



**NATIONAL ASSOCIATION OF BROADCASTERS'  
WRITTEN RESPONSE TO THE PROPOSED POLICIES  
AND POLICY DIRECTIONS DRAFTED IN TERMS OF  
SECTION 3(1) AND (2) OF THE ELECTRONIC  
COMMUNICATIONS ACT 36 OF 2006**

06 JULY 2007

## **1. INTRODUCTION**

The National Association of Broadcasters (“the NAB”) would like to take this opportunity to thank the Department of Communications (“the DoC”) for the opportunity to make written representations on its notice inviting comments on the proposed policies and policy directions drafted in terms of section 3(1) and (2) of the Electronic Communications Act 36 of 2006 (“the ECA”). The proposed draft policies and policy directions were published in notice number 469, government gazette number 29923.

The NAB is the leading representative of South Africa’s Broadcasting industry. The NAB aims to further the interests of the broadcasting industry in South Africa by contributing to its development. The NAB membership includes:

- Three television public broadcasting services and eighteen sound public broadcasting services, of the South African Broadcasting Corporation of South Africa (“the SABC”);
- All the commercial television and sound broadcasting licensees;
- Both the licenced common carrier and the selective and preferential carrier broadcasting signal distributors;
- Over thirty community sound broadcasting licensees, and the only licensed community television broadcasting service, Trinity Broadcasting Network (TBN)

In making its written representations to the proposed draft policies and policy directions, the NAB will focus only on those issues, which impact on broadcasting.

## **2. FREQUENCY SPECTRUM**

### **AD PARA 1**

In terms of Section 34(4) of the ECA, the Independent Communications Authority of South Africa (ICASA) is mandated to prepare the national radio frequency plan, or make appropriate modifications to any existing radio frequency plan within twelve months of the coming into effect of the ECA.

The NAB supports the Minister's proposed policy direction that in preparation for the national radio frequency plan, or appropriate modification to any existing radio frequency plan, ICASA must be guided by the decisions to be taken at the World Radio Conference 2007 (WRC-07). The NAB further wishes to add that the Minister must further direct ICASA to also take into account the decisions of the Regional Radiocommunication Conference 2006 (RRC-06), regarding radio spectrum frequency, when preparing the national radio frequency plan. In addition, the NAB requests that the digital broadcasting frequency assignment plan, which was developed at RRC-06, should be attached as an appendix to the national frequency plan to be prepared by ICASA.

### **AD PARA 3**

The NAB supports the Minister's proposed policy direction that it is imperative that holders of radio frequency spectrum licenses should co-ordinate their respective frequency usage with other licensees. The NAB further wishes to amplify the Minister's proposed policy direction that ICASA must urgently prescribe regulations governing the frequency co-ordination among licensees.

## **3. PROCEDURES AND CRITERIA FOR AWARDING RADIO FREQUENCY SPECTRUM LICENSES**

### **AD PARA 1**

On 2 November 2006, in Government Gazette number 29351, ICASA published a notice inviting interested parties to provide comments regarding procedures and criteria for awarding radio frequency spectrum licenses for competing applications or instances where there is insufficient spectrum available.

Unlike the Minister's proposed policy direction, ICASA's invitation for comment was restricted only to two bands in which demand exceeded the available bandwidth, and these were the 2.6 GHz and the 3.5GHz bands. The Minister's proposed policy directions are holistic and principled in nature and therefore supported by the NAB.

The NAB is supportive of the proposed policy direction, and wishes to point out that this process will adequately address the spectrum scarcity issue, coupled with issues of accommodating competing applications. In light of the digital migration process the

country will soon be embarking on, which will result in spectrum scarcity, it is NAB's humble submission that the Minister's policy direction should go further and restrain ICASA from any further allocation of broadcasting spectrum to non-broadcasting licensees.

#### **4. CONCLUSION**

The NAB thanks the DoC once more for the opportunity of making its written representation on the proposed policies and policy directions. As the leading representative of the broadcasting industry, the NAB trusts that its inputs will add value to the finalisation of the Minister's proposed draft policies and policy directions. Furthermore, the NAB is available to augment or clarify any issues raised in this submission.