



12 October 2012

Independent Communications Authority of South Africa

Attention: Mr Manyapelo Richard Makgotlho

Email: rmakgotlho@icasa.org.za

Dear Sir

**SUBMISSIONS ON DRAFT FREQUENCY MIGRATION REGULATIONS AND DRAFT FREQUENCY
MIGRATION PLAN**

1. ISPA welcomes the publication for comment by the Authority of Draft Frequency Regulations (“the Draft Regulations”) and a Draft Frequency Migration Plan (“the Draft Plan”). These documents are long-overdue and the Authority is to be commended for delivering them notwithstanding the continuing lack of guidance from the policy-maker in respect of planning and managing radio frequency spectrum.
2. ISPA’s general view is that the Draft Regulations and the Draft Plan are both excellent documents which will go some way to establishing a more concrete basis for optimising the allocation, assignment and use of spectrum. The Draft Plan in particular will, once finalised, provide much-needed certainty to licensees with regard to future planning.
3. ISPA also appreciates that the draft Plan constitutes a flexible framework and that there will be further opportunity to provide submissions on specific process contemplated under the draft Plan.

The Draft Regulations

4. ISPA’s sole submission in respect of the Draft Regulations is to request that the Authority clarify draft regulation 4 relating to the process for radio frequency migration. ISPA submits that it is not clear from the text as currently drafted whether the Authority can initiate a migration process on the grounds that the Authority believes such migration would foster greater efficiency of use, notwithstanding that such

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migration might conflict with international or regional instruments. ISPA notes in this regard that the correct principles are clearly expressed in draft regulation 3.

5. The same difficulty arises with section 3.1 of the Draft Plan.

The Draft Plan

6. ISPA has a large number of members who currently use spectrum or intend to do so as soon as it becomes available for access purposes. This use and/or intended use enable service provision across South Africa, in both rural and urban areas.

7. Members providing wireless access and backhaul services in rural areas welcome in particular the sections of the Draft Plan setting out the intention to allocate greater amounts of frequency for Broadband Fixed Wireless Access (BFWA) and especially Rural BFWA. ISPA accordingly strongly supports the proposal to allocate the 1350 – 1375 (1492-1517) / 1375 – 4000 (1427-1452) MHz band to rural BFWA as well as the more general BFWA proposals set out in paragraphs 4.11.20, 4.11.24, 4.11.25, 4.11.26 and 4.11.27.

8. ISPA supports the focus in the Draft Plan on alternative licensing models and looks forward to such models being put forward in greater detail by the Authority so as to enable more detailed comment.

9. ISPA wishes to highlight that the Draft Plan does not indicate any intention to increase the amount of radio frequency spectrum to be made available on a licence-exempt or light-licensed basis. The Authority is well aware of the benefits accruing to creating more licence-exempt bands and that these benefits accrue to consumers as well as to all users of spectrum, ISPA submits that an opportunity is being missed to build on the proven success of the 5GHz and 17GHz bands in enabling service provision.

9.1. To illustrate this point ISPA requests that the Authority give due consideration to including a migration plan for the 24GHz band, which is currently not dealt with in the Draft Plan. The current allocation of this band as set out in the National Radio Frequency Plan is as follows:

ITU Region 1 Allocations	South African Allocations	Typical Applications	Comments
24.00 - 24.05 AMATEUR AMATEUR-SATELLITE 5.150	AMATEUR AMATEUR-SATELLITE 5.150	ISM (24-24.25 GHz)	Government Gazette No 31290, Notice No 926 of 2008 refers
24.05 – 24.25G RADIOLOCATION Amateur Earth exploration-satellite (active) 5.150	RADIOLOCATION Amateur Earth exploration-satellite (active) 5.150	ISM (24-24.25 GHz)	Government Gazette No 31290, Notice No 926 of 2008 refers

9.2. The secondary, licence-exempt basis on which this band may be used is detailed in Annexure B to the Radio Regulations 2010:

Frequency Band	Type of Device	Maximum Radiated Power or Field Strength Limits & Channel Spacing	Relevant Standard	Additional Requirements
24.00 - 24.25G	Non-specific SRD	100mW 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	100mW eirp. No duty cycle restriction. No channel spacing.	EN 300 440 EN 301 489-1,3 EN 60950	CEPT/ERC/REC 70-03

9.3. ISPA's view is that this band should be made available for a wider range of uses, including fixed high-capacity PtP links using highly directional antennas, and that the maximum eirp should be increased for such services, as has been done in a number of other jurisdictions.

9.4. ISPA submits that this band has the potential to provide for a range of point-to-point transmission facilities to support local broadband distribution and network applications.

ISPA is not aware of any ITU or SADC imperative which would restrict ICASA's discretion in this regard and submits that such re-allocation would be in line with the efficiency imperatives expressed in the draft Regulations.

10. ISPA refers to section 34(16) of the Electronic Communications Act of 2005 as set out in section 2.1.1 of the Draft Plan and wishes to highlight to the Authority that said section 34(16) does not appear to explicitly authorise the Authority to effect in-band migration.

11. In conclusion ISPA once again extends its appreciation to the Authority for its efforts to date in bringing greater certainty to spectrum management.

Regards

Dominic Cull

ISPA Regulatory Advisor

(intended as an electronic signature)