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Dear Mr. Makgotlho

**RE: 2nd DRAFT FREQUENCY MIGRATION REGULATION AND RADIO FREQUENCY
MIGRATION PLAN**

We wish to thank the Authority for the opportunity to provide written comments on the proposed 2nd draft Frequency Migration Regulations and Radio Frequency Migration Plan as published in Government Gazette 36031 on 24 December 2012 which comments follow below.

Cell C wishes to make an oral submission when the public hearings are convened.

Yours sincerely

Mothibi Ramose
Executive Head: Regulatory Affairs



2nd DRAFT FREQUENCY MIGRATION REGULATION AND RADIO FREQUENCY MIGRATION PLAN

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1. INTRODUCTION

- 1.1 Cell C would like to thank the Authority for the opportunity to present these written comments for the second time, and requests the opportunity to both elaborate on the points below as well as to raise further points via an additional oral submission when a public hearing is convened on the matter.
- 1.2 Cell C commends the Authority on the publication of the proposed 2nd draft Frequency Migration Regulations and Radio Frequency Migration Plan. Cell C is in agreement with the Authority that there is an immediate need to migrate services that no longer apply to the existing frequency bands in the National Radio Frequency Plan ("NRFP") in its final form. The immigration of these services must occur in the appropriate frequency band as identified in the final NRFP.
- 1.3 Cell C strongly encourages the Authority to use this process to urgently address other matters such as in-band migration of existing services. This will ensure that the radio frequency spectrum assignments to different licensees is harmonized and therefore used more efficiently, realizing the fullest potential of the said radio frequency band.
- 1.4 In the last two years, the Authority has embarked on many regulatory milestones that are related to Radio Frequency Spectrum Management. Amongst these are the publishing of the 2010 NRFP (an update of the 2004 South African Table of Frequency Allocations, "SATFA"), the 2010 Radio Frequency Spectrum Fees Regulations, the 2011 Radio Regulations and the 2009 Terrestrial Broadcasting Frequency Plan. Furthermore, the Radio communications Sector ("ITU-R") held the World Radio Conference ("WRC") early 2012 that resulted in the most recent Radio Regulations. Adding to these regulations the Authority has concurrently published the draft National Radio Frequency Plan in Government Gazette 36025 on 21 December



2012. It is therefore important for the Authority to ensure that these proposed regulations are consistent with the aforementioned regulations. And subsequently the impact the regulations will have on licensees once the migration is completed.

2. ISSUES OF CONCERN

2.1 *Complexity of the Migration Process*

Cell C believes that the Authority has embarked on a radio frequency migration process that seeks to address the requirements (resolutions) of the ITU Radio Regulations (Regional) on the NRFP, SADC Frequency Allocation Plan (“FAP”) and of national importance (outstanding requirements {recommendations} of SABRE 1 and SABRE 2 band plans, digital dividends 1 and 2 and lastly radio frequency spectrum in demand). Therefore it is observed that this radio frequency migration process encompasses several radio frequency milestones that unavoidably make this process complex. Cell C notes that the draft frequency migration regulation and Plan tends to take a discussion paper format rather than a technical regulation format.

Considering that the Authority has adopted a complex rulemaking process, Cell C recommends that prior to finalization of the draft regulations, a workshop be convened with interested parties. This consultation will assist licensees who are directly affected by the spectrum migration plan to understand the impact thereof. It is further unclear on the level of consultation that took place between the industry players in finalizing the SADC Frequency Allocation Plan. The affected licensees will need to plan well in advance in terms of financial, regulated timelines, subscriber awareness, new spectrum fees and equipment readiness.

2.2 *Development of the National Radio Frequency Plan, the Radio Frequency Spectrum Assignment Plan and the Radio Frequency Migration Plan*

The development of the NRFP, Radio Frequency Spectrum Assignment Plan (“SAP”) and Radio Frequency Migration Plan (“FMP”) are overseen by different rulemaking provisions. Therefore there must be no areas of ambiguity or wrongfully placed spectrum events between the three processes.

In the case of the NRFP, both the Authority and the Minister have different roles with specific requirements prior to the finalization of the NRFP as contemplated in Section 34 of the Electronic Communications Act, No. 36 of 2005 (“ECA”). When the Authority develops the NRFP in terms of Section 34(2), amends and update the NRFP in terms of Section 34(5), the NRFP must be approved by the Minister before publication. Therefore it is Cell C's view that if there is any change to the **allocations** in the NRFP, the Minister must approve the amended/updated NRFP prior to publication.



When the Authority prepares the NRFP, it must do so in terms of section 34(7) (c) which states the following:

“34(7) In preparing the national radio frequency plan.....the Authority must

(c) consult with the Minister to-

- (i) Incorporate the radio frequency spectrum...*
- (ii) Take account of governments current ...*
- (iii) Co-ordinate a plan for the migration of existing users, as applicable, to make available radio frequency spectrum to satisfy the requirements of subsection (2) and the objects of this Act and of the other related legislation.”*

From Subsection 34(7)(c)(iii) above, it is clear that any migration of existing users must be completed in accordance with a NRFP.

