



**e.tv SUBMISSION ON DRAFT SPECTRUM ASSIGNMENT
PLAN FOR THE COMBINED LICENSING OF THE
800MHZ AND 2.6GHZ BANDS**

29 February 2012

1 INTRODUCTION

- 1.1 On 15 December 2011 in Notice 911, ICASA published Government Gazette number 34872 containing the draft spectrum assignment plan for the combined licensing of the 800MHz and 2.6GHz bands. e.tv thanks ICASA for the opportunity to comment on the draft spectrum assignment plan and further requests the opportunity to make an oral submission should hearings be held.
- 1.2 As the only commercial free-to-air television broadcasting service licensee, e.tv is a vibrant presence in the South African broadcasting landscape and is directly and significantly impacted by the planned migration to DTT. As ICASA is aware, e.tv has been a productive participant in the various planning processes around DTT, which have been running for some time.
- 1.3 Notwithstanding the detailed planning on DTT, South Africa has to date, not launched a DTT platform. The reasons for the repeated delays are multi-faceted and complex. For the purposes of the present submission it is noteworthy that at this point, the beginning of 2012, there is still no finalized regulatory framework for DTT nor a SABS approved minimum specification for the set-top box (STB) both of which are required some months before a DTT platform can start.
- 1.4 It is within this context that e.tv makes its brief comments on the draft spectrum assignment plan. Given the continuous delays on DTT, e.tv is understandably concerned as to how it will be affected by the licensing of 800MHz spectrum to 3rd parties for International Mobile Telecommunications (IMT) technologies. This is because part of that spectrum is licensed to e.tv for both its analogue and DTT broadcasts. e.tv therefore wishes to see the necessary checks and balances being put in place to ensure that the

licensing of 800MHz spectrum to 3rd parties for IMT services does not in any way undermine e.tv's existing rights in this band.

2 e.tv SPECTRUM ASSIGNMENTS IN 800MHz BAND

2.1 e.tv currently holds a Radio Spectrum Licence in terms of which the following frequencies in the 800Mhz band are licensed to e.tv for its existing analogue television service. It is noteworthy that most of these are major sites, and in total, millions of e.tv viewers are served by these transmitters.

<u>ATT</u>	<u>TRANSMITTING STATION NAME</u>	<u>CH</u>	<u>FREQ MHz</u>
1	SABIE	64	815.25
2	TABLE MOUNTAIN	64	815.25
3	LADYBRAND	68	847.25
4	RUSTENBURG	68	847.25
5	TZANEEN	68	847.25
6	AMANDA GLEN	61	791.25

Table 1: e.tv analogue assignments

2.2 In addition, the Digital Migration Regulations award e.tv capacity on DTT Multiplex 2. The Final Terrestrial Broadcasting Frequency Plan of 2008 assigns 27 frequencies in the 800Mhz band for use by DTT Multiplex 2 (see Table 2 on next page). The Digital Migration Regulations state in regulation 12(4) that “each of the incumbent broadcasting service licensees is considered to be authorized to utilize the radio frequencies included in Multiplex 1 or 2 ...and the existing radio frequency spectrum licences are deemed to confer such authorization”.

<u>DTT</u>	<u>TRANSMITTING STATION</u>	<u>CH</u>	<u>FREQ MHz</u>
1	ERMEL	61	794
2	EAST LONDON	62	802
3	MOLEMA	62	802
4	GREYTOWN	62	802
5	GREYTOWN DORP	62	802
6	SENEKAL	62	738
7	TZANEEN	62	802
8	VOKSRUST	62	802
9	ITSOSENG	63	810
10	MADIBOGO	63	810
11	HOLY CROSS	64	818
12	MOUNT AYLIFF	64	818
13	PILANESBERG	65	826
14	SOMERSET EAST	65	826
15	VILLIERSDORP	65	826
16	CAROLINA	66	834
17	DEWETSDOP	66	844
18	ELLIOT	66	834
19	MBUZINI	66	834
20	MOGWASE	66	834
21	FRANSCHHOEK	67	842
22	MOOI RIVIER	67	842
23	THABA NCHU	67	842
24	DONNYBROOK	68	850
25	GEORGE	68	850
26	PANKOP	68	850
27	SUPINGSTAD	68	850

Table 2: DTT Multiplex 2 assignments

- 2.3 Although e.tv does not have any spectrum assignments on DTT Multiplex 1, it is worth noting that there are 15 assignments to DTT Multiplex 1 in the 800MHz band.

