

been discharged and those which will assumed by the transferee, should this application be granted:

8.2 Provide separately and mark clearly as **ANNEXURE A** of **FORM C 7**, a written undertaking given by the transferee, through its duly authorised representative, that it will comply with the applicant's Licence obligations in the event of the transfer application being approved by the Authority.

### 8.3. Provide reasons for the transfer of the Radio Frequency Spectrum Licence

.....  
 .....  
 .....

### 8.4. Indicate if Transferor obtained Licence through:

First Come First Serve ☐  
 Auction ☐  
 Beauty Contest ☐

Amount paid: R....

8.5. Indicate which Radio Frequency Spectrum is currently licensed to the transferor, and attach supporting documents.

## 9. UNDERTAKINGS

9.1 Specify any undertakings which the transferee is prepared to make in order to promote the objects of the Act, if the Licence is transferred.

The persons signing the application on behalf of the applicant and the transferee must acknowledge as follows:

I, the applicant, acknowledge that the Authority reserves the right to have any Licence amended pursuant to this application set aside, should any material statement made herein, at any time, be found to be false.

Signed .....

(APPLICANT)

I certify that this declaration was signed and sworn to before me at .....on  
the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

Signed .....

(TRANSFEREE)

I certify that this declaration was signed and sworn to before me at .....on  
the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name:

Address:

**FORM D****NOTICE OF SURRENDER OF RADIO FREQUENCY SPECTRUM LICENCE****(Regulation 11)****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

- Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*
- (c) Where any information in this Form does not apply to the licensee, the licensee must indicate that the relevant information is not applicable.*

<b>1.</b>	<b>PARTICULARS OF LICENCE</b>	
1.1	Licence number	
1.2	Nature of services authorised to be provided in terms of the Licence:	
1.3	Expiry date of Licence:	
1.4	Date on which surrender of Licence is to take effect:	
1.5	Attach a copy of the Licence that is the subject of this notice marked clearly as <b>Annexure A</b> of <b>FORM D 1</b> .	

<b>2.</b>	<b>PARTICULARS OF LICENSEE</b>	
2.1	Full name of licensee:	
2.2	Designated contact person:	
2.3	Licensee's street address:	
2.4	Licensee's principal place of business (if different from street address):	
2.5	Licensee's postal address:	
2.6.	Licensee's telephone number/s:	
2.7.	Licensee's telefax number/s:	
2.8.	E-mail address of designated contact person:	

<b>3.</b>	<b>PARTICULARS OF OTHER LICENCES</b>
3.1.	Indicate if the licensee holds any other Licences issued in terms of the Act and whether the licensee intends also to surrender any such Licences. If so, separate notices of surrender in respect of such Licences must be submitted in this regard.

<b>4.</b>	<b>STEPS TO INFORM SUBSCRIBERS AND END-USERS</b>
4.1.	Provide details of the steps the licensee proposes to take to inform end-users of the proposed cessation of the services in respect of which the Licence was granted.

<b>5.</b>	<b>FEES PAYABLE</b>
5.1	Indicate those fees and contributions which will be due and payable by the date on which the surrender of the Licence is to take effect and, the amount of such fees and contributions.
5.2	Specify the number of months which will have elapsed from the date on which the Licence was issued or from the last anniversary of the date on which the Licence was

	issued, as the case may be:
5.3	Indicate those annual fees and contributions payable at a date subsequent to the date on which the surrender of the Licence will take effect, and the proportionate amount which must be paid to the Authority, where this can be calculated as at the date of this notice.

<b>6.</b>	<b>GENERAL</b>
6.1	Provide details of any other matter of which, in the licensee's view, the Authority should be aware and attach a copy of the Radio Frequency Spectrum Licence issued to the licensee:
6.2	Attach a resolution authorising the person signing this notice to sign this notice, marked clearly as <b>Annexure A</b> of <b>FORM D 2</b> .

Signed .....

(LICENSEE)

I certify that this declaration was signed and sworn to before me at .....on  
the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her conscience.

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

**FORM E****REQUEST FOR INTERVENTION BY THE AUTHORITY FOR PURPOSES OF  
COORDINATING RADIO FREQUENCY SPECTRUM USE OR RESOLVING DISPUTES****(Regulation 13)****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

- Note: (a) Applicants must refer to the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by applicants.*
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the part of the Form.*

<b>1.</b>	<b>PARTICULARS OF LICENCEES</b>	
1.1	Number of Licensees	
1.2	Licence number of each Licensee	
1.3	Nature of services authorised to be provided in terms of the Licence:	
1.4	Expiry date of Licence of each Licensee:	
1.5	Date on which coordination agreement , if any, was concluded:	
1.6	Date/s on which ADR was attempted:	
1.7	Attach a copy of the coordination agreement, if any, marked clearly as <b>Annexure A of FORM E1.</b>	

<b>2.</b>	<b>PARTICULARS OF LICENSEE/ APPLICANT 1</b>	
2.1	Full name of licensee:	

2.2	Designated contact person:	
2.3	Licensee's street address:	
2.4	Licensee's principal place of business (if different from street address):	
2.5	Licensee's postal address:	
2.6.	Licensee's telephone number/s:	
2.7.	Licensee's telefax number/s:	
2.8.	E-mail address of designated contact person:	

<b>3.</b>	<b>PARTICULARS OF LICENSEE OR APPLICANT 2</b>	
3.1	Full name of licensee:	
3.2	Designated contact person:	
3.3	Licensee's street address:	
3.4	Licensee's principal place of business (if different from street address):	
3.5	Licensee's postal address:	
2.6.	Licensee's telephone number/s:	
2.7.	Licensee's telefax number/s:	
2.8.	E-mail address of designated contact person:	

<b>4.</b>	<b>PARTICULARS OF LICENSEE/APPLICANT 3</b>	
4.1	Full name of licensee:	
4.2	Designated contact person:	
4.3	Licensee's street address:	
4.4	Licensee's principal place of business (if different from street address):	
4.5	Licensee's postal address:	

2.6. Licensee's telephone number/s:	
2.7. Licensee's telefax number/s:	
2.8. E-mail address of designated contact person:	

<b>5. PROPOSED AMENDMENT TO THE LICENCE</b>
5.1 Each applicant must set out the following:.
<ul style="list-style-type: none"> <li>a. Operator site (coordinates)</li> <li>b. Frequencies in use</li> <li>c. Technology in use</li> <li>d. Power (EIRP)</li> <li>e. Antenna gain</li> <li>f. Height of antennas</li> </ul>
5.2 Each applicant must set out the reasons for the dispute and attach the statements of fact supporting the claims, and documented proof of previous attempts to resolve the dispute by negotiation between the parties marked clearly as <b>Annexure A of FORM E2</b> .
5.3 Each applicant must explain the implications (if any) if the dispute is not resolved and propose options for resolution of the coordination issue:

<b>6. RADIO FREQUENCY SPECTRUM</b>
6.1 Indicate whether the applicants all hold a radio frequency spectrum Licence. If so, provide details thereof and attach a copy of the radio frequency spectrum Licences marked clearly as <b>Annexure A of FORM E3</b> .
6.2 In the event that an amendment to the applicant's radio frequency spectrum Licence is



necessary, a separate application to amend the applicant's radio frequency spectrum Licence must be submitted to the Authority in this regard at the same time as this application.