The development of a SAP is not contemplated in the ECA, however, the Authority has in Government Gazette 34172, Radio Frequency Spectrum Regulations, section 3, described what SAP's may consist of, the nature of the assignments, issuing (first come first served or competitive) and granting criteria (exclusive or shared) for spectrum assignments. Cell C notes that the 2nd draft now includes in Appendix A “Model Radio Frequency Spectrum Assignment Plan”. The Authority further states that “the template attached here is to inform stakeholders of the probable process that will be deployed” Cell C seeks clarity from the Authority if it requires comment on this document or if it is for information purposes only. In the absence of a reference to Appendix A, Cell C requests the Authority to afford Cell C the opportunity to provide written comments to the “Model Radio Frequency Spectrum Assignment Plan” prior to its finalization. Cell C further recommends that the provisions under regulation 5, titled “Preparation of a Radio Frequency Spectrum Assignment Plan” and regulation 3, titled “Radio Frequency Spectrum Assignment Plans” as published in Government Gazette 34172 must all be consistent with the Authority’s Model Radio Frequency Spectrum Assignment Plan.

The development of Radio Frequency Migration Plan is not contemplated in the ECA, however, the migration of existing users is contemplated in subsection 34(7)(c)(iii) and subsection 34(16) of the said Act. Subsection 34(16) states:

“ The Authority may....and requires the migration of the users of such radio frequency spectrum to other radio frequency bands in accordance with the national frequency plan, except where such migration involves governmental entities or organizations, in which case the Authority-

(a) Must refer the matter to the Minister; and



(b) May migrate the users after consultation with the Minister."

Cell C supports the migration of existing users to be aligned with the final NRFP. Cell C does not however support the inclusion of any migration of users or governmental entities/organizations that require the Ministers approval. Cell C believes that subsection 34(16) must be completed prior to the migration of these users. To date Cell C is unaware if these provisions were satisfied as this information has not been made public. In the absence of such, Cell C believes that this process was not concluded.

2.3 In-band 900 MHz Migration

Cell C has previously recommended adding in the draft regulations the harmonization of the 900 MHz radio frequency band through the in-band migration and management of the E-GSM900 and P-GSM900 radio frequency band. Cell C strongly supports that this harmonization will be carried out. However, Cell C believes that this recommendation requires urgent attention and form part of the migration regulations It must be noted that during the first oral hearings Vodacom and MTN were requested to provide further information to support their positions. To date Cell C is unaware if this request was met by Vodacom and MTN and strongly urges the Authority to vigorously pursue its request. Cell C believes that this information would assist the Authority in correctly determining the way forward in the management of Cell C's migration request. Cell C submitted this request to the Authority on 23 May 2011 and to date has not received a formal reply. The delay by the Authority to pursue this request is severely affecting Cell C financially and technically.

The harmonization of this band will culminate into realizing the true potential of the radio frequency spectrum assigned to the relevant electronic communications network licensees. In terms of the Objects of the Electronic Communication Act, 2005, "the Act", Section 2(e), "the Authority must ensure efficient use of the radio frequency spectrum". Cell C believes that the in-band migration which is intended to harmonize the band will ensure efficient usage of the radio frequency spectrum. Currently only Vodacom is allocated a contiguous spectrum block whereas Cell C and MTN are allocated non-contiguous blocks of spectrum in the P-GSM 900 band.

This recommendation is further supported by subsection 4(e) of the draft regulations, "Process for Radio Frequency Migration" which states:

"4 The Authority shall initiate a process of radio frequency migration in the following circumstances:

(e) Where the Authority has determined that a change in a radio frequency spectrum license holder's assignment within a radio frequency band is required to enable more efficient use of the radio frequency spectrum (in-band migration)."



The table below illustrates the existing allocations and the migration to the new allocations. Please see Cell C 's "E-GSM 900 and P-GSM 900 in-band migration and harmonization" request submitted to the Authority on 23 May 2011, which includes the "Technical and Economic Report" as attached which further elaborates on the migration recommendation.

Existing allocations

Cell C	Vodacom	MTN
Ch 975 to Ch 1022 E-GSM 900 (48 channels)	Ch 1 to Ch 55 P-GSM (55 channels)	Ch 58 to Ch 69 P-GSM (12 channels)
Ch 71 to Ch 77 P-GSM (7 channels)		Ch 81 to Ch 123 P-GSM (43 channels)

Migration Allocations in both E-GSM and P-GSM frequency bands (925 MHz-959.8 MHz)

Cell C (57 Ch)	Vodacom (57 Ch)	MTN (57 Ch)
Ch 975 to Ch 1022 (48 channels) E-GSM plus Guard Band (3 Ch)	Equal number of Ch after first guard band between Cell C and Vodacom	Equal number of Ch after second guard band between Vodacom and MTN
Ch 1 to Ch 6 P-GSM (6 channels)		

Cell C believes that the following advantages would be realised:

- a) Efficient use of the assigned spectrum in the applicable band, unused two guard bands may after migration may be used for commercial purposes offering relief from the existing arrangement;
- b) The introduction of new technologies for optimum use of existing spectrum in a particular band, easier to manage one contiguous block of spectrum instead a non-contiguous block;
- c) All three mobile operators are to make adjustments to their network to incorporate the free guard bands resulting in equal allocations.



