



Submission to ICASA:

“2nd Draft Frequency Migration Regulation and Radio Frequency Migration Plan”

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Table of contents

1. Introduction.....	3
2. Draft Radio Frequency Migration Regulation	3
3. Draft Radio Frequency Migration Plan	5
3.1 Introduction	5
3.2 Definitions (Section 1.2)	5
3.3 Applicable Legislation and Regulation (Section 2)	6
3.4 Principles Governing Frequency Migration (Section 3)	6
3.5 Development of the Radio Frequency Migration Plan (Section 4).....	7
3.6 Proposed Migration Plan (Sub-section 4.9).....	7
3.7 450 - 470 MHz (4.10.13).....	8
3.8 470 - 790 MHz (4.10.14).....	9
3.9 790 - 862 MHz (4.10.15).....	10
3.10 862 - 890 MHz (4.10.16).....	13
3.11 890 - 942 MHz (4.10.17).....	13
3.12 942 - 960 MHz (4.10.18).....	14
3.13 1710 – 1785 pair with 1805 - 1880 MHz (No Section).....	14
3.14 1920 - 1980 MHz paired with 2110 - 2170 MHz (3G Band)	14
3.15 2300 – 2450 MHz (4.10.28).....	14
3.16 2500 - 2690 MHz (4.10.29)	15
3.17 3400 - 3600 MHz (4.10.30)	15
3.18 3600 - 4200 MHz (4.10.31)	15
3.19 5725 - 5850 MHz (4.10.33)	16
4. Conclusion.....	16

1. INTRODUCTION

1. Neotel thanks the Independent Communications Authority of South Africa (hereinafter referred to as “the Authority”) for the opportunity to comment on the “2nd Draft Frequency Migration Regulation and Radio Frequency Migration Plan (hereinafter referred to as the Migration Regulation” and “the Migration Plan” respectively). The draft Migration Regulation and Migration Plan was published in Government Gazette No. 36031, Notice 1064 of 2012, 24 December 2012.
2. The Authority’s Migration Regulation and Migration Plan present a milestone in the development of the Information and Communication Technology (“ICT”) sector in South Africa. Neotel fully supports the Authority’s endeavours in this regard.
3. Neotel commends the Authority for the consultative and responsive manner of engagement on this critical issue and believes that the format of the draft Migration Regulation and Migration Plan is a vast improvement from the previous version.
4. Neotel notes that some of the comments submitted by Neotel on the 1st Draft are taken on board in this 2nd draft and wishes to express its appreciation for the Authority’s effort in this regard.
5. Neotel’s approach in this submission is to deal with the provisions of the draft Migration Regulations followed by some general comments on the Migration Plan as well as comments on the specific allocations contained therein.

2. DRAFT RADIO FREQUENCY MIGRATION REGULATION

6. Neotel supports the finalisation of the Migration Regulation and hereby submits further comments in this regard.
7. In making these comments, Neotel assumes that the Authority has appropriately followed the necessary processes as required by the Electronic Communications Act 36 of 2005 (“ECA”) in making these regulations. In terms of section 4(5) of the ECA “*the Authority must, not less than 30 days prior to making regulations, inform the Minister in writing of its intention and the subject matter of the regulations.*”
8. The Migration Regulation makes reference to the Southern Africa Development Community Frequency Allocation Plan (“SADC FAP”). In order to achieve harmonisation these regional agreements affect the allocations on the National Radio Frequency Plan which in some instances deviates from the Plan. Neotel understands that the SADC FAP was compiled under the auspices of the Communications Regulatory Authorities of Southern Africa (“CRASA”) with limited stakeholder participation.