## 7. UNDERTAKINGS

7.1 Provide details of undertakings (if any) and other matters which, in the applicants view, the Authority may need to take into consideration:

7.2 Attach a resolution authorising the person signing this application. The resolution must be marked clearly as **Annexure A** of **FORM E4**.

The person signing the application on behalf of the applicant must acknowledge as follows:

I acknowledge that the Authority reserves the right to cease intervention should any material statement made herein, at any time, be found to be false..

Signed ..... 1.....

2.....

3.....

(APPLICANTS)

We certify that this declaration was signed and sworn to before me at .....on the ..... day of ..... 20..., by the deponent who acknowledged that he/she:

- knows and understands the contents hereof;
- has no objection to taking the prescribed oath or affirmation; and
- considers this oath or affirmation to be truthful and binding on his/her conscience.

**COMMISSIONER OF OATHS**

Name:

Address:

Capacity:

## Annexure B - Apparatus exempt from radio frequency spectrum licenses

The use or possession of the RADIO APPARATUS listed in Column B below, in accordance with all specifications listed in Columns, A, C, D and E of the Table below shall not require a radio frequency spectrum licence:

**Table of Radio Frequency Spectrum Licence Exemptions**

Column A Frequency Bands K=kHz M=MHz G=GHz	Column B Type of Device	Column C Maximum Radiated Power or Field Strength Limits & Channel spacing	Column D Relevant Standard	Column E Additional Requirements
9-59.75K	Inductive Loop System.	72 dB $\mu$ A/m @ 10m.  No duty cycle restriction.  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
59.75-60.25K	Inductive Loop System.	42 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	N 300 330  EN 301 489-1,3  EN 60950  ISO/ IEC 18047-2	CEPT/ERC/REC 70-03  ASK, FSK, & PSK
60.25-70K	inductive Loop System.	72 dB $\mu$ A/m @ 10m.  No restrictions on duty cycle  No channel spacing.	EN 300 330  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
70-119K	Inductive Loop System.	42 dB $\mu$ A/m @ 10m.	N 300 330  EN 301 489-1,3	CEPT/ERC/REC 70-03

		No restrictions on duty cycle	EN 60950	ASK, FSK, & PSK
		No channel spacing.	ISO/ IEC 18047-2	
119-135K	Inductive Loop System X	72 dB $\mu$ A/m @ 10m.	EN 300 330	CEPT/ERC/REC 70-03
		No restrictions on duty cycle	EN 301 489-1,3	
		No channel spacing.	EN 60950	ASK, FSK, & PSK
			ISO/ IEC 18047-2	
740-8800K	Inductive Loop System	9 dB $\mu$ A/m @ 10m.	EN 300 330	CEPT/ERC/REC 70-03
		No restrictions on duty cycle	EN 301 489-1,3	
		No channel spacing.	EN 60950	
6.765-6.795M	Inductive Loop System	42 dB $\mu$ A/m @ 10m.	EN 300 330	CEPT/ERC/REC 70-03
		No restrictions on duty cycle	EN 301 489-1,3	
		No channel spacing.	EN 60950	
13.553-13.567M	Inductive Loop System	42 dB $\mu$ A/m @ 10m.	EN 300 330	CEPT/ERC/REC 70-03
		No restrictions on duty cycle	EN 301 489-1,3	
		No channel spacing.	EN 60950	ASK, FSK, & PSK
26.957-27.283M	Inductive Loop System	42 dB $\mu$ A/m @ 10m.	EN 300 330	CEPT/ERC/REC 70-03
		No restrictions on duty cycle	EN 301 489-1,3	
		No channel spacing.	EN 60950	
26.957-27.283M	Non-specific SRD.	10 rnW erp	EN 300 220	CEPT/ERC/REC 70-03

		No restrictions on duty cycle.	EN 301 489-1,3 EN 60950	
		No channel spacing.		
26.995; 27.045; 27.095; 27,145; 27.195M	Surface Model Control.	100 rnW erp.	EN 300 220	CEPT/ERC/REC 70-03
		No restrictions on duty cycle.	EN 301 489-1,3	
		10 kHz channel spacing.	EN 60950	
35.00 – 25.25M	Aircraft Model Control.	100 rnW erp.	EN 300 220	CEPT/ERC/REC 70-03
		No restrictions on duty cycle.	EN 301 489-1,3	
		10 kHz channel spacing.	EN 60950	
36.65 – 36.75M	Wireless Microphones.	100 rnW erp.	EN 300 422	CEPT/ERC/REC 70-03
		100% duty cycle.	EN 301 489-9	
		No channel spacing.	EN 60950	
40.65 – 40.70M	Wireless Microphones.	100 rnW erp	EN 300 422	CEPT/ERC/REC 70-03
		100% duty cycle	EN 301 489-9	
		No channel spacing.	EN 60950	
40.665, 40.675, 40.685, 40.695	Surface Model Control.	100mW erp.	EN 300 220	CEPT/ERC/REC 70-03
		No restriction on duty cycle.	EN 301 489-1,3	
		10 kHz channel spacing.	EN 60950	
40.66 – 40.7M	Non-specific SRD.	10 mW erp.	EN 300 220	CEPT/ERC/REC 70-03
		No duty cycle restriction.	EN 301 489-1,3	
		No channel spacing.	EN 60950	

46.61 – 46.97M 49.67 – 49.97M	CTO Cordless Phones.	10 mW eirp	The Authority TE-013	Government Gazette 22443 of 4th July 2001
53 – 54M	Wireless Microphones.	50 mW erp for class 1 equipment  100 mW erp  100% duty cycle  No channel spacing	EN 300 422  EN 301 489-1,9  EN 60950	CEPT/ERC/REC 70-03
54.4500; 54.4625; 54.4750; 54.4875;  54.500;  54.5125; 54.5250; 54.5375; 54.5500M	Model Control.	5W erp  12.5kHz channel spacing	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
141 – 142M	Remote Control Industrial Apparatus.	100mW erp	EN 300 220  EN 301 489-1,3  EN 60950	
148 – 152M	Wildlife telemetry Tracking.	25mW erp	EN 300 220  EN 301 489-1,3  EN 60950	The use of this band is restricted to National game Parks.
169.4 – 169.475M	Meter Reading	500mW erp  50kHz channel spacing  < 10% duty cycle	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  ECC/DEC (05)02
173.2125 –	Non-specific	10 mW erp	EN 300 220	