Vodacom's inconvenience must be kept to minimum, no re-planning required by them. The in-band re-planning by Cell C and MTN will culminate into three contiguous block allocations which will ensure that all three licensees are in a position to maximise the output of the spectrum assignments; and

- d) This type of exercise was successfully completed in Finland to the benefit of the end-user.

2.4 Government Gazette 34872

The Authority published Government Gazette 34872 on 15 December 2011 for written commentary. The draft regulations dealt with the draft assignment plan for the combined licensing of 800 MHz and 2600 MHz Bands. Subsequently, on 6 March 2012, the Authority published Government Gazette 35123, "Erratum Draft Invitation to Apply for Radio Frequency Spectrum License" wherein the Authority stated the following "The Authority hereby postpones this process until further notice."

Cell C is concerned that whilst this process is put on hold, the Authority has more than once again referenced this in the draft regulations, either on its own, or stated as to be amended/replaced.. It is also unclear to Cell C if the Authority is seeking another round of comments to Government Gazette 34872. The Department of Communications ("DoC") has embarked on a similar process by publishing draft policy directions for comment on the same radio frequency spectrum bands. This process is not yet finalized. Cell C finds it difficult to provide further comments than that which was submitted to the Authority on 29 February 2012 with regards to Government Gazette 34782 (these comments remain in force). This would result in pre-empting the final policy directions of these radio frequency spectrum bands and rendering this exercise fruitless.

Therefore Cell C yet again recommends that any reference to the 800/2600 MHz radio frequency spectrum bands and Government Gazette 34782 should be removed from these draft regulations. Upon finalization of both the policy and regulation on 800/2600 MHz radio frequency spectrum bands, the Authority should develop a separate FMP and migration regulation.

2.5 Awareness Campaign and Impact of Spectrum Fees

Cell C recommends that these draft regulations include an awareness campaign to ensure all affected licensees are made mindful of the impending changes to their spectrum assignments. Cell C further recommends that the impact and applicability on migrating licensees of the Radio Frequency Spectrum Fees regulation as prescribed in Government Gazette 33495 be analyzed and known in advance of the migration event. This will provide for better planning and financial management by the



affected licensees. It should also be made clear who is responsible for the migration costs and annual fees, either the licensee or the consumer of the service.

2.6 International Context

Cell C supports the following statement by the Authority:

"4.2 ...South Africa fundamentally follows the allocations in the Radio Frequency Plan for Region 1 in the ITU Radio Regulations and the primary driver for a change in use is a change in allocation stemming from a World Radio Conference Resolution.

As Region 1 also includes Europe, it is common for South Africa to harmonize the way it uses and manages frequency bands with Europe on the grounds that this facilitates coordination and allows South Africa to benefit from potential economies of scale with regard to equipment as well being able to capitalize on existing development work."

In adopting new technologies and concepts, Cell C recommends that the Authority is consistent with ITU recommendations. The adoption of "wholesale open access and Spectrum Parks" is relatively new concepts. Therefore before the adoption of the above techniques by South Africa, it is imperative that these approaches are closely looked at in detail to ensure that their benefits far outweigh the above benefits.

Cell C further recommends that terms and definitions used in the draft FMP are consistent with those used in the ITU and NRFP environments.

3. SPECIFIC COMMENTS

DRAFT REGULATION Radio Frequency Migration Regulations (Part 1)

SCHEDULE

3.1 Regulation 2

"Purpose"

Cell C supports the purpose of these regulations, which states "The purpose of these regulations is to establish the framework by which the Authority may migrate users of the radio frequency spectrum under the National Radio Frequency Plan of South Africa." Cell C further recommends for consistency, certainty and good husbandry practice, all other required



migrations that are not in the NRFP, SABRE1/2 and FAP be dealt with in a separate rule making process.

3.2 Regulation 3

"Principles"

Sub-regulation 3(5) states:

"The users to be migrated shall not be entitled to be compensated by the Authority for the costs of the migration."

Cell C recommends that licensees who migrate should not be compensated in any form or manner, be it financial, any radio frequency spectrum exchange and the awarding of additional high value radio frequency spectrum for migrating from a low value radio frequency band. Therefore Cell C suggests the following addition:

"The licensees to be migrated shall not be entitled to be compensated in any form or manner by the Authority for the costs of the migration."

3.3 Regulation 4

"Process for Radio Frequency Migration"

Cell C seeks clarity from the Authority on the approach to be taken when there is a radio frequency migration requirement in terms of the pronouncement of a radio frequency spectrum policy direction.