9. Neotel respectfully once again requests broader consultation on these agreements that affect the National Radio Frequency Plan in order to reach consensus on the band allocations adopted for the country.
10. With respect to migration cost, ICASA has introduced the Administrative Inceptive Pricing (“AIP”) approach to spectrum fees. The AIP method has realised an escalation of up to 800% in spectrum fees. Whilst supporting the principles of AIP, the application of the factors in the formulae is inconsistent and has led to various interpretations of implementation. Neotel also believes that these inconsistencies in the application of the AIP formulae resulted in an over recovery of fees to administer radio frequency spectrum in the country. In addition spectrum licence holders are required to contribute substantial amounts to the Universal Service Fund (“USF”), administered by the Universal Service and Access Agency of South Africa (“USAASA”).
11. Neotel proposes that the Authority establish a “Migration Fund” to cover for cost incurred in cases where migration is imposed by reallocation of a band or triggered by the Policy Maker and the Authority to make way for essential services such as the Square Kilometre Array (“SKA”) and Public Protection and Disaster Relief (“PPDR”). The Migration Fund will relieve the load of cost of migration for new entrants and government. According to the ITU Infodev, ICT regulation toolkit, these types of funds are common and are in place in France which is managed by the spectrum management authority.
12. Neotel further proposes, where migration is required to be expedited, the cost of migration could be shared amongst spectrum holders on the request of licensees. Neotel suggests that the Authority insert the following text after provision 3(6) of the Migration Regulation:

“In its effort to expedite migration of users in a specific band, migration cost can be shared amongst spectrum holders in the band and prospective licensees.”
13. Neotel further proposes that section 4 of the Migration Regulations stipulates a “Process for Radio Frequency Migration.” This process is contained in the Migration Plan and consultation is detailed in the plan. In this regard Neotel submits that regulation 4 (e) must be amended as follows:

“Where the Authority, after consultation with the radio frequency spectrum licence holder, determined that a change in [a radio frequency spectrum licence holder’s] the assignment within a radio frequency band for in-band migration is required to enable more efficient use of the radio frequency spectrum; or”
14. Neotel recommends the following editorials to the Migration Regulations:
 - 14.1. Insert “WRC” means the World Radiocommunication Conference.

- 14.2. Section 3(4) Delete “[Allocation and] Assignments of radio frequency spectrum” or use the word sub-allocation. The broader allocation is already in the Plan unless it deviates from the ITU Table of Frequency Allocations the text is applicable.

3. DRAFT RADIO FREQUENCY MIGRATION PLAN

3.1 Introduction

15. Following the comments on the Migration Regulations, Neotel further wishes to comment on the various bands of the Migration Plan. Neotel commends the Authority for the detailed work completed on the draft Migration Plan. Neotel’s comments with respect to the draft Migration Regulation also apply to the draft Migration Plan.
16. In general, Neotel supports the contents of the Migration Plan but have some specific comments on certain allocations and sub-allocations contained therein.

3.2 Definitions (Section 1.2)

17. The principles of the definitions are well captured and reflect the various processes as well as consistent with the ITU references. However migration is not a term expressly used by the ITU. Neotel proposes the following wording:
- “Radio Frequency Spectrum Migration” means [relocating] moving an assignment/s of a user/s from an allocation to a replacement assignment in another allocation.” and
- “Radio Frequency Spectrum In-band Migration” means [relocating] moving an assignment of a user/s from an allocation to a replacement assignment within the same allocation.
18. Neotel does not support the inclusion of uses in the definition as we believe it culminates to reallocation or refarming.
19. Neotel further submits that the Authority considers moving the definitions to the Migration Regulations.
20. The term “refarming” has been adopted by the ITU and various international standard bodies therefore the hyphen (re-farming) should be removed.
21. Neotel appreciates that the Authority wishes to clarify the refarming definitions. However it is advisable not to mention specific standards in the final documents such as the ones under section 1.2.2 spectrum refarming. This will prevent having to reference a long list of standards.
22. Neotel further suggests a section be included in the Migration Regulation for a process for refarming containing the following principles:

- That refarming does not require regulatory approvals.
- Cost of refarming will be borne by the spectrum holder.
- Harmful Interference caused by refarming will be borne by the spectrum licence holder who wishes to refarm.
- Coordination of radio frequencies will be performed in terms of the Radio Frequency Spectrum Regulations, GG 34172.

