requires ICASA to review the frequency plan on an annual basis.

- 2.5.3.2 Section 31(5)(b) states that: *“The provision of subsections (2), (3) and (4) shall mutatis mutandis apply in relation to any amendment contemplated in paragraph (a) of this subsection”.*
- 2.5.3.3 In response to the 2003 Draft Plan, numerous representations were made on the need to re-issue the broadcast frequency plan annually. The NAB therefore re-submits that in terms of section 31(5)(b) ICASA is not required to revise and re-issue the complete frequency plan annually.
- 2.5.3.4 It is the NAB’s view that ICASA should only review the frequency plan in terms of amendments as contemplated in section 31(5)(a).
- 2.5.3.5 The NAB therefore recommends that the annual review of the frequency plan should be limited to amendments for which ICASA has received applications as well as such amendments as might be contemplated by ICASA in terms of orderly frequency management and as required by international regulation and co-ordination.
- 2.5.3.6 Furthermore, the NAB recommends that ICASA revisit and reissue the complete frequency plan every third year provided that the review process, as contemplated above, is adhered to.

- 2.5.4 It is the NAB's submission that the above recommendation is in line with the requirements of the IBA Act. It also allows the Regulator and broadcasting industry the opportunity to adequately address changes to the frequency plan.
- 2.5.5 However, the NAB submits that the contemplated process will only be of value to the Regulator and broadcasting industry if the frequency plan is comprehensive and accurate. It is therefore the NAB's view that the 2004 frequency plan should be viewed as an opportunity to eliminate all omissions and inaccuracies. Once this is achieved the process as recommended above could be implemented.
- 2.6 The NAB is also concerned with the little time that the industry has been allowed to comment on the draft plan. Although the notice was published in the Government Gazette on 03 December 2004 it only became publicly available on the 13th of December 2004. This meant that industry players only had 4 weeks to comment on the Draft Plan. Given that many people in the industry were already on leave, or about to go on leave, the time period in which industry could comment on the Draft Plan reduced to approximately 2 weeks. Although NAB wrote to the Authority on 14 December 2004 requesting an extension of time until the end of February 2005 to submit our comments, no response has been received to this letter.
- 2.7 The NAB also submits that the nature of the tables contained in the draft plan add to the difficulty of giving meaningful comment. The NAB recommends, as it did in its submission on the 2003 Draft Plan, that the tables should clearly highlight the changes and modifications that have been made to the plan for ease of reference, using the ITU convention of

indicating all changes by ADD, MOD and SUP for additions, modifications and supplements respectively.

3. FOCUS OF THE TERRESTRIAL BROADCAST FREQUENCY PLAN

- 3.1 The NAB submits that the broadcasting frequency plan also serves as an information document, not only for existing broadcasters but also for prospective investors in the broadcasting industry. For this reason, the NAB is of the view that the plan should be as comprehensive as possible.
- 3.2 NAB supports the introduction of digital broadcasting in South Africa and is actively participating in the activities of the National Preparatory Committee in preparation for the ITU Regional Radiocommunication Conference for Planning of the Digital Terrestrial Broadcasting Service in parts of Regions 1 and 3, in the Frequency Bands 174-230 MHz and 470-862 MHz ("**RRC-04/06**").
- 3.3 The Department of Communications ("**DoC**") has recently issued an Issues Paper on the Digital Migration of Broadcasting Systems. Consequently, we recommend that until such time as the ITU RRC-04/06 process has been concluded; the broadcasting frequency plan should remain an analogue plan.
- 3.4 In the 2004 Draft Plan, as in the final 2003 Plan, the Authority appears to be taking the view that digital broadcasting merely entails the migration of existing analogue television services to the use of digital modulation techniques, without exploiting the opportunities that digital broadcasting offers for the introduction of new services.