3 ASSURANCES FOR BROADCASTERS REQUIRED IN LICENSING 800MHZ SPECTRUM FOR IMT SERVICES

- 3.1 At the outset, e.tv wishes to note that it has no in-principle objection to the licensing of 800MHz spectrum for IMT services at the appropriate time. e.tv has in fact previously advocated to ICASA and the Department of Communications the 'early' auctioning of the digital dividend spectrum so that revenues are raised to fund the digital migration process. e.tv repeats its argument that the Authority should use the licensing of digital dividend spectrum to raise revenues so as to fund the digital migration process.
- 3.2 Notwithstanding this, it is concerning to e.tv that the draft spectrum assignment plan provides no assurances to the television broadcasters currently licensed to use the band. Although the draft spectrum assignment plan notes in paragraph 7.1 that "the 800MHz band is currently used for television broadcasting by broadcasters" no further mention is made of the potential impact on television broadcasters such as e.tv.
- 3.3 e.tv is particularly concerned that in paragraph 7.2, ICASA states that "(this approach) allows successful applicants to consider innovative ways of using the spectrum in co-ordination with broadcasters prior to complete release of the spectrum". This appears to contemplate the sharing of the spectrum. e.tv has grave concerns about the feasibility of broadcasting and IMT services sharing spectrum and the conditions under which this would occur. What are to be the guidelines for such sharing arrangements? How are competing

interests to be balanced? e.tv submits that further detail is required and that guarantees are needed that there will be no interference to the television services as they are the existing licensees of this band. The current draft spectrum assignment plan provides no such guarantees and provides scant information.

- 3.4 e.tv submits that the spectrum assignment plan, when finalized, must provide protection for the rights of broadcasters as existing licensees of the 800MHz band. Any radio frequency spectrum licences issued for IMT services must provide that usage may not commence until broadcasters have vacated the band in accordance with an appropriate regulatory framework which governs DTT. To do so would be severely prejudicial to e.tv which has a licensed right to broadcast on the 800MHz band and would constitute unlawful interference with e.tv's right as aforesaid. This would require e.tv to take steps to put a halt to the process.

4 TIMELINES

- 4.1 The draft spectrum assignment plan is predicated on the basis that "the release (of 800MHz spectrum) is anticipated in year 2015 or immediately after that." e.tv is very aware that all concerned parties are working towards a full digital migration by 2015. However, it is noteworthy that digital switch-on has not yet occurred and that it is only envisaged for end 2012. In the context of all the delays that have occurred on DTT to date, planning for a full digital migration of over 8 million TV households within 3 years is ambitious to say the least.
- 4.2 e.tv's concern is what the situation would be if such migration is not complete within the envisaged time-frame? Successful applicants for IMT services will understandably be anxious to start monetizing their investment but e.tv

cannot afford any disruption to, or interference with, its existing analogue service which is, after all, the basis for its sole source of income. e.tv strongly urges that the appropriate assurances, to itself and to other broadcasters, must be provided in the spectrum assignment plan and that any radio frequency spectrum licences issued for IMT services should provide that usage may not commence until broadcasters have vacated the band in terms of an appropriate regulatory framework governing DTT. e.tv repeats what is set out in paragraph 3.4 above.

- 4.3 In providing for the licensing of 800 MHz spectrum, the draft spectrum assignment plan impacts not just on analogue services but on the new DTT services too. This means that not only must the analogue to digital migration process be complete by 2015 but that the plan envisages a digital to digital migration process. No provision has been made in any regulatory framework for a digital to digital migration for e.tv and this further disruption of its service (following the immense challenges of converting viewers from analogue to digital) is highly prejudicial to e.tv. e.tv is unaware of any plan for a digital to digital migration to occur by 2015.

5 LACK OF CONSULTATION

- 5.1 e.tv notes that in paragraph 8 the Authority states that it has “embarked on a consultative process with incumbents (of the 800MHz and 2.6 GHz bands)”. In spite of the fact that e.tv holds a licence to assignments in this band, e.tv was not consulted with prior to the publication of the draft spectrum assignment plan. e.tv wishes to register its objection to the fact that it was not consulted and wishes to caution that e.tv has been severely prejudiced by not being given a right to be heard during the consultative process. Additionally, e.tv submits that had the Authority in fact consulted with e.tv as it states it had done, the very nature of the draft spectrum assignment plan may have been

different. This is particularly so as e.tv's objections as set out herein are concerned. In this regard, all e.tv's rights are reserved.

6 CONCLUSION

e.tv thanks ICASA for the opportunity to comment on the draft spectrum assignment plan and wishes the Authority all the best as it finalizes the assignment plan. Like the policy objective to deliver broadband for all, DTT is also about bridging the digital divide. To do this successfully, the approach to the digital dividend must ensure that the future of free-to-air television is secured in the interests of all South Africans. e.tv therefore eagerly awaits the outcome of the consultations on the draft assignment plan.