3.3 Applicable Legislation and Regulation (Section 2)

23. The Department of Communications has embarked on a policy review process commencing with the amendment of the ECA and the ICASA Act. The Electronic Communications Amendment Bill (2012) places the frequency planning function, hence this process, under the control of the Minister. The EC Amendment Bill further seeks to place the migration plan development with the Minister as stated in the proposed amendment of section 34. Substitution of subsection (7)

“ ...the Minister must – coordinate a plan for migration of existing users, as applicable, to make available radio frequency spectrum to satisfy the requirements of the subsection (2) and the objects of this Act and the related legislation” (EC Bill, 2012).

24. In this regard Neotel submits that the Authority should consider these policy developments in order to prevent duplication and further delays in the implementation of spectrum licensing and migration.

3.4 Principles Governing Frequency Migration (Section 3)

25. In clause 2.3.1 “Radio Frequency spectrum rights,” the authority layout the process for migration. During the migration or transition period licensees will effectively be assigned two different sets of radio frequency channels. The Authority concurs that there will also be a dual-illumination period where spectrum holders will have to operate two separate networks simultaneously which will be very expensive to sustain. This could be seen as a double tax for the same service and has to be recovered within the value chain to run a viable network.

26. Neotel submits that the Authority, allows frequency spectrum licence holders to be exempted from paying for one of the two spectrum licences in the dual-illumination period. Neotel suggests that if the this proposal is adopted, it must be applied in the Migration Regulation.

3.5 Development of the Radio Frequency Migration Plan (Section 4)

27. In terms of the Constitution and Convention of the ITU, Member States must ratify Administrative Regulations such as the ITU Radio Regulations, revised by a competent conference, within a reasonable time of date of entry into force. The ITU Radio regulations bear international treaty status. In this regard Neotel assumes that the necessary procedures for ratification of the Final Acts of WRC-12 were followed through the formal procedures to adopt international agreements.
28. All international agreements in terms of section 231(3) of the Constitution of Republic of South Africa, must be tabled in the National Assembly and the Council within a reasonable time. Additional information is contained in the practical guide and procedures of the Cabinet for the conclusion of agreements 3rd edition.
29. Neotel requests that the Authority verify, while developing the NRFP and Migration Plan, that the formal process to ratify the Plan had been followed.
30. The Authority confirms that the Migration Plan reflects the agreements reached at continental, African Union (“AU”) and regionally, Southern African Developing Community (“SADC”) level. In order to achieve harmonisation these regional agreements affect the allocations on the Plan which in some instances deviate from the South African Plan. The SADC FAP is normally compiled under the auspices of the Communications Regulatory Authorities of Southern Africa (“CRASA”) with limited stakeholder participation. Although the SADC FAP are formally adopted by the ICT Ministers in the region, Neotel respectfully requests broader consultation on these agreements that affect the national allocation plan in order to reach consensus on the band allocations adopted for the country.

3.6 Proposed Migration Plan (Sub-section 4.9)

31. The proposed Migration Plan is sufficiently detailed and comprise all the necessary elements for successful implementation. Neotel’s comments, on this detailed draft Migration Plan, is not an exhaustive list of comments on all the bands but limited to some of the high demand IMT access spectrum bands, including some of the microwave bands.
32. The Authority has done well to present the outcomes of the 1st consultation in section 4.10. Neotel appreciates the effort but suggests that the notes be retained and converted to footnotes with the reference reflected in the respective Frequency Band allocation / sub-allocation column in Table 3. At the same time Neotel also requests the Authority to review the references of the resolutions column in Table 2. For example the allocation to

