

Overview: Draft National Spectrum Policy

This note is intended as an overview of (and not a commentary on) the Draft National Spectrum Policy released for public comment by the Department of Communications on 18 September 2009. Much of the Policy is a restatement of existing practise and this has not been covered in any detail below.

The deadline for comment to be submitted to the Department is 17 October 2009.

The Policy firstly recognises that the lack of a national policy on spectrum usage has resulted in piecemeal / *ad hoc* decisions being taken on spectrum usage that have often driven purely by commercial considerations.

The **objectives of the Policy** are to:

- Establish the environment within which national radio spectrum policy objectives are implemented;
- Establish principles for spectrum management;
- Establish guidelines for radio frequency spectrum planning so as to ensure the efficient and effective usage of the radio frequency spectrum;
- Set guidelines for spectrum usage;
- Establish principles for spectrum fees;
- Contribute to the promotion of national interests, development and diversity within the framework of Government strategic objectives;
- Ensure the availability of spectrum for safety of life services;
- Provide spectrum for Government services; and
- Facilitate scientific research.

The Policy is intended to provide guidance to ICASA in its management of radio frequency spectrum and the Department intends to supplement the Policy with policy directions under the ECA as necessary.

Spectrum management must encourage, *inter alia*, the sharing of radio frequency spectrum among different radio users and services, where appropriate, making use of proper sharing criteria and suitable mitigation techniques.

Principles underpinning the setting of spectrum fees include ensuring that operators pay fair value for spectrum usage and to either encourage or discourage use of particular bands. Spectrum pricing should not act as a barrier to entry and should enable businesses of all sizes that utilise radio technology. Pricing should be such that existing users examine their spectrum needs and give up surplus spectrum so that new users and new technologies have an opportunity of gaining access to the spectrum.

Where there are **competing uses** for spectrum ICASA will be required to determine the allocation which best serves the national and public interest, using the framework establish by the Policy. Where the decisions of the ITU WRC are not perceived to be in the national interest the Minister will issue appropriate policy directions to ICASA regarding the service allocation to be made.

The Policy supports the establishment of radiocommunication infrastructure based on **technology neutrality**. It calls for the proper use of the **digital dividend**, encouraging the use of wireless broadband technologies in under serviced areas.

“The **hoarding of spectrum** by operators is not conducive to efficient spectrum usage and this practise is strongly dissaproved of. ICASA shall strictly apply the principle of ‘**use it or lose it**’ to all spectrum licensees.”

“Spectrum users must make the most efficient usage of the spectrum licensed to them, and must release

any unused spectrum.”

The Policy notes that it is not currently in the public interest for South Africa to adopt the international trend towards economic based spectrum management as this will adversely affect SMMEs and new entrants to the ICT sector. Special emphasis must be placed on the promotion of shorter implementation periods for wireless technologies.

As regards spectrum for **Government services** the Policy requires that such usage be efficient and effective.
