



**NAB**  
National Association of Broadcasters

**NAB WRITTEN SUBMISSION TO THE INDEPENDENT  
COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ON THE  
DRAFT UPDATE OF THE NATIONAL RADIO FREQUENCY PLAN  
3 FEBRUARY 2017**

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## **1. Introduction**

- 1.1. The National Association of Broadcasters (the NAB) is the leading representative of South Africa's broadcasting industry, established in 1993. The NAB aims to further the interests of the broadcasting industry in South Africa, by contributing to its development. The current NAB members are:
  - 1.1.1. the three television services and 18 radio services of the SABC;
  - 1.1.2. licensed commercial radio broadcasters (including: Primedia, Kagiso Media, Tsiya Group, AME, MSG Afrika, TMG, Classic FM, Kaya FM, YFM, Smile FM and Vuma FM);
  - 1.1.3. licensed commercial television broadcasters (e.tv, Multichoice, M-Net, StarSat);
  - 1.1.4. a host of community radio broadcasters and community television broadcaster, Faith Terrestrial;
  - 1.1.5. both the licensed broadcast signal distributor and the selective and preferential broadcast signal distributors, Sentech and Orbicom;
  - 1.1.6. associate members, including training institutions.

## **2. Background**

On 9 December 2016, the Independent Communication Authority of South Africa, (ICASA) published a notice inviting comments regarding the draft update of the National Radio Frequency Plan 2017 (the 2017 NRFP). The closing date for written inputs was initially 27 January 2017, and subsequent to requests by stakeholders, the closing date was moved to 3 February 2017. Oral hearings have been scheduled for 9 and 10 February 2017. The NAB would like to thank the Authority for having granted the extension, as well as the opportunity to make written comments.

## **3. General comments**

### **3.1. Notes**

The NAB notes the colour coding used by the Authority in the "notes" section of the gazette, to indicate updates introduced by the 2017 NRFP. While it is clear that some updates have been implemented by the use of the green, yellow and red colour codes, due to the volume of the 2017 NRFP, and the level of updates implemented, the NAB is not able to ascertain the extent to which the Authority has deleted any text, as the "strike through" key has not been used throughout the document. For ease of reference and for comparison purposes, it would have been useful if the Authority published both the 2013 NRFP together with the

2017 NRFP. The NAB would therefore like the Authority to confirm that in making the update, no deletions were implemented in updating the 2013 NRFP, as reflected in the 2017 NRFP.

### **3.2. Stakeholder consultation**

3.2.1. The NAB notes that the Authority has in terms of section 34(7)(c)(i) of the Electronic Communications Act 36 of 2005, (the ECA), “consulted with the relevant government Department”. The NAB seeks clarity on which government department was consulted, as ICASA regulates entities that fall under both the Department of Communications (the DoC) as well as the Department of Telecommunications and Postal Services (the DTSPS). The harmonization of policies across government is critical for ICASA processes.

3.2.2. The NAB is concerned that to the best of its knowledge, no consultations have been had with its broadcasting licensees in preparing for the update of the NRFP. This is evidenced by the certain changes that have been implemented that we believe ought to have been preceded by consultations with licensees. These will be discussed in detail in this submission.

### **3.3. SADC timelines**

The NAB notes that in relation to radio frequency bands 174-238MHz, 246-254MHz, 470-696MHz, the Authority indicates in the comments section that typical applications of the allocations for these bands are subject to “migration from analogue to digital in accordance with SADC timelines”. The NAB is not aware of any SADC timelines that bind the country. The Authority should be aware that the digital migration timelines on the pronouncement of the analogue switch over dates can only be determined by the Minister, by publication in a government gazette. The NAB therefore proposes that any reference to the SADC timelines in 2017 NRFP be deleted and be substituted with “subject to the analogue switch-over date to be determined by the Minister as published in a government gazette”.

### **3.4. White spaces**

3.4.1. The Authority alludes under frequency band 470-694MHz that “the use of white spaces in this band is under consideration”. On the issue of TV White Spaces

(TVWS), in 2015, the Authority published a Discussion Paper on the draft Framework for Dynamic and Opportunistic Spectrum Management for public comment, investigating the feasibility of rolling out a TVWS regulatory framework for TVWS in the country. The NAB in its written submission<sup>1</sup>, indicated among others that in order for a regulatory framework to be rolled out, the policy maker ought to formulate a policy on TVWS. At this point, there is no policy framework for TVWS in the country. The Authority is encouraged to consider the NAB's full written submission and submissions of other interested parties in this regard. The outcome of this process led to the publication of a findings document<sup>2</sup>, which came to the following conclusion:

“the Authority will consider all these findings in taking positions on the two key proposals that were the subject of the discussion document.