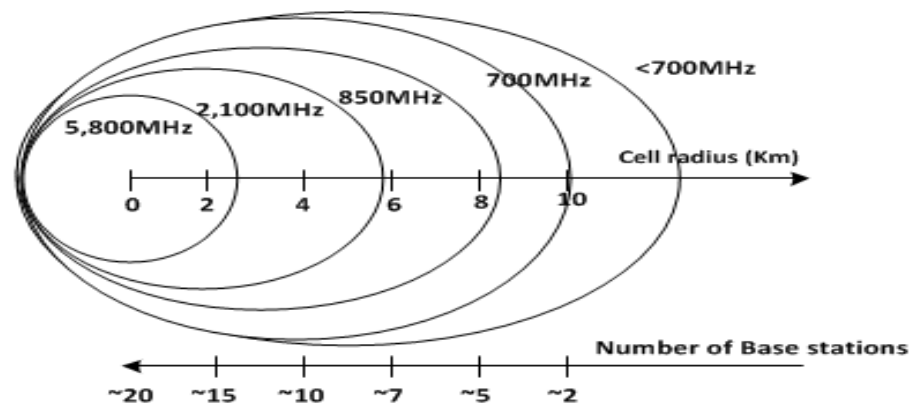
the Mobile Service was concluded at WRC-2007 and the resolution was reviewed at WRC-12 therefore correct reference should be reflected in the Table.

33. The Authority indicated that the Migration Plan “has been aligned with the update of the National Radio Frequency Plan.” The National Radio Frequency Plan is still in a draft format and request for comments on the Plan is been done concurrently. It is maybe the most practical way of updating the migration plan.
34. However, Neotel suggests that the Migration Plan updates should follow the finalisation of the National Radio Frequency Plan in order to rationalise the process.

3.7 450 - 470 MHz (4.10.13)

35. Neotel recommends that the Authority notes the developments in the 450-470 MHz band and also explores other bands that are as valuable as well as conducive for the development of rural Broadband Wireless Networks. In this regard reference is made to the ITU Radio Regulations footnote below of which the band is already allocated to Mobile Service and identified for IMT:
“5.286AA The band 450-470 MHz is identified for use by administrations wishing to implement International Mobile Telecommunications (IMT). See Resolution 224 (Rev.WRC-07). This identification does not preclude the use of this band by any application of the services to which it is allocated and does not establish priority in the Radio Regulations. (WRC-07)”
36. The Authority proposes to allocate this band to Mobile (IMT) as per Resolution 244 of WRC-07. Neotel wishes to indicate that this band has already been allocated to the Mobile Service on primary basis in the final National Radio Frequency Plan 2010.
37. The Authority further suggests that the current services in the band be migrated to above 3 GHz. Most of these services in the band are used in some instances, as mentioned for mission critical services, which is mostly deployed in sparsely populated rural areas.
38. The Authority is well aware of the propagation characteristics of the lower bands insofar that it covers larger distances which make the use of this band so much more cost effective to deploy radiocommunication services. Figure 1 below illustrates the amount of base stations required to cover a particular area.

Figure 1



The propagation characteristics of spectrum in different frequency bands

Source: BBC & R&D

39. Figure 1 as well illustrates that the amount of base stations required to cover an area increases tenfold from 450 MHz to 3 GHz. Therefore the cost for migration will similarly increase with the same level.
40. This band is suitable to deploy broadband services for the much needed sparsely populated rural area. This could assist the country to achieve the national objective to have broadband services to the entire population by 2020.
41. Neotel fully supports the Authority's endeavours to increase access to Broadband Wireless Access services especially in the rural and underserved areas.
42. However, Neotel submits that more detailed spectrum studies (DSS) be conducted in this band and maybe the current mission critical services could consider refarming their assignments to introduce the latest IMT services.

3.8 470 - 790 MHz (4.10.14)

43. One of the key outcomes of WRC-12 was a resolution for sharing of the mobile services in the broadcasting bands. The following footnote was added to the band 470 to 790 MHz in ITU Region 1.
44. "ADD

5.312A *In Region 1, the use of the band 694-790 MHz by the mobile, except aeronautical mobile, services is subject to the provisions of Resolution 232 (WRC-12). See also Resolution 224 (Rev.WRC-12).* (ITU, 2012, p. 22-23).