Cell C supports the circumstances when the Authority initiates the process for migration as stated in sub-regulation 4(e) which reads:

"Where the Authority has determined that a change in a radio frequency spectrum license holder's assignment within a radio frequency band is required to enable more efficient use of the radio frequency spectrum (in-band migration)."

Cell C maintains that the above is in line with Cell C request to harmonize the 900 MHz band as described in section 2.3 of this submission.

3.4 Regulation 5

"Preparation of a Radio Frequency Spectrum Assignment Plan"

Cell C notes that the provisions in regulation 3, on the "Radio Frequency Spectrum Assignment Plans" as published in Government Gazette 34172 does not contemplate any matters of migration. Whereas these draft

regulations contemplate the inclusion of migration matters as suggested in sub-regulation 5(2) which states:

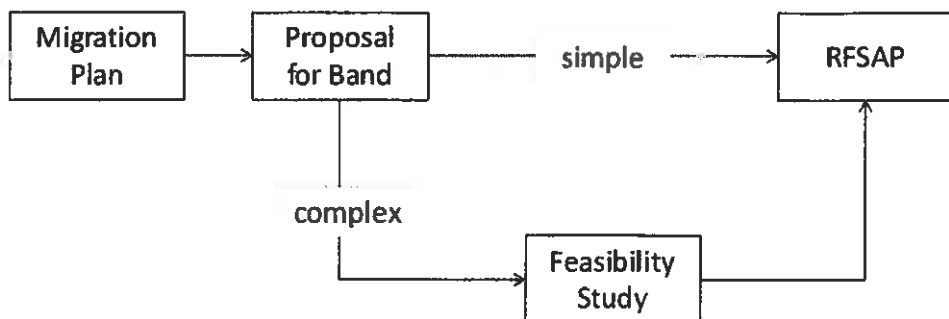
“With respect to the radio frequency migration process, a Radio Frequency Assignment Plan may include

- (a) The process for migrating existing users and usages from their existing spectrum location, specifying the bands to which the users and uses will be migrated; including in-band migration where applicable.
- (b) The time scale for the reallocation of the radio frequency band in question, specifying the date at which the users to be migrated should cease transmission.”

Therefore it is unclear to Cell C the difference between the SAP and FMP when it is related to matters of radio frequency spectrum migration. It would appear that the Authority will be duplicating the rulemaking process when developing the SAP and FMP for the same migration process. Cell C recommends that both processes should be distinct from each other. The SAP must contain the new “applications” requirement whilst all matters of radio frequency spectrum migration must be included in the FMP. This is also recommended in section 2.2 of this submission.

The Authority observed in sub-regulation 3.2, under “Process” after the first round of consultation, the following:

“The first consultation highlighted the need in some cases to carry out a feasibility study on the band in question. This is illustrated in the process flow indicated below.



The RFSAP will be subject to a consultation process, but it is desirable that a feasibility study be carried out first where there are contentious issues and alternative options,”

To be consistent with this observation, the Authority, must include a provision in this section to provide for feasibility studies with firm timelines when dealing with complex migration matters.



3.5 Regulation 6

"Amendment of a Radio Frequency Spectrum License"

Cell C maintains that where there are any changes to the annual radio frequency spectrum fees due to migration, this information must be included in the "notice" contemplated in sub-regulation 6(1) which states:

"Upon completion of the Radio Frequency Spectrum Assignment Plan, the Authority must issue a notice to users to be migrated."

Therefore Cell C recommends the following addition to sub-regulation 6(2):

"6(2)(d) The new annual radio frequency spectrum fees"

This regulation deals with matters that are all related to the content of a notice. Therefore Cell C further recommends a change to the title of this regulation to read as follows:

"6. Notice of Amendment of a Radio Frequency Spectrum License"

Draft Radio Frequency Migration Plan (Part 2)

4.1 Sub-regulation 1.1

"Purpose"

The sub-regulation states:

"The plan provides for:

- Background and basis of the Radio Frequency Migration Plan.
- How the Radio Frequency Migration Plan was developed.
- Identification of the radio frequency bands where migration may be required and makes proposals regarding such frequency migration as may be required.
- The impact of the Frequency Migration Plan.
- International benchmark study on the experience of other countries with respect to matters relevant to spectrum migration."

Cell C maintains that the following text to be included to ensure that the migration of licensees who are assigned radio frequency spectrum for various applications are within the ITU and latest NRFP frequency bands

(with the accompanying allocations) and not to change the allocations. The change of the allocations will make the FMP process more complex. Also a change of allocation means an amendment or revision to NRFP which then requires a different regulatory process.

Cell C recommends the following addition:

"The Plan provides for:

- Only the migration of licensees whose assignments require realignment in terms of the latest NRFP, the relevant SABRE1/2 applications and SADC FAP applications as agreed with industry.