173.2375M	SRD – telecomrnand only.	25 kHz channel spacing	EN 301 489-1,3  EN 60950	
173.2375 – 173.2875M	Non-specific SRD.	10 mW erp.  25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	
173.965 – 174.015M	Wireless Microphones and assistive listening devices.	2 mW eirp.  100% duty cycle.  No channel spacing.	EN 300 220  EN 301 489-9  EN 60950	CEPT/ERC/REC 70-03
402 – 405M	Medical Implants.	25 µW erp.  No duty cycle restriction for devices with LBT, otherwise  ≤ 1%.  25 kHz channel spacing.	EN 300 839  EN 301 489-1,3  EN 60950	ITU-R RS.1346  CEPT/ERC/DEC (01)17
402 – 406M	Doppler shift movement detectors, wireless microphones, garage door openers and motor car alarm systems.	10 mW erp.  No channel spacing.  100% duty cycle.	EN 300 422  EN 300 220  EN 301 489-1,3  EN 60950	
433.05 – 434.79M	Non specific SRD	1 mW erp.  No channel spacing.  100% duty cycle	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  ASK, FSK, PSK, & FHSS

			ISO/IEC 18047-7	
433.05 – 434.79M	Non specific SRD	10mW erp  duty cycle < 10%  No channel spacing	EN 300 220  EN 301 489-1,3  EN 60950  ISO/IEC 18047-7	CEPT/ERC/REC 70-03  ASK, FSK, PSK, & FHSS
433.05 – 434.79M	Non specific SRD	10 mW erp  100% duty cycle  Up to 25kHz channel spacing.	EN 300 220  EN 301 489-3  EN 60950  ISO/IEC 18047-7	CEPT/ERC/REC 70-03
446 - 446.1 M includes the following eight channels.  446.00625M; 446.01875M; 446.03125M; 446.04375M;  446.05625M;  446.06875M;  446.08125M;  446.09375M;	Public Mobile Radio (PMR).	500mW.  12,5 kHz channel spacing	EN 300 296  EN 301 489-5  EN 60950	
464.5375M	Security systems	1W  25 kHz channel spacing.	EN 300 296  EN 301 489-5  EN 60950	

464.500 – 464.5875	Non-specific SRD	100mW No channel spacing	EN 300 220  EN 301 489-3  EN 60950  ISO/IEC 18047-7	
463.975M; 464.125M; 464.175M; 464.325M;  464.375M;	Low Power Radio.	500mW.  12,5 kHz channel spacing	EN 300 296  EN 301 489-5  EN 60950	CEPT/ERC/REC 70-03
863 – 865M	Wireless Audio Systems.	10 mW erp.  100 % duty cycle.  No channel spacing.	EN 300 357  EN 301 489-9  EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/DEC (01) 18
863 – 865M	Wireless Microphones	10 mW erp.  100 % duty cycle.  No channel spacing.	EN 300 422  EN 301 489-9  EN 60950	CEPT/ERC/REC 70-03
864.1 – 868.1M	CT2 cordless telephones	10 mW eirp.	EN 301 797  EN 301 489- 1,10  The Authority  TE - 012	CEPT/ERC/REC 70-03
868 – 868.6M	Non specific SRD	25 mW erp.  < 1% duty cycle or	EN 300 220  EN 301 489-1,3	CEPT/ERC/REC 70-03  CEPT/ERC/DEC (01) 04



		LBT.	EN 60950	
868.6 – 868.7M	Alarms.	10 mW erp.  < 1 % duty cycle. 25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/REC (01) 09
868.7 – 869.2M	Non specific SRD	25 mW erp.  < 0.1 % duty cycle or LBT.  No channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03  CEPT/ERC/REC (01) 04
869.25 – 869.3M	Alarms.	10 mW erp.  < 0.1 % duty cycle.  25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
869.4 – 869.65M	Non-specific SRD.	500mW erp.  < 10% duty cycle or LBT.  25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
869.65 – 869.7M	Alarms	25 mW erp.  10 % duty cycle.  25 kHz channel spacing.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
869.7 – 870.0M	Non-specific SRD.	5 mW erp.  100 % duty cycle.	EN 300 220  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03

		No channel spacing.		
1880 – 1900M	DECT cordless phones.	250 mW eirp (peak).  1.728 MHz channel spacing.	EN 300 406  EN 301 489-1,6  EN 60950  The Authority  TE 001	
2400 – 2483.5M	Non-specific SRD	10 mW erp.  No duty cycle.  No channel spacing.	EN 300 440  EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03
2400 - 2483.5M	Wideband Wireless Systems  WLAN  Wideband Data Transmission Applications (WBDTS)  Model Control.	100 Mw eirp.  No duty Cycle.  No channel spacing.	EN 300 328  EN 301 489 - 1,3  EN 60950	CEPT/ERC/REC 70-03
2400 – 2483.5M	FDDA	25 mW erp.  No duty cycle.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
2400 – 2483.5M	Low power Video Surveillance	100 mW erp.  No duty cycle.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
5150 – 5350M	Wireless Access	200 mW eirp.	EN 300 893	ITU-R M.1625

	Systems / Radio Local Access Network (WAS & RLAN) indoor use only.	Dynamic Frequency Selection (DFS) & Transmitter Power Control Obligatory.	EN 301 489-1,17 EN 60950	
5470 – 5725M	Wireless Access Systems / Radio Local Access Network (WAS & RLAN): indoor use only.	1 W eirp.  Dynamic Frequency Selection (DFS) & Transmitter Power Control Obligatory.	EN 300 893  EN 301 489-1,17 EN 60950	ITU-R M.1625
5725 – 5875M		1 watt peak eirp  Any modulation		
5725 – 5875M		4 watt peak eirp  Frequency hopping or digital modulation only		
5795 – 5805M	RTTT data	2 W eirp.  No duty cycle restriction.  No channel spacing.	EN 300 674  EN 301 489-1,3 EN 60950	ITU-R M.1453  CEPT/ERC/DEC (92)02
5805 – 5815M	RTTT data.	2 W eirp.  No duty cycle restriction.  No channel spacing.	EN 300 674  EN 301 489-1,3 EN 60950	ITU-R M.1453  CEPT/ERC/DEC (92)02
9200 – 9500M	FDMA.	25 mW eirp.  No duty cycle restriction.	EN 300 440  EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

		No channel spacing.		
9500 – 9975M	FDDA.	25 mW eirp.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
10.5 – 10.6G	FDDA.	500 mW eirp.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
13.4 – 14G	FDDA.	25 mW eirp.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
17.1 – 17.3G	Wireless Access Systems / Radio Local Access Network (WAS & RLAN).	100 mW eirp.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
24.00 – 24.25G	Non-specific SRD.	100 mW eirp.  No duty cycle restriction.  No channel spacing.	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03
24.05 – 24.25G	FDDA.	100 mW eirp.  No duty cycle restriction.  No channel	EN 300 440  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03

		spacing.		
76-77G	RTTT radar	55dBm peak  No duty cycle restriction  No channel spacing	EN 300 091  EN 301 489-1,3  EN 60950	CEPT/ERC/REC 70-03

Use and possession of all radio apparatus exempt in terms of the above table must comply with the following:

- (a) All radio apparatus must be type-approved by the Authority in accordance with section 35 of the Act;
- (b) The frequencies, transmitting power and external high-gain antenna of the radio apparatus must not be altered without a new type approval certificate being issued by the Authority;
- (c) The RADIO APPARATUS must be operated within, and not exceed, the technical parameters set out in each of the applicable columns C and D of the Table with respect to the frequency band; maximum radiated power or field strength limits and channel spacing; relevant standard; and duty cycles and antennas to be used as contained in Column E.
- (d) The antenna of the RADIO APPARATUS must not be higher or above average ground level than the lowest point of the place where the RADIO APPARATUS operates effectively.
- (e) The RADIO APPARATUS must not cause interference to any person issued with a radio frequency spectrum licence by the Authority.
- (f) The user of the RADIO APPARATUS in the licence-exempt frequency spectrum operates on non-interference and zero protection bases from interference.