Resolution 232 (WRC-12) includes the use of the frequency band 694-790 MHz by the mobile, except aeronautical, mobile service in Region 1. Resolution 224 (Rev.WRC-12)

includes the frequency bands for the terrestrial component of International Mobile Telecommunications (“IMT”) below 1GHz.

45. The intention of the above-mentioned resolution is to harmonise the use of IMT across the three ITU Regions. Resolution 232 (WRC-12) however resolves to allocate the band 694-790 MHz on a co-primary base and to identify the band for the use of IMT. WRC-12 as well resolved to conduct studies on the channel arrangements in time for WRC-15 whereafter the allocation will become available immediately following that Conference.
46. Various countries, supported by other interested countries, insisted to have a so-called second digital dividend (“DD2”) declared at WRC-12. Footnote 5.317A below was modified to identify parts of 698-960 MHz already allocated to mobile for IMT in R1 and R3.

“5.317A Those parts of the band 698-960 MHz in Region 2 and the band 790-960 MHz in Regions 1 and 3 which are allocated to the mobile service on a primary basis are identified for use by administrations wishing to implement International Mobile Telecommunications (IMT). See Resolutions 224 (Rev.WRC-07) and 749 (WRC-07). This identification does not preclude the use of these bands by any application of the services to which they are allocated and does not establish priority in the Radio Regulations (WRC-12)”

47. In terms of harmonisation, the Authority should consider decisions taken by the African Telecommunications Union (“ATU”) in Kampala in 2012 and at SADC level. The DoC additionally has appointed a service provider, Deloitte, “to investigate policy considerations for exploitation of the Digital Dividend”. The mandate of the Deloitte consultant is to investigate the second dividend (“DD2”).
48. Neotel supports a proactive step to maximise the value of this spectrum which might be dormant and not effectively utilised. Neotel suggests that the Authority take the DoC’s investigation into consideration.

3.9 790 - 862 MHz (4.10.15)

49. The design of the migration and channel arrangements in the 800 MHz band is contained in Government Gazette 34872, General Notices 911 and 912. This government gazette captures the “Draft Spectrum Assignment Plan for the combined licensing of the 800 MHz and 2.6 GHz Bands” and the “draft Invitation To Apply for radio frequency spectrum license to provide broadband wireless access for urban and rural areas using the complementary bands, 800 MHz and 2.6 GHz”.
50. Neotel has from the outset supported the Authority’s proposed design of the frequency channel arrangements for the 800 MHz (790-862 MHz) band, in line with the Authorities

in ITU Region 1 and the relevant ITU-R recommendations. Neotel further believes that the channel arrangement in the band has been concluded and is ready for implementation.

51. Neotel wishes to reiterate that, in respect of GG 34872, it proposes that the Authority should move “Package 1” to the middle of the 800 MHz band (i.e. swap the so-called Sentech assignment and the Package 1 assignment). This would afford licensees the opportunity to apply for the wholesale package, and maximise 2 x 10 MHz assignment with the wholesale package assignment to allow for greater LTE capacity and speeds to be provided on a wholesale basis. This in-band migration/swap will benefit all parties who gain access to the band.