4.2 Sub-regulation 1.2

"Definitions"

Cell C supports the terms "allocation" and "assignment" as contained in the draft regulations and are consistent with the ITU definitions. Cell C recommends the introduction of the term "typical applications" in the FMP to ensure consistency with the NRFP and remove any ambiguity.

4.3 Sub-regulation 1.2.3

"Spectrum re-farming"

Cell C notes that the Radio Communication Assembly 2007 adopted Resolution ITU-R 56 that resolves that the term "IMT" be the root name that encompasses both IMT-2000 and IMT-Advanced collectively. Currently Cell C unlike the licensees' in Europe has been issued with technological neutral radio frequency spectrum licenses. Cell C encourages and recommends the adoption of re-farming techniques as it promotes spectrum efficiency;

Cell C recommends the following addition to the definition:

"Radio Frequency Spectrum Re-farming" means the process by which the use of a Radio Frequency Spectrum band is changed following a change in allocation, or change in application, this may include change in the specified technology and does not necessarily mean that the licensed user has to vacate the frequency.

4.4 Sub-regulation 1.2.4

"Other definitions"

The sub-regulation states:

"Where the user This has occurred with respect to the balancing of spectrum assignments in the GSM 900 MHz and 1800 MHz bands (refer to



Appendix B Error! Reference source not found) and may well become a feature of mobile broadband assignments in the future.”

Cell C believes that this should refer to “ Glossary”.

4.5 Sub-regulation 2.1.1

“Applicable of Legislation and Regulations”

The sub-regulation states:

“Section 34 of the Act deals

- Section 34 (16) states that:

The Authority may, where the national radio frequency plan identifies radio frequency spectrum that is occupied and requires the migration of the users of such radio frequency spectrum to other radio frequency bands, migrate the users to such other radio frequency bands in accordance with the national radio frequency plan, except where such migration involves governmental entities or organizations, in which case the Authority—

(a) Must refer the matter to the Minister; and

(b) May migrate the users after consultation with the Minister

It is clear that ICASA has the obligation and authority to plan and implement the migration of users, subject to the approval of the Minister with respect to government entities.”

In the absence of any information satisfying the above requirement, Cell C recommends that the migration of governmental entities or organizations must only take place upon the approval of the Minister. Therefore any migration of governmental entities or organizations that is included in the FMP must accompany evidence of referral and consultation by the Minister.

4.6 Sub-regulation 2.1.2

“Section 31 – Radio Frequency Spectrum License”

Cell C is in agreement with the Authority on the right to amend radio frequency spectrum licenses as contemplated in section 31(4) of the ECA. However it is unclear to Cell C when the license amendment will take place, before, during or after the migration has been completed. The Authority only indicates the date of license collection in draft draft notice, sub-regulation 6(2)(c). To avoid instances where a licensee transmits on the new assignment without an amended licence, the amended licence must be included in the notice.

4.7 Sub-regulation 2.3.1

“Radio frequency spectrum rights”



Cell C seeks clarity on procedure on how the Authority is going to manage licensees who migrate to alternate bands but in some instances keep a portion of radio frequency spectrum or all in the existing band. The radio frequency migration process should not be perceived as an opportunity by migrating licensees for the reward of high value radio frequency spectrum after the migration. Also a change to the application must not automatically entitle a licensee to that radio frequency spectrum where it was previously issued to the said licensee for the purpose of meeting an universal service obligation requirement or other. In this case the licensee must return the radio frequency spectrum to the Authority. Thereafter, the Authority must make the radio frequency spectrum available to all licensees through the normal application process as contemplated in the March 2011 Radio Frequency Spectrum Regulations.

Therefore Cell C recommends the following addition:

"The process for spectrum migration shall include the following:

- A consultation process....
- **A transparent and detailed methodology in determining the different types of radio frequency spectrum for migration; and**
- **Non-discriminatory assignments to all licensees after the migration is completed.**

4.8 **Sub-regulation 3.1**

"Identification of bands is subject to Frequency Migration"

Cell C believes that any change to an allocation, requires a separate rulemaking process as contained in section 2.2 of this submission. Upon completion of this process, the FMP may be developed describing the conditions for the migration of users that are affected by a change of allocation.

4.9 **Sub-regulation 3.2**

"Process"

Cell C supports the carrying out of feasibility studies when the need arises. However, Cell C recommends that these studies must be and end to end process with firm timelines.

4.10 **Sub-regulation 3.3**

"Time Frame for Migration"

Cell C recommends that the timeframe for the amendment of the radio frequency spectrum license must be specified as well.

Cell C further maintains that the timeframes as specified by the ITU, SADC FAP, policy directives and timeframes associated with the digital migration process be specified in the radio frequency spectrum migration regulations.