**Annexure C. Categories subject to the Standard Application Procedure.**

- (1) Unless otherwise stated in regulations or an Invitation to Apply, Standard Application procedures apply to the following:
  - i. Amateur Radio;
  - ii. Marine Band;
  - iii. Aeronautical Band;
  - iv. Citizen Band Radio;
  - v. Ski Boats;
  - vi. Two way Radio without repeaters; (including Short Range Business Portable radio);
  - vii. Shared simplex HF;
  - viii. Communal Repeaters;
  - ix. Radio Frequency Spectrum Licence for assignment in the broadcast bands to the holder of a Broadcast Service Licence;
  - x. For frequencies above 40 GHz;
  - xi. Microwave Point to Point
  - xii. Point to Multipoint Point fixed links bands
  - xiii. Satellite Bands Direct Links
  - xiv. Any other services or frequency bands that the Authority may specify.
- (2) In addition, where a Licensee already has assignments for point to point links under his licence, he may apply for new links to be assigned as an amendment to his licence using the Standard Application Procedure.
- (3) The Authority may at any time require an applicant to submit his application using the extended procedures.

## Annexure D. Standard Application Procedures

- (1) The relevant application form obtainable at any office of the Authority shall be completed in full and submitted with the prescribed application fee at any office of the Authority.
- (2) For applications subject to the standard application procedures, the following information shall be provided unless otherwise specified in these or other regulations.
- (3) If the information to be supplied is not applicable, then the term 'not applicable' shall be written with a short explanation.

### I. APPLICANT's DETAILS

No.	Information Required
1	<p>Name, address, identification number telephone number and Email address of applicant</p> <ul style="list-style-type: none"> <li>• If the applicant is a South African citizen a copy of the identity document shall be submitted to the Authority.</li> <li>• If the applicant is a foreigner a copy of the passport as well as proof of status shall be submitted to the Authority.</li> </ul> <p>In the case of companies</p> <ul style="list-style-type: none"> <li>(3) A certified copy of the Company's registration certificate</li> <li>(4) Name and address of directors and/ or principal executives</li> </ul>
2	<p>When applying for an Radio Frequency Spectrum Licence for Amateur Radio, the following shall be supplied by the applicant in addition to that specified in 1:</p> <ul style="list-style-type: none"> <li>(5) A copy of the applicant's Amateur Radio Operator's Certificate.</li> </ul>
3	<p>When applying for a Radio Frequency Spectrum Licence for a high frequency (HF Band) cross border communication system in the Southern African Development Community, the following must be supplied by the applicant in addition to that specified in (1):</p> <ul style="list-style-type: none"> <li>• The registration numbers of any vehicles in which the radio apparatus may be installed.</li> </ul>
4	<p>When applying for a Radio Frequency Spectrum Licence for a high frequency (HF Band) cross-border communication system in a territory other than in the Southern African Development Community, the following shall be supplied by the applicant in addition to that specified in (1):</p> <ul style="list-style-type: none"> <li>• A copy of the Radio Frequency Spectrum Licence issued in the foreign country.</li> <li>• Proof of validity of the foreign Radio Frequency Spectrum Licence.</li> <li>• A completed form of notice (AP1/A15) in respect of a transmitting terrestrial station.</li> </ul>

**(ii) TECHNICAL INFORMATION (SYSTEM DESIGN)**

No.	Information Required	
1	Site names	Name of place where equipment is located
2	Site code	Code assigned to place
3	Site coordinates	Geographic coordinates to locate places on maps in degrees, minutes and seconds (ddmmss)
4	Frequency (Hz)	Airwaves through which the radio waves are transmitted
5	Bandwidth (MHz)	Amount of frequency occupied by the transmitted signal (RF bandwidth)
6	Modulation scheme	Method of transmitting radio signals
7	Bit rate (bits/s)	Speed of transmitting digital radio signals
8	Antenna site	Where antenna is situated
9	Antenna type	Type of antenna
10	Antenna diameter (m)	Diameter of antenna
11	Antenna gain (dB)	Gain of antenna in terms of decibels (dB)
12	Antenna polarization (H/ V)	Horizontally or vertically polarized
13	Transmit power (dbm/ Watt)	Transmitted power at the output of antenna
14	Receiver sensitivity threshold (dBm)	Lowest value of signal detected by receiver
15	Fixed loss (dB): transmit and receive	Percentage of lost power
16	Type of service	Data service, voice, paging, telemetry etc
17	Area and direction of operation	Geographical area of service
18	Applicants must provide diagrams or sketches of proposed operations	
19	Adherence to EMC specifications	
20	Equipment specifications, type approval certificates	



**Annexure E. Extended Application Procedures**

- (1) The relevant application form obtainable at any office of the Authority shall be completed in full and submitted with the prescribed application fee at any office of the Authority.
- (2) For applications subject to the extended application procedures, the following information shall be provided unless otherwise specified in these or other regulations.
- (3) If the information to be supplied is not applicable, then the term 'not applicable' shall be written with a short explanation.

**(I) APPLICANT DETAILS**

No.	Information Required
1	<p>Name, address, identification number telephone number and Email address of applicant</p> <ul style="list-style-type: none"> <li>• If the applicant is a South African citizen a copy of the identity document shall be submitted to the Authority.</li> <li>• If the applicant is a foreigner a copy of the passport as well as proof of status shall be submitted to the Authority.</li> </ul> <p>In the case of companies</p> <ol style="list-style-type: none"> <li>a. A certified copy of the Company's registration certificate</li> <li>b. Name and address of directors and/ or principal executives</li> </ol>
2	Annual report of the applicant and its main shareholders from the previous three years (where available)
3	Full particulars of the experience and expertise of the applicant, its partners, shareholders, suppliers and contractors in the business contemplated
4	<p>Extent of beneficial ownership of the applicant by the historically disadvantaged persons</p> <p>Extent of beneficial ownership by women</p> <p>Extent of beneficial ownership by the youth</p> <p>Extent of beneficial ownership by the disabled</p>

**(II) DESCRIPTION OF SERVICE**

No.	Information Required
1	Description of service to be provided
2	Proposed annual coverage, rollout indicating the exact areas and location covered

**(III) CONSTRUCTION OF THE NETWORK (RADIO COMPONENT)**

No.	Information Required
-----	----------------------

1	Availability and experience of planning and project management capabilities required for construction of the network
2	Mechanisms used for the planning of any radio component of the network
3	Plans to acquire resources such as access to sites, other property, technology, personnel and capital

#### (IV) BUSINESS PLAN

*Should a Radio Frequency Spectrum Licensee issued, the information contained in the business plan may be incorporated as licence conditions.*

No.	Information Required
1	Fundamental assumptions for the business plan with financial forecasts for a minimum period of three years.
2	A market analysis of the services contemplated to be offered through the radio frequency spectrum licence applied for, including forecast demand.
3	Description of products and services to be offered through the radio frequency spectrum licence applied for.
4	Description of pricing strategy for products and services to be offered through the radio frequency spectrum licence applied for.