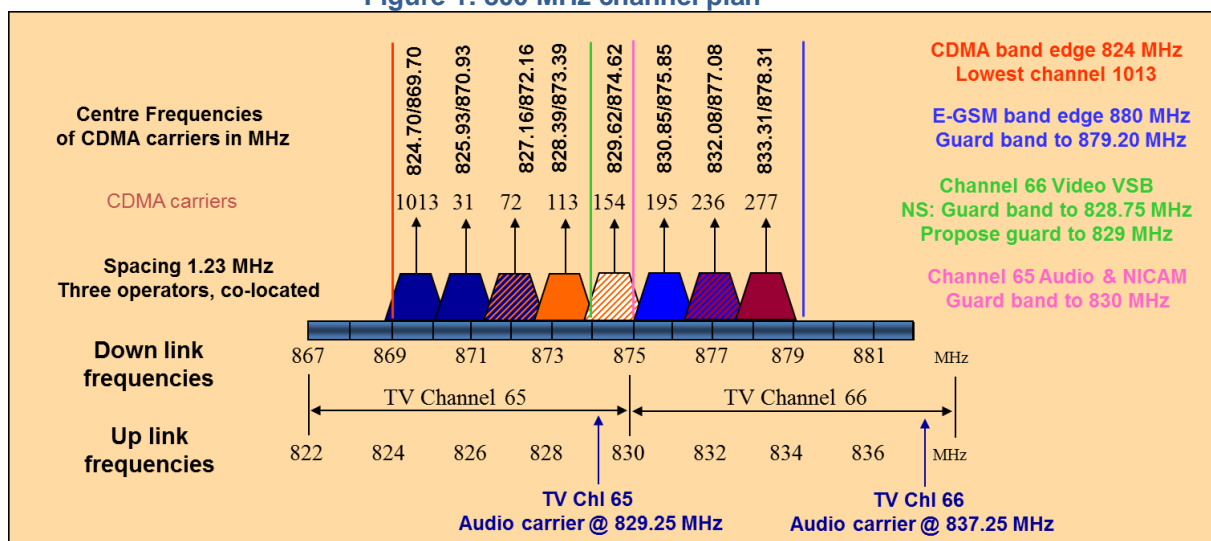
52. Additionally GG 34872, the Authority proposes to assign 2x10 MHz (791-801 MHz paired with 832-842 MHz) and a further 2x1.2 MHz (830.8-832 MHz paired with 875.8-877 MHz) in the 800 MHz band to Neotel. Neotel supports this approach to the in-band migration as follows:

52.1. Neotel was assigned spectrum in the 800 MHz band, which it uses to deliver consumer and SME services. the Authority concurred that Neotel has been assigned 2 x 4.92 MHz in the band spread throughout the frequency range 827.775-832.695 MHz paired with 872.775-877.695 MHz.

52.2. In 2003, ICASA obtained a study from Qualcomm supporting the dual use of the 800 MHz band in South Africa for broadcasting and telecommunication services. ICASA subsequently carried out an inquiry into sharing of 800 MHz spectrum between broadcasting and telecoms, and published its findings in February 2004. The outcome of this inquiry was a decision to conduct research to formulate possible sharing criteria between broadcasting and telecommunication services in the band. On 30 March 2004, the SA Table of Frequency Allocations was published, including National Footnote 27, which confirmed the requirement for research on sharing to be done. A field trial was undertaken in February 2005 by Transtel, Eskom, Ericsson and Qualcomm, to assist ICASA with regard to a sharing criteria. In August 2005, Neel Smuts Consultancy undertook a co-existence study, which was submitted to ICASA. On 31 October 2006, ICASA published the outcome of its research in the Government Gazette, permitting electronic communications network operators to apply for 800 MHz spectrum, on the basis of sharing with broadcasters in TV Channels 65 and 66. Following the application, ICASA assigned 800 MHz spectrum to Neotel on 28 March 2007.

- 52.3. The band-plan for the use of the band - specifically for CDMA2000 or technologies using the same band plan - provides for eight 1.23 MHz uplink channels within TV Channels 65 and 66, with a total bandwidth, including guard bands, of a slightly over 10 MHz. The matching downlink channels are above the TV band, adjacent to the E-GSM band.
- 52.4. The current frequency channel plan for the 800 MHz band is depicted below in Figure 2. The total spectrum available in 800 MHz band currently for electronic communication network operators, in which Neotel has assignments, is therefore a approximately 2 x 10 MHz.

