

1. INTRODUCTION

- 1.1 On 26 April 2001, ICASA, in terms of section 31 (5) 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 is the leading representative of South Africa’s broadcasting industry representing:
 - 1.2.1 All television broadcasters;
 - 1.2.2 20 SABC radio stations, 13 commercial radio broadcasters and 39 community radio broadcasters;
 - 1.2.3 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 frequency plan comes at a time when the regulator is facing severe constraints in its broadcast frequency planning capacity. It appears that these constraints have had an impact on the regulator’s ability to deal effectively and comprehensively with 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, unfortunately, the number of omissions and inaccuracies in the draft plan mean that instead of stability, instability and uncertainty may be created for the industry.
- 2.4 The NAB is of the view that rectifying these issues should be a priority for both the regulator and the broadcast industry.
- 2.5 The NAB therefore recommends that ICASA consider establishing a liaison committee with industry representatives in order to rectify problems in the draft plan.
- 2.6 In this regard, the NAB refers ICASA to Chapter 4 of ITU-R Report SM 2012-1 “Economic Aspects of Spectrum Management”.
- 2.7 This report recognises that administrations often have limited financial and human resources that can be applied to spectrum management. In some cases, these limitations can delay or restrict the implementation of communications systems vital to the national economy. Therefore, alternatives to traditional, spectrum management systems need to be considered, particularly when they are shown to be less expensive or less resource consuming.
- 2.8 According to the report, a number of administrations have made use of spectrum management resources outside the national spectrum manager including:
- communication groups with a direct interest in spectrum such as

advisory committees, trade associations, professional organisations, and quasi-governmental associations;

- frequency co-ordinators (and co-ordination groups) and designated spectrum managers; and
- spectrum management consultants, and support contractors.

2.9 These alternatives can be used to support the national spectrum manager in performing spectrum management functions. The objectives of using groups outside the national spectrum manager to assist in the spectrum management process are:

- to save financial or human resources;
- to increase the efficiency of spectrum use;
- to improve the efficiency of the frequency assignment and co-ordination processes; or
- to rationally supplement the expertise of the national spectrum manager.

2.10 The NAB recommends that ICASA consider the use of such a group in order to supplement its expertise in frequency management. The NAB would be very happy to make some of its members available to serve on such a committee.

3. OMISSIONS FROM THE PLAN

3.1 A broadcasting 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 ICASA notes that the draft plan does not make provision for any terrestrial digital broadcasting. Although ICASA has facilitated test transmissions of DAB and DTT, the NAB is concerned that this matter has not yet been given attention in the frequency plan. We wish to encourage the Authority to move forward on the introduction of digital broadcasting in South Africa.

3.3 In order to balance universal service obligations and a diversity of services, the planning process needs to take into account all available technologies. The NAB believes that consideration must therefore be given to the role digital radio and television may be able to play in achieving a universal public broadcasting service and a diversity of other services. In many countries, firm timetables have already been established for the implementation of these technologies.

3.4 As far as terrestrial digital broadcasting is concerned, the NAB recommends that, as a starting point, the following issues need to be addressed: planning criteria, technical criteria, frequency bands, minimum field strengths, protection ratios and locations.

4 PRINCIPLES OF THE PLAN

4.1 CATEGORISATION OF THE PLAN

4.1.1 The NAB is in broad agreement with the categorisation of the plan. However, we believe that there is a need for more flexibility so that categorisations can be changed. This will ensure that frequencies do not remain unused in a particular category whilst broadcasters in another category cannot be granted licences due to a lack of frequencies.

4.1.2 In this regard, the NAB recommends that spare frequencies in Johannesburg and other metropolitan areas be re-evaluated to determine whether they should still be reserved for certain categories of services or whether the categorisations should be changed.

4.1.3 We also recommend that the Authority specify a procedure which states under what conditions the categorisation of an assignment may be changed and the process for the change.

4.2 UNIVERSAL SERVICE OBLIGATIONS

4.2.1 The NAB submits that the minimum field strengths used to determine coverage need to be re-evaluated in order to determine whether they are still appropriate.

4.3 PROTECTION OF EXISTING BROADCASTING SERVICES

4.3.1 The NAB notes that ICASA has been very active in increasing the frequency assignments in the ITU Frequency Plans for VHF-FM Sound Broadcasting and VHF/UHF TV Broadcasting in South Africa. The assignments for the Ge84 FM Plan increased from 1011 to 1369 (+378) and for the Ge89 TV Plan the increase is 739 frequencies to 1948 frequencies (+ 1209). This is a remarkable increase in the assignment of the Sound and Television Broadcasting frequencies in the VHF and UHF bands.

4.3.2 However, this increase raises questions as to what extent existing broadcasting services are protected and what the effect is of these assignments on broadcasting assignments in neighbouring countries that are in conformity with the Plan.

- 4.3.3 The NAB is concerned that the draft plan fails to give any assurance that the service areas of existing broadcasting assignments remain protected against harmful interference resulting from the inclusion of additional frequency assignments in the draft plan.
- 4.3.4 The NAB submits that broadcasters and signal distributors must be given the necessary assurance in the plan that the service area of any assignment is not being adversely affected by the inclusion of additional assignments.
- 4.3.5 The NAB further submits that where frequency changes are necessitated, possible prejudice against existing operators must be guarded against. ICASA should make provision for a consultation process on changes which could be detrimental to existing broadcasters. Finally, the NAB submits that in cases where changes are made, the operator necessitating the change should be responsible for meeting the costs of this change.