4.11 Sub-regulation 3.3.5

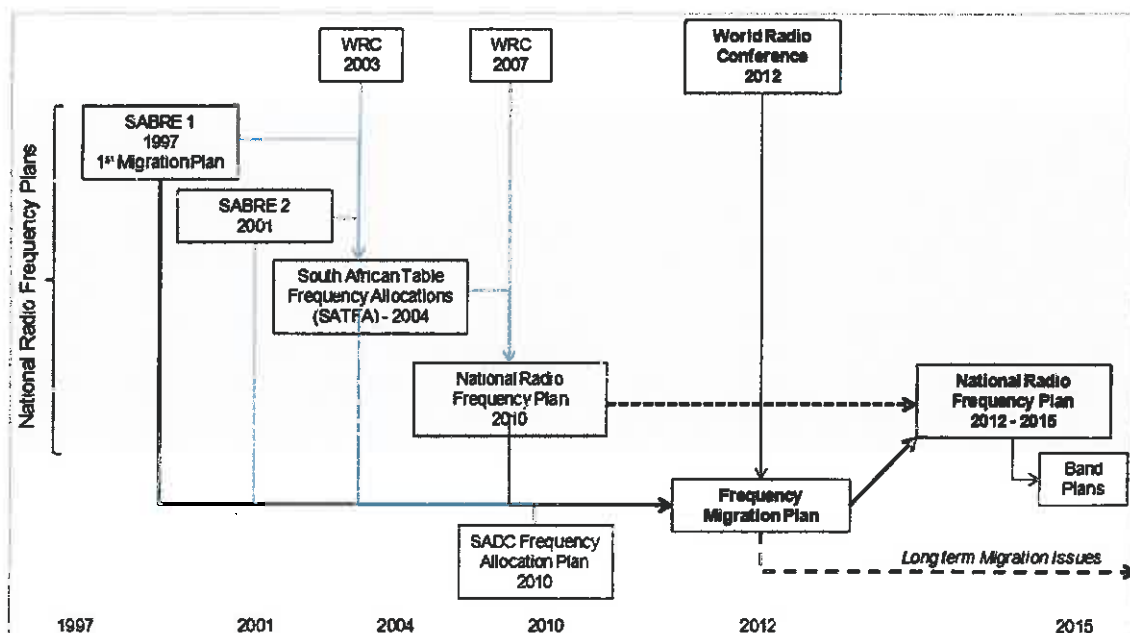
“Conclusions regarding time frame”

The proposed forward looking time frame for radio frequency spectrum migration is 3-5 years from moment of announcement. Cell C maintains that for each migration event, the forward looking timeframe must be specified. There will be instances where the time frames for various migration events will defer depending on readiness of the migrating users. Also in some instances, in-band migration may more likely take less than the proposed 3-5 years.

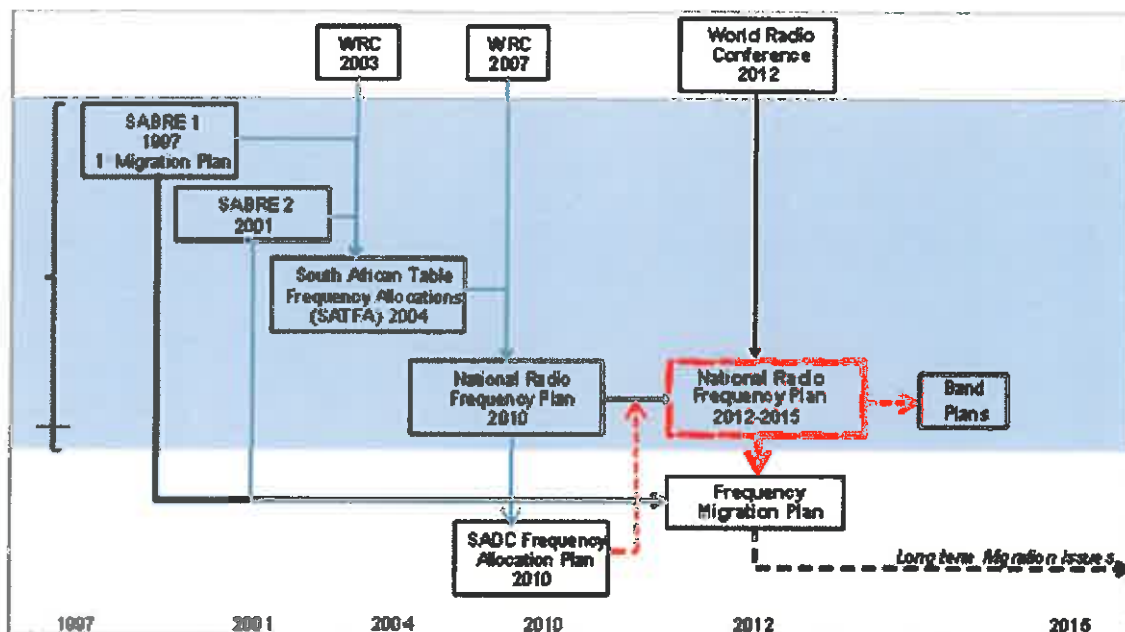
4.12 Sub-regulation 4.1

“Development of the Radio Frequency Migration Plan”

Cell C maintains the following change to the table on the creation of the FMP from:



To:



The reason for the recommended change is that the migration of users that are affected by the change in allocation in the NRFP must occur after the finalization of the current draft amended/updated NRFP (dependent on the approval by the Minister). Therefore Cell C recommends that all migrations that are not dependent on the new NRFP occur soonest. Thereafter a new FMP should be developed to align with the updated/amended NRFP. This procedure would ensure that the migrating licensees are governed within the radio frequency spectrum environment as envisaged in the ECA.

