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Re: Written submission on the Draft Radio Frequency Spectrum Regulations

This submission is made in response to the ICASA Notice No 925 in Government Gazette No 33590 and the ICASA Media Release on 13 October stating that the closing date is 19 November 2010.

The SKA Project Office (SASPO) supports ICASA's initiative to promulgate a comprehensive set of radio regulations that would succeed the existing regulations.

SASPO has read the draft regulations but did not find any reference to radio astronomy or the Astronomy Geographic Advantage Act (AGAA). The AGAA provides, inter alia, for the following:

In section 22(6):

Notwithstanding anything contained in any other law, ICASA must not issue a broadcasting service license or a radio frequency spectrum license after the coming into force of this Act where the service to be licensed would cause radio frequency interference in a core or central astronomy advantage area, unless the conditions set out in the license make provision for the protection of such areas.

In section 37(7):

Upon receipt of a notice contemplated in subsection (6) ICASA must, in terms of the procedure contemplated in section 4 of the Electronic Communication Act, 2005, prescribe national standards or measures for the control or minimisation of radio frequency interference.

It is therefore recommended that ICASA includes a section in the Radio Regulations to reflect obligations in terms of the AGAA and by stating that radio stations located within Core, Central or Coordinated Astronomy Areas declared in terms of the AGAA will be subject to restrictions and standards determined in regulations made in terms of the AGAA.

SASPO is available for any discussions and explanations that ICASA may require and is willing to participate in a public hearing that ICASA may hold.

Thank you for the opportunity to make this contribution.

Regards

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