3.5 In Section 1.3 of the Draft Plan, the Authority states:

“The Frequency Plan has made allocations for terrestrial digital broadcasting. These reservations have been indicated in the table of assignments as a way forward to secure a smooth analogue-digital migration. The Regional Radiocommunication Conference (RRC) concerning the introduction of digital broadcasting in the VHF/UHF bands to be held in 2005 (sic) would be of significant input in finalising the digital frequency assignment part of this plan (refer to section 2.10)”

3.6 In Section 2.10 of the Draft Plan, the Authority states that it is involved in the Planning and Technical Working Groups for the ITU RRC, yet seems to be unaware that, on the recommendation of the 1st Session of RRC held in May 2004, the ITU Council resolved that the 2nd Session of the Conference will be held from 15 May to 16 June 2006. It is also not clear how this Conference to be held in 2006 would be of significant input in finalising the 2004 frequency plan.

3.7 The NAB wishes to reiterate its recommendation that until such time as the ITU RRC-04/06 process has been concluded, the broadcasting frequency plan should remain an analogue plan.

3.8 ICASA states that due regard must be given to both local and international reports of experts in the field of frequency planning. The NAB submits that the process of public comment allows for local experts to provide reports for ICASA’s consideration. The NAB is, however, not certain that the process allows international experts adequate opportunity to submit reports.

4. PRINCIPLES OF THE PLAN

4.1 ITU NOTIFICATION OF FREQUENCY ASSIGNMENTS

- 4.1.1 In the 2003 Plan the Authority stated that it was in the process of co-ordinating frequencies through the ITU. In the 2004 Daft Plan, the Authority again has stated that it is in the process of internationally co-ordinating and registering frequency assignments in the Master International Frequency Register maintained by the ITU.
- 4.1.2 The NAB believes that this project should receive the Authority's urgent attention, and submits that the Authority should now finalise these notifications as a matter of urgency.
- 4.1.3 The NAB submits that it is not only the Master International Frequency Register (MIFR) that must be updated, but no frequencies should appear in the national broadcasting frequency plan unless they have been internationally co-ordinated with our neighbouring countries and appear in the relevant ITU Regional Plan.
- 4.1.4 In accordance with the decisions of the first session of the Regional Radiocommunication Conference for planning of the digital terrestrial broadcasting service in parts of Regions 1 and 3, in the frequency bands 174-230 MHz and 470-862 MHz ("**RRC-04**"), which was held in Geneva from 10 to 28 May 2004, 31 October 2005 was set as the date for the establishment of the "Reference Situation" for the new digital broadcasting plan.

4.1.5 The Reference Situation is defined as:

“The reference situation contains the existing and planned assignments and allotments of the broadcasting service and the existing and planned assignments of the other primary services to be taken into account for the development of the Plan(s)”.

4.1.6 The GE89 Plan modification procedure as contained in Article 4 of the Regional Agreement can take up to 204 days to complete as it requires the active involvement of the ITU with administrative tasks (sending reminders and forwarding objections) as well as technical assistance, particularly to administrations from the developing countries, in resolving co-ordination difficulties between administrations.

4.1.7 This means that any existing frequency assignments that South Africa wants protected during the RRC planning process must be notified to the ITU no later than 31 March 2005.

4.2 PROTECTION OF EXISTING BROADCASTING SERVICES

4.2.1 The Authority states in § 2.5 of the Draft Plan that; “Due to reservations that have to be made particularly for digital audio broadcasting in VHF/TV channels 10 and 11, some assignments in the plan have been marked for change.”

4.2.2 The NAB is concerned with the above statement as the 1st Session of the ITU RRC determined that the whole of Band III (174 to 230 MHz) should be available for both DVB-T and T-DAB planning. Therefore, in the absence of national policy on digital broadcasting,

the NAB submits that no allocation should be made for digital sound broadcasting services until such a national digital broadcasting policy is in place.