#### (V) TECHNICAL INFORMATION (RADIO SYSTEM DESIGN)

No.	Information Required		
1	Full information of the technology to be implemented		
2	Approach to network development and expansion		
3	Description of all the relevant or important interfaces in the network		
4	Requirements for interconnection to other telecommunication networks or services and transmission medium and links required		
5	Upgrade of the network to accommodate new standards and technology developments		
6	Compliance with recognized international standards and specifications		
7	Details of radio planning including methods to reserve frequency		
7.1	<table border="1"> <tr> <td>Site names</td><td>Name of place where equipment is located</td></tr> </table>	Site names	Name of place where equipment is located
Site names	Name of place where equipment is located		

7.2	Site code	Code assigned to place
7.3	Site coordinates	Geographic coordinates to locate places on maps in degrees, minutes and seconds (ddmmss)
7.4	Frequency (Hz)	Airwaves through which the radio waves are transmitted
7.5	Bandwidth (MHz)	Amount of frequency occupied by the transmitted signal (RF bandwidth)
7.6	Modulation scheme	Method of transmitting radio signals
7.7	Bit rate (bits/s)	Speed of transmitting radio signals
7.8	Antenna site	Where antenna is situated
7.9	Antenna type	Type of antenna
7.10	Antenna diameter (m)	Diameter of antenna
7.11	Antenna gain (dB)	Gain of antenna in terms of decibels (dB)
7.12	Antenna polarization (H/ V)	Horizontally or vertically polarized
7.13	Transmit power (dbm/ Watt)	Transmitted power at the output of antenna
7.14	Receiver sensitivity threshold (dBm)	Lowest value of signal detected by receiver
7.15	Fixed loss (dB): transmit and receive	Percentage of lost power
7.16	Type of service	Data service, voice, paging, telemetry etc
7.17	Area and direction of operation	Geographical area of service
8	Applicants must provide diagrams or sketches of proposed operations	
9	Adherence to EMC specifications	
10	Theoretical traffic volume forecasts and alternative routing and redundancy requirements	

11	Numbering plan for the service:
12	Quality systems deployed and quality targets used:
13	Details of fixed network planning
14	Presentation of network planning data in the form of schedules, diagrams, tables and maps for the initial phase and two subsequent phases
15	Network management, fault detection, service and maintenance mechanisms
16	Equipment specifications, type approval certificates
17	Regulatory requirements (ITU and Act)
18	Technical expertise
19	Service monitoring capabilities
20	<p style="text-align: center;"><b>Critical Efficiency Factors</b></p> <p>a. <b>Technical (spectral efficiency)</b> - defined in terms of maximum volume of traffic (voice/ data) within a given spectrum resource (erlangs/MHz/km<sup>2</sup> or Mbits/MHz/km<sup>2</sup>) for voice and data respectively. Technical efficiency indicators include the following:</p> <ol style="list-style-type: none"> <li>i. Bandwidth efficiency (expressed in bits/ Hz) defined as the amount of information contained in a finite spectrum .</li> <li>ii. Reuse which dictates to what extent the spectrum can be simultaneously used at multiple locations (reuse factor of 1 is the highest).</li> <li>iii. Time; since applications do not typically use information on a continuous basis and can share resources by time multiplexing. <b>(40 points)</b></li> </ol> <p>b. For broadcast services technical efficiency is defined in terms of ability to address maximum potential audience (coverage) with the minimum amount of spectrum.</p> <p>c. <b>Functional efficiency</b> defined in terms of extent to which the use of spectrum meets the users needs (<i>evaluated by defined key performance indicators (KPI): the KPI for the particular band will be defined by the Authority and provided as part of the Invitation to Apply (ITA) as deemed necessary</i>). <b>(30 points)</b></p> <p>d. <b>Economic efficiency</b> defines the monetary gain in terms of revenue, profit and value which the licensee derives from that portion of spectrum.(30 point )</p> <p style="text-align: center;"><b>Total score for efficiencies =.....</b></p>

**Annexure F – Radio frequency spectrum application and permit fees.****1. Application Fees by Type of Radio-Communications Services**

<b>1. Amateur Radio Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
All classes of licences	140
Beacon	100
Repeater station including radio link	100
Digipeater/Bulletin Board	100
Listeners	100
Experimental station for weather satellite reception and retransmission	210
Guest or special event licence	100
Change of call sign on request	100

<b>2. Aeronautical Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Aircraft frequency band	480
Beacon frequency	480
Ground station frequency	480
Relay station frequency	170

<b>3. Maritime Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Ship frequency spectrum	480
Coast station frequency - Non commercial	480

Coast Station Frequency – Commercial	600
Beacon frequency	480

<b>4. Land Mobile Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Citizen band frequencies	210
<i>Civil Defence/Marnet (VHF band)</i>	
- without a private frequency	210
- with a private frequency	620
<i>27/29 MHz frequency band</i>	210
Simplex frequency in the VHF and UHF bands	620
<i>High frequency band</i>	
- Cross Border	830
- Cross Border – SADC	1040
- Local HF	620

<b>5. Fixed Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Experimental or test licence	830
Special Radio Service	830
Microwave Link frequencies (per application)	830
All other fixed services	830

<b>6. Radio-Communication Systems</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Alarm System	980
Load Management System	1000
Telemetry System	730
Message Handling System	1230
Paging System	1430
Radio Trunking System (per frequency channel)	275
Repeater System	1100
Wide Area Network	1660
Wireless Local Loop System	650

<b>7. Satellite Service</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Fixed Satellite Earth Station – Uplink	1600
Transportable Satellite News Gathering Station – SNG	1600
VSAT	1600

<b>8. Miscellaneous</b>	
<b>Type of Service</b>	<b>Fees (Rand)</b>
Radio apparatus Dealer Certificate Application	100
Maritime Certificate Application	100
Computer printout per licence/certificate	100
Duplicate per licence/certificate	100

Change of name and/or title of the licensee	100
Modification to license— Administrative (excluding address changes)	100
Modification to License— Technical	410

**2. Permit Fees**

Permits for possession of RADIO APPARATUS subject to Radio Frequency Spectrum Licences without a licence being issued	Fees (Rand)
(i) Application Fee for Permit	100
(ii) Fee for Permit	100