Figure 1: 800 MHz channel plan



53. Neotel further wishes to bring to the Authority's attention, that according to ITU RR 2008 and 2012, the 800 MHz band (790-862 MHz) has already been allocated to the Mobile Services on a primary basis. Moreover the band is identified for IMT uses.
54. Neotel wishes to remark that according to the Broadcasting Digital Migration Policy as amended in 2012 (Government Gazette No 35014, 7 February 2012), the DoC announced that the cut-off date for analogue broadcasting shall be December 2013. The cut-off date of 17 June 2015 as suggested to in Table 3 is the ITU cut-off date and not South Africa's cut-off date.
55. Neotel's entire consumer data and voice offering is based on the 800 MHz assignment. As Neotel gain market share and sign-up more customers, the limited radio frequency spectrum resources are taking strain and this inevitably deteriorates the quality of the services offered to our customers. Therefore Neotel would like to appeal to the Authority to expedite and prioritise the Digital Migration process by moving

broadcasters out of the 800 MHz band to allow Neotel to be in a better position to rollout services in other geographic area in the 800 MHz band.

56. Neotel supports the view that a “staggered” approach to the licensing of the 800 MHz (790- 862 MHz) band be adopted well ahead of the cut-off date of the dual illumination period for the DTT. This will ensure earlier rollout of the much needed broadband in the rural and underserviced areas.
57. Neotel additionally supports the Authority’s view in the Plan, that Government Gazette 29345 is still enforced which underscores this fact *“that there will be no further assignments of broadcasting services on both channels 65 (822-830 MHz) and 66 (830-838 MHz)”*. The reason for this is that, if a digital transmitter is turned on in a Neotel coverage area on channel 65 or 66, this will cause harmful interference to critical services that area.

3.10 862 - 890 MHz (4.10.16)

58. Neotel has been assigned spectrum in the 800 MHz band, to deliver consumer and SME services. The Authority has pronounced and is well aware of the assignment of 2 x 4.92 MHz for CDMA in the band which spreads throughout the frequency range 827.775 - 832.695 MHz paired with 872.775 - 877.695 MHz.
59. Neotel supports the Authority’s proposed re-planning and in-band migration efforts of the band in accordance with Government Gazette 34872 in note 4.10.15. In the aforementioned Government Gazette the Authority will assign 2 x 10 MHz (791-801 MHz paired with 832-842 MHz) as well as retaining 2 x 1.2 MHz (830.8-832 MHz paired with 875.8-877 MHz) in the 800 MHz band to Neotel. The assignment therefore straddles across the 800 MHz band with the 862 – 890 MHz band aligned within the international 850 MHz band (also known as the CDMA2000 or GSM850 band plan as referenced in the Plan).
60. Neotel will effectively retain and assignment of 2 x 1.2 MHz channels, which will be migrated out overtime. Neotel therefore submits that it requires adequate protection on the 2 x 1.2 MHz assignment for an extended period until an alternative voice platform is established and available on LTE or other future mobile technologies. This will ensure that Neotel continues to service its clients and thereby honour any existing contracts that it has with them.

3.11 890 - 942 MHz (4.10.17)

61. Neotel supports “no migration” in this band but submits that the Authority conducts a detailed spectrum investigation (“DSS”) on the requirements for future technologies in

the 876 – 880 MHz band. See also the comments 4.10.16 above which supports protection for Neotel's current CDMA system.

62. Neotel supports the view that refarming of radio frequency channels should be conducted within a defined process on prescribed principles which does not require regulatory intervention.
63. The utilisation of the band in for IMT therefore should be indicated as such for consistency.

3.12 942 - 960 MHz (4.10.18)

64. The utilisation of the band in for IMT therefore should be indicated as such for consistency.

3.13 1710 – 1785 pair with 1805 - 1880 MHz (No Section)

65. Neotel supports no migration in this band. However Neotel suggests that the current allocation should be aligned with the Plan which stipulates IMT mobile.