4.4 EFFICIENT USE OF THE NATIONAL BROADCAST FREQUENCY SPECTRUM

- 4.4.1 The Authority notes in section 2.7 that “this plan differs drastically in the number of frequency assignments, from that provided in the ITU Regional African Frequency Assignment Plans for television and for VHF/FM sound”.
- 4.4.2 The NAB submits that the Authority must ensure that it complies with all ITU plans. In this way, the Authority will contribute to creating the necessary stability in the industry (see also paragraph 4.7).

4.4.3 It would appear that Terrestrial Broadcasting Frequency Assignments in South Africa are not being notified in accordance with the ITU Convention and Radio Regulations.

4.4.4 The NAB notes that as all new assignments made by ICASA have no international protection, and are in conflict the ITU Radio Regulations, this matter should be addressed with utmost urgency.

4.5 FAIR COMPETITION

4.5.1 The NAB is of the view that fair competition should also be interpreted to mean equitable access to frequencies by public, commercial and community broadcasters.

4.6 PROMOTION OF STABILITY IN THE BROADCASTING INDUSTRY

4.6.1 The NAB submits that the promotion of stability in the broadcasting industry is one of the key functions of a frequency plan. The NAB further submits that, due to the failure of the Authority to notify the ITU of allocations, this is not currently being achieved.

4.6.2 The NAB submits that this issue must be rectified as a matter of urgency.

4.7 TERRESTRIAL DAB

4.7.1 The NAB notes that as South Africa has not formally adopted a terrestrial audio digital standard, reference should be made to 'Digital Sound Broadcasting' rather than 'DAB'.

4.7.2 The NAB notes that ICASA believes that the use of existing terrestrial AM bands is not a practical proposition. The NAB believes that there is currently considerable work being done on the introduction of digital broadcasting in the frequencies below 30MHz within ITU-R study groups. The NAB therefore proposes that ICASA give consideration to this matter.

4.8 DATA ACCURACY

4.8.1 The NAB agrees with ICASA that the accuracy of the data in the Broadcast Frequency Plan is of a crucial nature. The NAB is therefore disturbed that there appear to be many inaccuracies in the draft plan.

4.8.2 By way of example, the following allocations are absent from the plan:

- Pretoria 102.4 Ukhozi FM
- Fish Hoek 100.0 P4
- Paarl 102.7 P4
- Somerset West 107.9 P4
- Stellenbosch 103.6 P4

4.8.3 There are many more inaccuracies in addition to the ones mentioned above. We believe Sentech will provide a full list of these in their submission to the Authority.

4.8.4 It is worrying to the NAB that the mistakes in the draft plan of 1999 which were pointed out, appear to have been repeated. Also, outdated programme service names have not been altered.

4.8.5 It is also of concern that most of the technical licence amendments which have occurred in the last few years do not appear to have been captured in the plan.

4.8.6 The NAB submits that the accuracy of the plan is of critical importance and that the Authority should address this as a matter of urgency.

5 THE FREQUENCY PLANNING AND ASSIGNMENT PROCESS

5.1 COMPLIANCE WITH INTERNATIONALLY ACCEPTED METHODS

5.1.1. The NAB is not aware whether the frequency plan has been reviewed against ITU criteria since 1995. Unless this has been done, there is no way knowing whether the draft plan is consistent with international practice.

5.1.2. The NAB recommends that a review of the draft plan against ITU criteria be conducted as a matter of urgency.

5.2. IMT 2000

5.2.1 ICASA states that the UHF TV band was one of the core bands identified for the terrestrial component of IMT 2000. The NAB submits that this statement is incorrect.

5.2.2 At the 1992 World Administrative Radio Conference held in Malaga-Torremolinos the core bands for IMT-2000 were identified. These core bands are defined in S5.388 of the ITU Radio Regulations and are 1885 – 2025 MHz and 2110 – 2200 MHz.

5.2.3 ITU Radio Regulation S5.317A adopted at WRC-2000 reads in full:

" Administrations wishing to implement IMT 2000 may use those parts of the band 806 – 960 MHz **which are allocated to the mobile service on a primary basis** (our emphasis) and are used or planned to be used for mobile systems (see Resolution 224 (WRC-2000)). This identification does not preclude the use of these bands by any application of the services to which they are allocated and does not establish priority in the Radio Regulations."

5.2.4 In ITU Region 1 the band 790 – 862 MHz is allocated to the broadcasting and fixed services on a primary basis. The UHF television broadcasting band in South Africa extends to 854 MHz.

5.2.5 South Africa cannot introduce IMT-2000 in the UHF television broadcasting band at present as in Region 1 this band is currently not allocated to the mobile service. It should further be noted that S5.317A is only applicable in Region 1 to the frequency bands 862 – 890 MHz, 890 – 942 MHz and 942 – 960 MHz.

5.2.6 The band 862 – 960 MHz is allocated to the broadcasting, fixed and mobile services, all on a primary basis.

5.2.7 At WRC-97 South Africa relinquished its right to the broadcasting allocation in the band 862 – 960 MHz. In South Africa, therefore, the introduction of IMT-2000 on frequencies below 1 GHz can only be considered in the bands between 862 – 960 MHz and these are not broadcasting bands.

6 CONCLUSION

- 6.1 The NAB wishes to thank the Authority for the opportunity to make these written representations. Should there be the opportunity to make oral representations, the NAB would like to address the Authority.

- 6.2 The NAB also repeats its request that the Authority consider establishing a liaison committee with industry representatives in order to address some of the concerns laid out in this submission.