In parallel to developing the required positions, the Authority will support further studies on these topics identified in the discussion document as well as the additional topics proposed by the respondents”<sup>3</sup>.

3.4.2. The NAB is therefore of the view that until such time that the Minister has formulated a TVWS policy, and the Authority demonstrates that it has implemented respondents' inputs, which include conducting further studies, no determinations on TVWS should be made at this stage.

### **3.5. Conversion of GE89 to GE06**

The Authority indicates under several frequency bands<sup>4</sup> that “Broadcasting Allotments in accordance with GE89 Plan in the process of conversion to GE06 and conversion from analogue to digital post 2015”. From the NAB's point of view, this statement is misleading,

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<sup>1</sup> NAB Response to ICASA's Notice Regarding the Discussion Paper on the draft Framework for Dynamic and Opportunistic Spectrum Management, dated 18 December 2015.

<sup>2</sup> ICASA's Findings Document on the Framework for Dynamic and Opportunistic Spectrum Management published in government gazette 40078 dated 17 June 2016.

<sup>3</sup> At page 18 of the Findings Document.

<sup>4</sup> For example, frequency bands 174-223MHz, 223-230MHz, 230-235MHz.

and inaccurate, as the two GE Agreements are separate and independent of each other. The NAB therefore proposes that this statement be deleted from the 2017 NRFP.

#### **4. Comments on specific frequency bands**

##### **4.1. Frequency band 40.02-40.98MHz**

NAB supports the allocation for wireless microphones in the frequency band 40.65-40.7MHz, as it retains the *status quo*. The NAB however cautions that any wireless microphones being deployed must be subject to type approval by the Authority, in line with the appropriate ICASA Regulations<sup>5</sup>. This will alleviate the deployment of unauthorised equipment that can potentially cause harmful interference.

##### **4.2. Frequency band 174-223MHz**

The NAB is aware that this frequency band is allocated to television broadcasting as well as sound broadcasting. The NAB proposes that allocations in this band should not be service specific, but rather be allocated to broadcasting as a whole.

##### **4.3. Frequency band 238-246MHz**

The NAB supports allocations for television broadcasting in this band. We further propose that this band be availed immediately for use by broadcasting licensees.

##### **4.4. Frequency band 246-267MHz**

Part of this band is currently being used for broadcasting trials. In order to encourage research and development in the broadcasting field, the NAB proposes that this band be retained for same.

##### **4.5. Frequency band 694-790MHz**

According to the 2017 NRFP, this band will typically be used for IMT. It is concerning that the band has been made exclusively available for IMT without any reference being made to broadcasting. This is not withstanding the ITU WRC 2012 resolution that broadcasting and

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<sup>5</sup> Type Approval Regulations published in government gazette 36785 dated 26 August 2013.

IMT will share this band on a co-primary basis. The Authority is further reminded that broadcasters are still occupying this band, and broadcasting digital migration is still ongoing. The NAB has in numerous written and oral submissions to the Authority indicated the complexity of migrating broadcasters out of this band, which include among others the need for a digital to digital migration, as well as frequency re-stacking. The NAB therefore proposes that broadcasting services be incorporate in this band, and reference to co-primary sharing with IMT should also be stated.

#### **4.6. Frequency band 790- 862MHz**

The Authority has erroneously omitted broadcasting services under the section on the South African Allocations in this band. The Authority further indicates under typical allocations that broadcasting will be placed on band 470-854MHz. Based on the arguments advanced in 4.5 above, the NAB proposes that allocations for broadcasting be reflected in this band.

#### **4.7. Frequency band 3600-4200MHz**

The NAB is concerned about the deviation from the current allocations of this band, in line with the 2013 NRFP. Currently, the 2013 NRFP does not recognise the allocation of broadband fixed wireless access (BFWA) in the frequency band 3600-3800MHz, yet the 2017 NRFP seeks to introduce BFWA in this band. This is notwithstanding the country's position of "no change" to the 2013 NRFP allocations of this band in the country's preparation for the WRC15 conference. The position of "no change" was preceded by numerous stakeholder consultations led by the policy maker, in which the Authority was represented. The submissions amplified the importance of this band for satellite services in the country. The NAB therefore proposes that the proposed allocation of BFWA in the 3600-4200MHz band be deleted.

### **5. Conclusion**

- 5.1. The NAB welcomes the opportunity to make its written submission.
- 5.2. Due to the requirement for concurrence and harmonisation, the NAB suggests that the Authority consults with both the DTSPS and DoC when finalising the NRFP.
- 5.3. The NAB wishes the Authority well with this process and we trust that our submission will be considered during the Authority's deliberations.