**Annexure G- Radio Frequency Spectrum Examination and Certificate Fees**

1. The fees below are payable when sitting for the examination indicated or to acquire the certificate shown.

Certificate, purpose for which it is required and examination fee unless otherwise stated:

		<b>Fees (Rand)</b>
1	General Operator's Certificate (Maritime): Performing duties on a ship subject to the requirements of the Global Maritime Distress and Safety System: Issue of certificate	30
2	Restricted Radiotelephone Operator's Certificate (Maritime): Operation of a radiotelephone installation on a ship, provided that-  (i) the carrier-wave power of the transmitter does not exceed BOW; or  (ii) the operation of the transmitter requires only the use of simple external switching devices, any manual tuning of the elements determining the frequency is excluded, and the stability of the frequencies is maintained within the prescribed tolerance limits by the transmitter itself, the peak envelope power of which does not exceed 1,5Kw  • Issue of certificate  • Per repeated subject	          30  18
3	Restricted Operator's Certificate (Maritime): Performing duties on a ship subject to the requirements of the Global Maritime Distress and Safety System: Issue of certificate	30

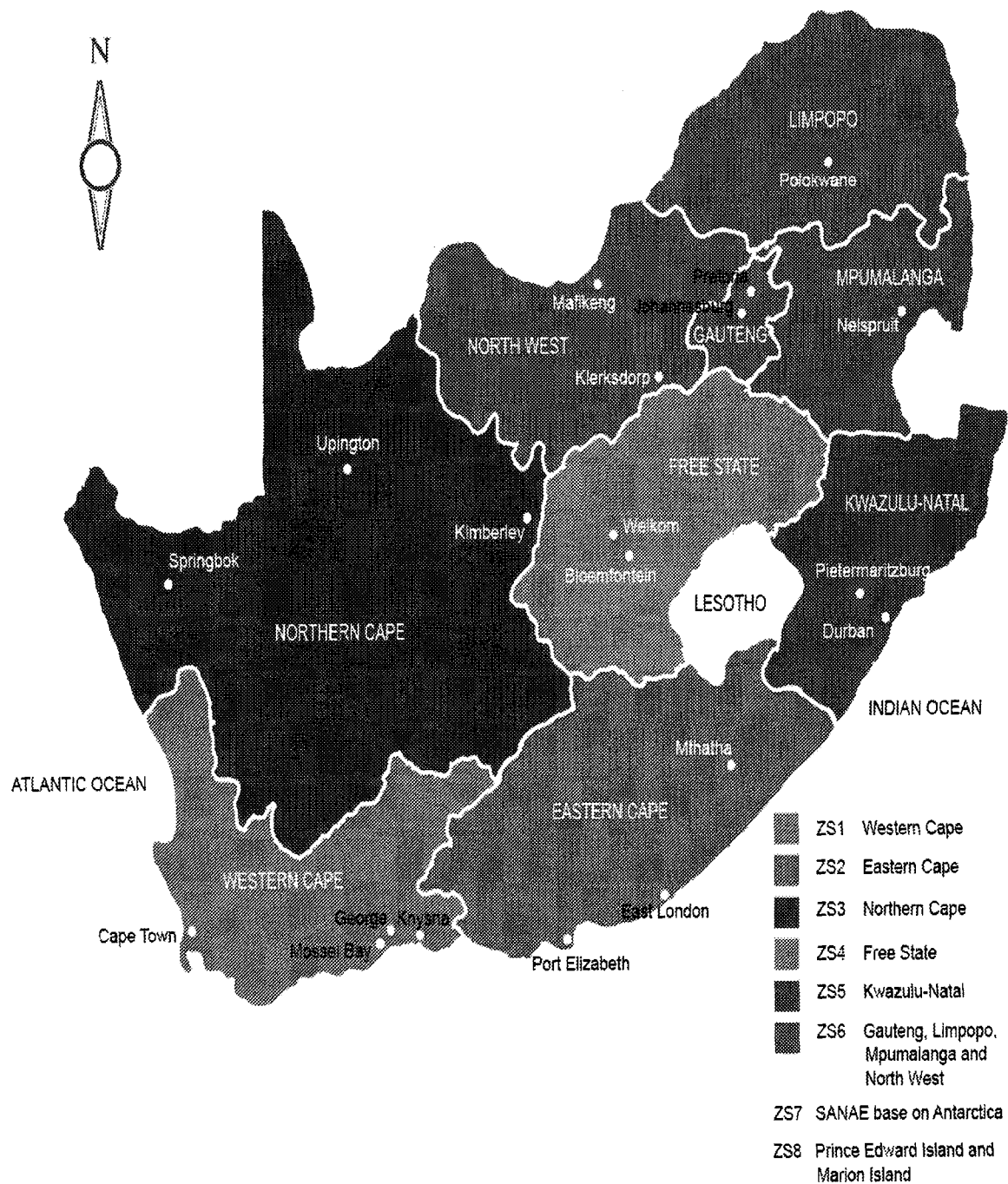
**Annexure H - Table of amateur modes of emission.**

<b>No.</b>	<b>Mode</b>	<b>Explanation</b>
i.	A1A	Telegraphy without the use of a modulating audio frequency (by on/off keying) for aural reception
ii.	A3C	Facsimile (with modulation of the main carrier either directly or by frequency modulated sub-carrier
iii.	A3E	Double sided telephony
iv.	C3F	Television by analogue modulation and vestigial-sideband operation.
v.	F1A	Telegraphy for aural reception is including DATA by means of frequency shift keying without the use of a modulating audio frequency one or two frequencies being emitted at any instant.
vi.	F1B	Telegraphy including DATA by means of frequency shift keying without the use of a modulating audio frequency one or two frequencies being emitted at any instant.
vii.	F1D	Data transmissions by means of frequency shift keying without the use of a modulating audio frequency, with one frequency been emitted at any instant.
viii.	F2A	Telegraphy for aural reception including RTTY and DATA by the on/off keying of a frequency or by means of the on/off keying off keying of a frequency modulated emission.
ix.	F2B	Telegraphy including RTTY and DATA by the on/off keying of frequency modulating audio frequency or by means of the on/off keying of a frequency modulated emission.
x.	F3C	Facsimile by direct frequency modulation of the carrier
xi.	F3E	Frequency modulated telephony.
xii.	G3E	Phase modulated telephony.
xiii.	J3E	Single sideband suppressed carrier telephony.
xiv.	J3F	Single sideband suppressed carrier, modulated by slow scan television audio frequencies.
xv.	NON	Emission of an unmodulated carrier
xvi.	R3E	Single sideband, reduced or variable level carrier telephony
xvii.	W9E	Digital speech multiplexed up to twelve channels.
xviii.	J2D	Data transmission with the use of a modulating audio frequency
xix.	J2E	Digital telephony with the use of a modulating audio frequency