4.13 Sub-regulation 4.3

“Approach to development of FMP”

In developing the FMP, all commentary and recommendations contained in this submission must be taken into account.



4.14 Sub-regulation 4.7

"ITU World Radio Conference resolutions"

South Africa has been a member of the International Telecommunication Union ("ITU") for over a century. Furthermore, South Africa has through the DoC actively participated and contributed in WRC. Therefore Cell C supports the approach adopted by the Authority to align the NRFP with the WRC 7 and 12 resolutions.

In cases where the WRC resolutions require changes to the allocation in the NRFP and to the typical application in the FMP, the resulting available radio frequency spectrum must be assigned through the normal application process. This is further elaborated in section 4.7 of this submission.

4.15 Sub-regulation 4.9

"Proposed Migration Plan"

Frequency Band (MHz)	Existing Allocation in NRFP 2010 (Applications) <i>Cell C proposes the removal of "Applications" to avoid confusion with "allocation" as these have distinct uses in terms of ITU definitions.</i>	Proposed Application /Utilization <i>Cell C proposes that this heading change to "Typical Applications to be consistent with NRFP"</i>	Notes on migration/usage	Cell Comments

<p>450 – 470</p>	<p>FIXED, MOBILE. (Trunked Mobile Railways, Mines etc.)</p>	<p>Mobile (IMT) as per WRC-07 (Res. 224)</p>	<p>Migrate existing users out of this band</p>	<p>Cell C strongly supports the Authority on subjecting this band to a feasibility study. Based upon the results of the feasibility study, determine band allocation. Cell C further recommends that this study take place during the 2013 financial year.</p>
<p>470 = 790</p>	<p>BROADCASTING, RADIO ASTRONOMY</p>	<p>MOBILE excluding aeronautical mobile (i.e IMT at WRC -12)</p>	<p>Digital Dividend 2, 694 – 790 Plan migration of broadcast to below 694 in 2015 aligned with on-going studies within I-TU-R Migrate studio links out to PtP bands Migrate self-help stations below 694 Mhz (refer to 4.10. 14)</p>	<p>Cell C strongly supports this proposal which is in line with WRC 12 resolutions.</p>
<p>790 – 862</p>	<p>FIXED, BROADCASTING</p>	<p>IMT (Terrestrial)</p>	<p>Digital Dividend</p>	<p>Supported by Cell C. The migration plan</p>

	<p>NG, MOBILE (WRC-07) except aeronautical mobile. (TV Broadcast including fixed links (Secondary transmitter links))</p>		<p>1; Broadcast to be migrated out by 2015. Align with the on-going efforts within the 800 MHz band as defined in Notice 911 of 2011 Government Gazette 34872 as amended / replaced Migrate studio links out. Migrate self-help stations below 692 Mhz</p>	<p>is a ICASA proposal were the migration should be aligned with the on-going efforts within 800MHz band as defined in Government Gazette 34872 as amended/replaced. See Cell C comments in section 2.4 of this submission wrt to the above.</p>
<p>862 – 890</p>	<p>FIXED,MOBILE except aeronautical mobile (Wireless audio (863-865 MHz),Fixed links (868.1– 876 MHz), RFID (865 – 868 MHz),RFID (869.4- 869.65 MHz) Alarms (868.6 – 868.7 MHz, 860.25 – 869.3 MHz, 869.65 – 869.7</p>	<p>Mobile (IMT) (as per SADC FAP proposed common sub-allocation/ utilization)</p>	<p>Migrate to IMT as per SADC FAP proposed common sub-allocation/ utilization to facilitate development of harmonized channeling arrangement</p>	<p>Cell C supports the migration. However not the alignment with the on-going efforts within 800MHz band as defined in Government Gazette 34872. See Cell C comments in section 2.4 of this submission. However the Authority needs to include, financial impact (fees) and awareness campaign.</p>



890 – 942	<p>MHz) Wireless Access Services (824-849 MHz paired with 869-894 MHz) Mobile (880-890 MHz paired with 925-935 MHz))</p> <p>MOBILE except aeronautical mobile ,(Mobile (890-915 MHz paired with 925-935 MHz).Several RFID systems (915.1 – 921 MHz), (GSM900 band)</p>	Allocations maintained as-is	Spectrum re-farming when deemed required may be carried out based upon defined process	Cell C is in support with this proposal.
942 – 960	MOBILE except aeronautical mobile.(GSM 900)		No migration planned Spectrum re-farming when deemed required may be carried out based upon defined process	Cell C strongly supports this proposal and would encourage the Authority to expedite Cell C's request for harmonization as contained in section 2.3 of this submission.
1350 – 1375 paired with 1492 – 1517.1375 – 1400 MHz paired with 1427 – 1452	FIXED (Fixed low capacity PTP DF links)	Rural BFWA (New ICASA proposal)	Allocate to rural BFWA; maintain existing links where	Cell C supports the Authority on postponing the planned migration until a decision at WRC-15