4.3 EFFICIENT USE OF THE NATIONAL BROADCAST FREQUENCY SPECTRUM

- 4.3.1 It appears that § 2.7 of the Draft Plan is merely repetition of what was contained in the 2003 Plan. In § 2.7, the Authority states that *“the revised Plan adds a large number of FM and Television frequency assignments **as required by the Act**”*. The NAB is unaware of such a provision in the Act.
- 4.3.2 The NAB is concerned that the Authority is continually adding frequencies to the Plan as this has the effect of increasing the usable field strength of existing assignments in the Plan. Section 31(1) of the Act requires that the Authority prepare a frequency plan whereby the **maximum** number of frequencies available for broadcasting services is determined.
- 4.3.3 By adding frequencies to the plan, interference levels increase as additional assignments can only be made by re-using frequencies. NAB submits that the Authority should publish the resultant usable field strengths that result from additions to the plan to enable the South African broadcasting sector to objectively assess the Plan.
- 4.3.4 The NAB submits that without reference usable field strengths and the resultant new usable field strengths as a result of the additional frequencies being published, it is impossible to ascertain the impact on existing broadcasters.

4.4 PROMOTION OF RESEARCH INTO BROADCASTING POLICY AND TECHNOLOGY

4.4.1 The NAB submits that § 2.10 of the Draft Plan should be deleted for reasons given in § 3.2 above. This section does not address any research into broadcasting policy and technology undertaken by the Authority in the past year.

4.5 ANNUAL REVIEW OF THE PLAN

4.5.1 The NAB's comments and recommendations with regards to the annual review of the Frequency Plan are contained in the 'General Comments' section above.

4.6 DATA ACCURACY AND COMMUNITY RADIO FREQUENCY PLANS

4.6.1 The NAB supports the notion that the accuracy of the data contained in the Broadcast Frequency Plan is of crucial nature and appreciates ICASA's call for comments on the accuracy and feasibility of frequencies and associated parameters.

4.6.2 The NAB is deeply concerned that the 2004 Draft Plan contains numerous inaccuracies and omissions.

4.6.3 The NAB's concern stems from the fact that the Frequency Plan is an extremely important document in maintaining order in the broadcasting industry and for planning purposes.

4.6.4 The NAB has on numerous occasions proposed that ICASA establish an advisory body, consisting of representatives from ICASA and the industry, to assist ICASA in finalising the frequency plan and ensuring that it reflects current frequency usage and assignments. The NAB also believes that this would greatly assist ICASA in reliving some of the pressure on its resources.

5. BROADCASTING FREQUENCY BANDS INCLUDED IN THE FREQUENCY PLAN AND ITS USAGE IN SOUTH AFRICA

5.1 MF-AM BROADCASTING BAND

5.1.1 The Draft Plan states that there is currently a medium to high power MF-AM transmitting site situated at Roodepoort. NAB queries the validity of this. In the past the SABC did operate a MF transmitting site at Maraisburg in Roodepoort. However, this site was closed down and sold.

5.1.2 The Authority states that “The ITU planning principles allow for the addition of low power frequency assignment (sic) with a simplified coordination procedure.” The NAB submits that this statement should be amended to reflect that the Final Acts of the Regional Administrative LF/MF Broadcasting Conference (Regions 1 and 3 (GE 75), designate 3 specific channels (1485 kHz, 1584 kHz, 1602 kHz) as low power channels, and it is only within these channels that the simplified co-ordination procedure applies.

5.2 VHF TV BROADCASTING BAND

5.2.1 NAB submits that the paragraphs pertaining to the use of NICAM in the band 246 – 254 MHz (CH 13) are outdated and must be revised. It is our understanding that the shift in carrier frequency to 247.13 MHz has been completed and that any new Channel 13 assignments will be licensed accordingly.

5.3 UHF TV BROADCASTING BAND

5.3.1 In § 3.4.4 the Authority makes reference to SABRE 1. SABRE 1 no longer exists as a national allocation plan and was replaced by the South African Table of Frequency Allocations in terms of Notice 1442 of 2004 published in Government Gazette No 26584 on 15 July 2004.

5.3.2 The NAB submits that the Authority's statements concerning the public process on the need for a sharing study in the UHF TV band are outdated and should be deleted. This process was completed in 2003 and the Authority published its findings in Government Gazette No 25990 on 3 February 2004.