**Annexure I – Amateur radio frequency bands**

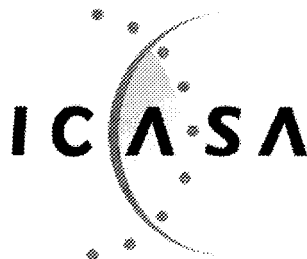
<b>Frequency bands in MHz</b>	<b>The Amateur Service</b>	<b>Maximum Power in dB relative to 1 watt PEP</b>	<b>Satellite</b>	<b>Permitted types of transmission</b>	<b>Remarks</b>
<b>0.1357 – 0.378</b>	<b>Secondary</b>	<b>CLASS A 1 Watt e.i.r.p</b>		All except pulse or fast scan	
1 810-1.850	Primary	A1 = 26 dBW A2 = 20 dBW		All except pulse or fast scan	No Class B operation
3.500 - 3.800	Co-primary	A1 = 26 dBW A1 = 26 dBW B = 13 dBW		All except pulse or fast scan	
7.000 - 7.200	Primary.	A1 = 26 dBW A2 = 20 dBW B = 13 dBW	Allocated	All except pulse or fast scan	
10 100 - 10.150	Secondary	A1 = 26 dBW		All except pulse or fast scan	No Class A2 or Class B operation International Band
14.000 - 14.350 14.070 – 14.099 14.225 -14.250	Primary	A1 = 26 dBW A2 = 20 dBW A2 = 20 dBW	Allocated	All except pulse or fast scan	No Class B operation International Band
18.068 - 18.168	Primary	A1 = 26 dBW	Allocated	All except pulse or fast scan	No Class A2 or Class B operation International Band
21.000 - 21.450  21.070 – 21.120  21.300 – 21.145	Primary	A1 = 26 dBW  A2 = 20 dBW  A2 = 13 dBW	Allocated	All except pulse or fast scan	No Class B operation International Band

24.890 - 24.990	Primary	A1 = 26 dBW	Allocated	All except pulse or fast scan	No Class A2 or Class B operation International Band
28.000 - 29.700	Primary	A1 = 26 dBW A2 = 20 dBW	Allocated	All except pulse or fast scan	No Class B operation International Band
28.050 - 28.150	Primary	A2 = 20 dBW B = 20 dBW	Allocated	All except pulse or fast scan	No Class B operation International Band
28.300 - 28.500	Primary	A2 = 20 dBW B = 20 dBW	Allocated	All except pulse or fast scan	No Class B operation International Band
29.700 - 30.000	Secondary	26 dBW		All	Secondary basis during disaster exercises and emergency

**Annexure J - Call sign zones.**

**NOTICE 185 OF 2011**

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**



**RADIO FREQUENCY SPECTRUM REGULATIONS**

**EXPLANATORY DOCUMENT**

## REASONS DOCUMENT

### 1 Introduction

The objects of these Radio Frequency Spectrum Regulations are as follows:

- (1) To establish Radio Frequency Spectrum Regulations that are compliant with the Electronic Communications Act, 2005 (Act No. 36 of 2005) and cover as wide a range of issues as possible under a single legislative instrument.
- (2) To repeal and substitute a range of regulations promulgated under previous legislative or statutory frameworks including the now repealed Telecommunications Act, 1996 (Act No. 103 of 1996).
- (3) To incorporate the High Demand Regulations and Licence Exempt Regulations into a single body of regulations.
- (4) To act as an umbrella set of Radio Frequency Spectrum regulations that is in principle applicable to all areas of the radio frequency spectrum and to all types of licensed services.

### 2 General Principles

- (1) These regulations as a general rule are applicable to all frequency bands. Regulations for certain services that were covered in the radio regulations have been included as these are relatively stable and affect a large number of small individual licensees.
- (2) Additional rules that are applicable to specific services or frequency bands will be covered in specific regulations contained within Invitations to Apply, or individual licences.
- (3) These regulations accordingly allow the Authority considerable freedom or leeway to promote advanced uses of the spectrum in future regulations including Invitations to Apply.
- (4) While there is no requirement that the regulations for Radio Frequency Spectrum Licences be according to the same format as the Service Licences, the same grouping of topics is adopted as far as possible.
- (5) The term 'licences' in these regulations applies only to radio frequency spectrum licences and assignments. These regulations do not address the 'service licences' (BS, ECNS and ECS licences) which are covered in separate regulations. The radio frequency spectrum regulations are intended to be independent from changes in the service licensing regime.

### 3 Radio Frequency Spectrum Planning

1. These regulations empower the Authority to develop plans for the use of specific frequency bands services. Part II sets out the process by which a radio frequency spectrum band can be identified as being required for a specific purpose, the

applicable technical parameters defined and the method of assignment determined along with the consultation process.

2. The guiding document is always the **National Radio Frequency Plan** which is typically updated every four years after resolutions have been passed at the World Radio Conference hosted by the ITU.
3. It is envisaged that once the **Radio Frequency Spectrum Band Plan is finalised/reviewed the Authority will** prepare a Radio Frequency Spectrum Assignment Plan for specific bands of radio frequency spectrum.

#### 4. **Radio Frequency Spectrum Assignment Plan**

1. A Radio Frequency Spectrum Assignment Plan will be subject to public consultation, it is envisaged that:
  - (a) the Authority will publish the Radio Frequency Spectrum Assignment Plan in the Government Gazette, and invite interested persons to submit written representations as specified by the notice in the Gazette.
  - (b) the Authority may, after any defined period for lodging comments by interested persons has passed, hold a public hearing in respect of the application.
  - (c) the Authority may modify or vary the Radio Frequency Spectrum Assignment Plan as it deems fit and appropriate.
  - (d) the envisaged **Radio Frequency Spectrum Assignment Plan** will provide more detail than the Radio Frequency Spectrum Band plan including matters as to which service(s) could be offered and proposals as to how the frequency may be assigned. The Radio Frequency Spectrum Assignment Plan aims to depart from the fragmented approach which has characterised spectrum usage in the past. The assignment plan may well propose that the frequency will have to be cleared and reassigned with proposals regarding the movement or migration of existing users into other frequency bands. The consultation on the band plan may have already indicated that demand is going to exceed supply and propose a competitive process. These assignment plans (sometimes termed marketing plans) have a key role as consultation documents.
2. Following on from the assignment plan consultation, the Authority will issue an **Invitation to Apply (ITA)** which prescribes the final set of rules regarding the use of the frequency with instructions on how to apply. The ITA is not necessarily for a competitive process such as an Auction, but when it is, it must set out the rules for the competitive process.
3. HDI Criteria will be incorporated in the ITA.
4. The instrument for assigning the specific frequencies is the ITA. The ITA can specify either a first come first served mechanism or a competition such as an



auction. In this way the high demand regulations are absorbed into these regulations.

5. Given that the assignment plan may well propose that the frequency will have to be cleared and reassigned with proposals regarding the movement or migration of existing users into other frequency bands considerable consultation is envisaged. Users do not have any right of tenure of a frequency, however to cater for all possibilities, supporting regulations on Withdrawal of the Right of Use were initially drafted and subsequently withdrawn in these final regulations

#### **4 Radio Frequency Spectrum Licence Exemptions**

- (1) The existing licence exemption regulations have been incorporated and attached in the Annexure A of the regulations, and there is one change in the 5725 – 5875 MHz band (See Table of frequency spectrum licence exemptions).