			<p>required.</p> <p>Potential band for IMT under Agenda Item 1.1</p> <p>Migration planning after decision at WRC - 15(enabling harmonisation, equipment capability etc.</p>	
<p>1452 – 1492</p>	<p>FIXED BROADCASTING BROADCASTING-SATELLITE (T-DAB and S-DAB (L band))</p>	<p>FWBA/ PTP/ PMP/ LMR (New ICASA proposal)</p>	<p>Currently allocated to T-DAB (1452 – 1479.5 MHz) and S-DAB (1479.5 – 1492).Propose to align allocation with ITU Region 1 (New ICASA proposal)</p>	<p>Cell C supports the Authority on postponing the planned migration until a decision at WRC-15</p>

2290 – 2300	FIXED MOBILE	BFWA (as per SADC FAP proposed common sub-allocation/ utilization)	Band currently unused; can be allocated for BFWA as per SADC FAP proposed common sub-allocation/ utilization	Cell C supports the Plan to consider potential allocation of BFWA and MOBILE.
2300 – 2450	FIXED, MOBILE, Amateur, (Fixed links (2307 – 2387 MHz) paired with (2401 – 2481 MHz). Several outside broadcasting links. ISM band (2400 – 2483.5 MHz))	IMT (Terrestrial) 2300 – 2400 MHz as per SADC FAP proposed common sub-allocation/ utilization	Migrate existing fixed links above 3 GHz, retain ISM Potential migration of outside broadcasting links in line with broadcasting plan. Otherwise no change	Cell C strongly recommends that the Authority ensure that licensees comply with the allocation, assignment and application principles in this band.
2500 – 2690	2500-2520 MHz, FIXED, MOBILE except aeronautical mobile	BFWA, Mobile IMT, (as per SADC FAP proposed common sub-allocation/ utilization)	Currently being used by Sentech (2500 – 2550 MHz) and WBS (2550 – 2565 MHz). 125 MHz available	See Cell C comments in section 2.4 of this submission wrt GG 34872. C Cell C recommends that the Authority includes definitive timeframes, financial impact (fees) and awareness campaign where relevant.

	2655-2690 MHz, FIXED, MOBILE except aeronautical mobile, Radio astronomy		for assignment Align with the on-going efforts within the 800 MHz band as defined in Notice 911 of 2011 Government Gazette 34872.	
3400 – 3600	FIXED, MOBILE except aeronautical mobile	BFWA, Mobile IMT, (as per SADC FAP proposed common sub-allocation/ utilization)	Band needs harmonizing in SADC for IMT; channeling plan to be developed	Cell C supports the Plan to consider potential allocation of the band for IMT.

4.16 Regulation 5

"Bands planned for IMT"

Cell C supports the bands planned for IMT services as these are aligned to the WRC resolutions. The formulation of these resolutions resulted from the unanimous observation by all three ITU Regions that there is a need to free up radio frequency spectrum to satisfy the exponential demand for mobile wireless data services. Furthermore Cell C believes that the making available of more radio frequency spectrum for IMT services, the more the Broadband 2030 vision becomes a reality. It must be noted that in Region 1, the African environment is dominated and continue to do so by mobile wireless services. This is so due to mobile wireless services been a substitute for fixed services and the characteristics of the elements associated with mobile wireless network.

5. CONCLUSION

- 5.1 Cell C recognizes that the 2nd draft FMP and migration regulations are complex regulations that intend to correct and align radio frequency spectrum applications in use by licensees with the latest NRFP, the outstanding relevant SABRE 1 and 2 requirements and the SADC FAP. In finalizing the related FMP regulations it would be judicious to conduct a workshop and an awareness campaign. This would ensure all affected licensees are aware of the migration intention and the impact thereof.
- 5.2 Cell C strongly encourages the Authority to use this process to urgently address other outstanding matters like in-band migration of existing licensees in the 900 MHz band. This would be in line with the Objects of the ECA and Cell C's formal request to the Authority, dated 23 May 2011.
- 5.3 In finalizing the 2nd draft FMP and the migration regulations, the migration of licensees including government entities and organizations must follow the process as prescribed in the ECA.
- 5.3 All references to the 800/2600 MHz radio frequency bands and Government Gazette 34782 should be removed from these draft regulations as this process is incomplete and dependent on finalization of radio spectrum policy.
- 5.4 Lastly, the completion of the 2nd draft FMP and the migration regulations must not result in some licensees been awarded high value radio frequency spectrum for migrating. Furthermore, licensees should not benefit from a change in application with their existing assignment.

ENDS