3.14 1920 - 1980 MHz paired with 2110 - 2170 MHz (3G Band) (No Section)

66. On 22 February 2012, the Authority published a notice in Government Gazette 34040, "Notice in terms of licensing of the 3G and 1800 MHz radio frequency band in South Africa", indicating assignments in the respective bands.
67. Neotel reminded the Authority on numerous occasions of its deemed rights granted in terms of the Telecommunications Act No. 103 of 1996, section 30B (2), on access to the third generation (3G) radio frequency spectrum bands. The 3G band in this case refers to the radio frequency channels 1920 - 1980 MHz paired with 2110 - 2170 MHz.
68. The above-mentioned Government Gazette suggests that a refarming and/or a reassignment process have been concluded with a few operators without proper consultation with the respective affected parties.
69. Neotel respectfully seeks clarity from the Authority on the status of the 3G band with respect to the above-mentioned Government Gazette.

3.15 2300 – 2450 MHz (4.10.28)

70. Neotel supports a DSS in this band and that refarming of radio frequency channels should be conducted within a defined process and prescribed principles which do not require regulatory intervention.

3.16 2500 - 2690 MHz (4.10.29)

71. Neotel supports the Authority's proposed re-planning efforts of the band in line with Government Gazette 34872.

3.17 3400 - 3600 MHz (4.10.30)

72. At WRC-07 the 3.5 GHz band was allocated to the MOBILE except aeronautical mobile service on a primary basis and is identified for International Mobile Telecommunications (IMT). This allocation was agreed subject to coordination under provision No. 9.21 of the Radio Regulations (ITU, 2008). This allocation is effective from 17 November 2010.
73. Neotel submits that designating the band to IMT only is sufficient. IMT includes various standards and identifying the band to IMT will be all inclusive of the other broadband wireless access systems.
74. The Authority proposes a modified channel arrangement F2 (3410 – 3490 MHz paired with 3510 – 3590 MHz) in the 3.5 GHz band for IMT. Neotel has made substantial investment in deploying WiMAX services in this band.
75. Neotel does not support the notion that existing users must be migrated out of the band.
76. However, Neotel supports the reallocation provided that an in-band migration plan is adopted to provide adequate protection to existing services in the band. Neotel's 3.5 GHz assignment is 3456 -3484 MHz paired with 3556 – 3584 MHz. This will result in Neotel having 2 x FDD adjacent assignments on both sides of the edges which require provisioning for 2 guard bands.
77. The principle of Neotel's proposal is to migrate its existing service to the top edge of the band, 3490 MHz, as per the F2 channel arrangement. This will allow optimum use of the available spectrum as well as preventing the wastage of valued spectrum to make provision for sufficient guard bands.

3.18 3600 - 4200 MHz (4.10.31)

78. Neotel supports no migration in this band. However Neotel suggests that a DSS be conducted to follow the trends internationally and at SADC level. The SADC FAP common sub-allocation includes BFWA systems which could cause harmful interference to satellite systems deployed within the band close to our neighbouring countries.
79. Neotel submits that the Authority include a footnote in the SADC FAP to indicate the status of this allocation in South Africa. This will create more assurance with respect to systems already deployed in the band.

3.19 5725 - 5850 MHz (4.10.33)

80. A table in the draft National Radio Frequency Plan appears to be an amendment of the GG 34172, Annex B. This table contains content, transferred from the draft Radio Spectrum Frequency Regulations (GG 33590, 29 September 2010), which was omitted in GG 34172.
81. Neotel recommends that amendments to any regulations should follow the due process stipulated in the ECA.

4. CONCLUSION

82. Neotel thanks the Authority for its efforts to ensure that spectrum is used efficiently and effectively. The review of the migration plan is an overdue and laudable initiative. To ensure that this happens with the intended outcomes being realised, Neotel suggests that the main issues raised in the public consultation process be considered for further inclusion in the process ahead.
83. Neotel would like to participate in any hearings that the Authority holds in respect of these Draft Frequency Migration Regulations and the Plan.
84. Neotel remains at the Authority's disposal to clarify anything in this submission or to assist in the finalisation of these Draft Migration Regulations and Migration Plan.