#### **5 Standard Terms and Conditions of Radio Frequency Spectrum Licences**

- (1) The standard terms and conditions are intended to cover any spectrum licence.
- (2) The regulations on duration and renewal are both an extension of the previous radio regulations and designed to meet the following objectives:
  - i. Be consistent with the Spectrum Pricing Regulations, including the provisions for multi-year licenses.
  - ii. Reduce the burden on users and administration by allowing renewal up to **10** years for those pre-assigned services which include the majority of smaller licences.
  - iii. Where required, an ITA or a licence may indicate a specific maximum period for renewal.
- (3) It must be stressed that in most cases, a 'fresh' application for the frequency will be approved and any exceptions to this will be the result of a spectrum planning process as mentioned above.
- (4) The initial draft of regulations on transfer and leasing / third party authorisations made it possible for the Authority to introduce flexible spectrum management methods in the future through an ITA for specific bands. Following the hearings and submissions, it is clear that industry does not entirely support the idea of spectrum trading. The Authority has after considering the different submissions concluded that the possibility of trading for/not for profit is at this stage, regarded as incompatible with the aim of making spectrum available to all groups for the benefit of society as a whole and the need to ensure efficient use of the radio frequency spectrum.

#### **6 Procedures for Radio Frequency Spectrum Licensing and Assignment**

- (1) The Standard procedures are intended to be as simple as possible. They are limited to the identity of the applicant/ registrant and where he/she will be locating

transmitters. The standard procedures are intended to apply to the maximum number of categories with the qualification that the Authority can demand that applicant/ registrant submits an extended procedure if required.

- (2) The purpose of the extended procedures is to cover the small number of situations where there is numerous applications for limited spectrum, no radio frequency spectrum band plan or ITA, but an application for spectrum has been made which needs to be thoroughly evaluated in terms of the background and capabilities of the applicant.
- (3) The procedures for applications for frequency in High Demand will be contained in a specific ITA, including the rules that were contained in the repealed High Demand regulations.
- (4) Generally speaking, the application procedures have not changed significantly from the existing practice.

## **7 Sharing and Co-ordination of Radio Frequency Spectrum Assignments.**

- (1) The regulations are intended to ensure that sharing can be maximised and to allow the Authority to introduce innovative technologies and spectrum management approaches.
- (2) The regulations allow the Authority to impose sharing and to demand that the licensees who are sharing an assignment to sort out their internal coordination. This is also an essential component of ensuring the most efficient use is made of spectrum resources.

## **8 Withdrawal of the Right to Spectrum.**

- (1) These regulations sought to enforce the right of the Authority to take spectrum away from existing users in order to allow it to be used for another purpose of greater benefit to society as a whole.
- (2) It was envisaged that these regulations will only be invoked in exceptional circumstances as a last resort and will be subject to consultation. Existing users of the frequency to be so acquired will, where possible, be assigned frequencies in other bands.

## **9 Radio Regulations for Specific Services**

- (1) These are the revised and updated radio regulations for specific services. These services are specified because they are well established, generally stable and applicable to a large number of licensees.
- (2) The regulations for Electronic Communication Equipment Dealers replace those for radio dealers and are contained in these regulations because the equipment in question is generally radio equipment.

## 10 Revised Draft Radio Frequency Spectrum Regulations

### 1. Duration of a Radio Frequency Spectrum Licence

In the past and to date, the Authority has not issued multi-year spectrum licences aligned to the service licences. Instead Spectrum licences were aligned to obligations. The matters pertaining to obligations have not been resolved and that process is still underway (Universal Service Committee).

### 2. Procedure for withdrawal, cancellation or suspension of a radio frequency spectrum licence

3. The Authority is in agreement with the submissions made to the effect that the procedure for withdrawal or cancellation of a radio frequency spectrum licence is adequately catered for in section 31 (8) – (10) of the ECA. **Withdrawal of the right to spectrum**

After considering all the comments or inputs to the draft regulations, the Authority is of the view that it is not practical to focus on instances where rights to spectrum may be withdrawn by the Authority. Many of the concerns raised can be resolved through an amendment process, further aspects relating to instances where the Authority may amend a radio frequency spectrum licence are detailed in section 31(4) of the ECA. The regulation will consequently simply outline the procedure that will be followed by licensees in amending their radio frequency spectrum licences.

### 4. Section 31 (3): HDI/HDP Criteria

Whilst acknowledging that the minimum threshold provided in the ECA is 30%, the Authority is of the view that the HDI percentage to be imposed on a spectrum licence need not remain fixed and has consequently resolved to stipulate such percentages in an ITA with the aim of balancing the different objects of the Act and promoting the empowerment of historically disadvantaged persons.

### 5. Transfer of a radio frequency spectrum licence

Spectrum is a national asset and must not be in any way be construed as an asset of a licensee or form part of a balance sheet of a licensee. The Authority will thus discourage any transaction(s) which seek to enable the transferor of a radio frequency spectrum licence to derive a profit from the transfer of the licence. The principle of use it or lose it will be adhered to. Furthermore, the Authority will not approve a transfer if such transfer will reduce or limit competition or HDI/HDP.

### 6. Electronic Communications Equipment Dealer

Taking into account the submissions in this regard, the Authority is of the view that only a radio apparatus dealer or their agents must be in possession of a radio dealer apparatus certificate issued by the Authority; in other words sales personnel of the radio apparatus dealer or agent are not required to possess the certificate but rather the business institution that deals in radio apparatus must be in a position to produce such certificate.

## **7. Burglar Alarm Services**

The submissions proposed flexibility in term of their coverage range based on their business model. The authority had been making assignments for burglar alarms with a fixed distance of fifty kilometre radius based on recommendations from burglar alarm manufacturers. The fifty (50) kilometre radius is not spectral efficient since this in most cases exceeds the business requirement. There is a limitation in terms of available spectrum for burglar alarms. The twenty (20) kilometre radius, as the minimum, frees up some spectrum which would have not been available had the authority remained fixed to the previously imposed mandatory fifty (50) kilometre radius. The determination of the range required by individual alarm operators will be dictated by their business model and this will be reflected in the application.

## **ANNEXURES**

### **1. Spectrum Assignment and Coordination procedure.**

The spectrum application forms are included in Annexure A. These include procedures for Spectrum Surrender, Spectrum withdrawal, Spectrum amendment, Spectrum coordination and dispute resolution and Spectrum transfer.

### **2. Amateur modes of emission and the amateur radio frequency bands tables.**

The revised radio regulations which have been incorporated in the current regulations omitted the technical aspects of the radio regulations with a view that these are to be reflected in future National Radio Frequency Band Plan. However since the National Radio Frequency Band Plan has a four year cycle, the Amateur table of modes of emission and the radio frequency bands are reflected as Annexure H and I respectively. This to ensure that there is no vacuum created with the repeal of the radio regulations since these are not incorporated in the body of the regulations.

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