5.4 SPURIOUS EMISSION POWER LEVEL

5.4.1 The values for spurious emission power levels given in § 4.1.3.3 and 4.2.1.4 are only valid for transmitters installed before 1 January 2003 and are valid until 1 January 2012. For transmitters installed after 1 January 2003, and for all transmitters after 1 January 2012, the values as contained in Appendix 3 of the ITU Radio Regulations (2004 Edition) are applicable.

5.5 SELF-HELP SOUND BROADCASTING STATIONS

5.5.1 Reference is made to self-help sound broadcasting stations operating in the “regular VHF/FM band”. The NAB submits that this would imply that certain stations operate in a non-standard frequency band, or outside of the ITU designated spectrum for VHF/FM sound broadcasting. NAB is not aware that this is the case in South Africa and submits that the phrase “regular VHF/FM band” should be deleted.

5.6 TELEVISION SELF-HELP STATIONS

5.6.1 It is not clear why the Authority has classified self-help stations according to the province in which they are situated, in the Draft Plan. However, in numerous cases this has been done incorrectly and self-help stations have been placed into the wrong province.

5.6.2 The NAB also notes that the Authority refers to the “Northern Province” and not “Limpopo”. This should be corrected if the Authority intends persisting with the provincial classification. However, NAB submits that the provincial classification of self-help stations should be scrapped, as it serves no useful purpose.

5.6.3 Reference is made to self-help stations operating in the VHF band in special cases. However, these “special cases” are not defined. In the interests of clarity and the creation of stability in the broadcasting industry, the Authority should specify under what conditions television self help stations may operate in the VHF band, particularly as in § 2.13 of the Draft Plan, the Authority

requires applicants for self-help stations to make proposals to the Authority on the operating frequency.

5.6.4 The NAB also submits that the self-help stations database seems to contain numerous omissions and inaccuracies. The need to be addressed by ICASA as a matter of urgency. Members will make specific representations on these in their individual submissions.

5.7 E.R.P.

5.7.1 It is stated in the Draft Plan that the e.r.p. is “sometimes” rounded off to the nearest integer. The NAB submits that the Authority should specify when such rounding off occurs. However, the NAB would urge the Authority to adopt the ITU practise of indicating e.r.p. in dBW.

6. CONCLUSION

6.1 The NAB wishes to thank the Authority for the opportunity to make these written representations.

6.2 The NAB wishes to reiterate the importance of the accuracy of the Terrestrial Broadcast Frequency Plan in the interest of orderly frequency management in South Africa. The NAB is deeply concerned by the number and nature of inaccuracies that appear in the 2004 Draft Plan.

6.3 The industry has in the past made numerous requests and submissions to the Authority to establish a committee to assist it with spectrum management. The NAB urges the Authority to give this request serious

consideration, in order to relieve some of the pressure on the Authority's resources and in the interest of orderly frequency management.

6.4 The ITU has recognised that countries often have limited resources that can be applied to spectrum management and that often spectrum users and service providers are the most qualified to deal with the issues. Spectrum users also have a great deal of motivation for resolving spectrum issues because spectrum management is essential to the success of their organisations.

6.5 Similarly, the NAB strongly urges the Authority to give effect to the recommendation contained in the final Digital Broadcasting Advisory Body Report that:

“ICASA establish a standing committee of Council in terms of s.17 of the ICASA Act, no. 13 of 2000, to advise ICASA on the launch of digital terrestrial broadcasting in South Africa. This committee, made up of experts and representatives of industry, government and consumer representatives will be responsible for advising ICASA on the development of a migration plan including a frequency plan for digital broadcasting, and to oversee the process of migration from analogue to digital including reviews of targets and deadlines as well as transitional arrangements.”

6.6 The NAB strongly believes that these recommendations to make use of the expertise in the broadcasting industry, if accepted, will not negatively impact on the independence of the Authority. The legislature foresaw the need for such committees and made provision for such instances in the IBA Act. Such committees will not have decision-making powers and can only make recommendations to the Authority.

6.7 As the leading industry representative, the NAB trusts that ICASA will consider its submissions carefully. The NAB is available to assist ICASA on any matter raised in its submission and the Draft Plan.