

---

## GENERAL NOTICE

---

### NOTICE 1082 OF 2014



Independent Communications Authority of South Africa  
Pinmill Farm, 164 Katherine Street, Sandton  
Private Bag X10002, Sandton, 2146

### **GENERAL NOTICE – APPLICATION FOR APPROVAL OF THE ACQUISITION OF BUSINESS CONNEXION GROUP LIMITED (“BCG”) BY TELKOM SA SOC LIMITED (“TELKOM SA”)**

1. The Independent Communications Authority of South Africa (“the Authority”) hereby gives notice that on 29 August 2014, it received an application for the acquisition of Business Connexion Group Limited (“BCG”) by Telkom SA SOC Limited (“Telkom SA”). In terms of the transaction, the nature of the agreement between the parties is as follows:
  - a) *Telkom SA will only acquire the entire share capital of BCG;*
  - b) *BCG is a holding company of the following subsidiaries: Business Connexion (Pty) Ltd (BCX) and Business Connexion Content Distribution Solutions (Pty) Ltd both of which are Individual Electronic Communications Service (IECS) and Individual Electronic Communications Network Service (IECNS) licensees. Further, BCX also holds Radio Frequency Spectrum Licences in C-Band and Ku-band);*
  - c) *BCG will remain the holding company; and*
  - d) *The subsidiaries will remain licence holders of the licences as issued by the Authority.*
2. This application was made in terms of section 13 of the Electronic Communications Act no 36 of 2005, as amended (“the ECA”). Section 13(1) of the ECA provides that *“An individual licence may not be let, sub-let, assigned, ceded or in any way transferred, and the control of an individual licence may not be assigned, ceded or in any way transferred, to any other person without the prior written permission of the Authority.”*

3. The Authority published a notice on 10 October 2014 giving notice that "all I-ECS and I-ECNS licence transfer applications submitted to the Authority from the date of publication of this notice in the government Gazette, which do not have 30% equity ownership by HDG's, will not be approved"<sup>1</sup>. The Telkom/BCG application was submitted to the Authority on 29 August 2014.
4. The Authority is engaging the Competition Commission in terms of the existing Memorandum of Understanding ("Mou").<sup>2</sup>
5. The Authority's mandate includes, but is not limited to, the following regulatory considerations:
  - a. Ownership and Control;
  - b. Efficient assignment of spectrum;
  - c. Competition;
  - d. Access to electronic communications facilities; and
  - e. Universal service.
6. In terms of sections 13(6) read section 9(2)(b) of the ECA, the Authority hereby, calls upon any interested person, to lodge written representations to the application by BCG for the approval of the acquisition by Telkom SA within twenty-one (21) working days from the date of the publication of this notice in the Government Gazette.
7. The Application, relevant schedule and any representations received pursuant thereto will be made available and open for inspection by interested parties in the Authority's library during office hours and on the Authority's website [www.icasa.org.za](http://www.icasa.org.za).
8. Any person who may submit written submissions must indicate whether they require an opportunity to make oral representations in the event the Authority may decide to hold a public hearing.
9. Any written representations in terms hereof, must be delivered as follows:

**TO:** The Independent Communications Authority of South Africa (ICASA)

**FOR ATTENTION: Ms Lerato Morobane**

Secretariat: Market Consolidations Committee

Block A, Pinmill Farm

164 Katherine Street

Sandton

Or send by **registered post to**: Private Bag X10002, Sandton, 2146.

Or send via **fax no**: 011 566 3223

Or send by **e-mail to**: [Marketconsolidations@icasa.org.za](mailto:Marketconsolidations@icasa.org.za).

10. BCG has a right to respond in writing to any written representations any interested person may submit on the application. Therefore any person who submits a representation to the Authority must furnish proof to the satisfaction of the Authority that a copy has been delivered as follows:

**TO:** Business Connexion Group Limited

**FOR ATTENTION:** Ms Michelle Branco

6th Floor

The Forum Building

2 Maude Street, Sandton 2146

Or send by **registered post to**:

P. O. Box 784716

Sandton

2146

Or send via **fax no**: 086 571 5509

Or send by **e-mail** to: [Michelle.Branco@bcx.co.za](mailto:Michelle.Branco@bcx.co.za)

11. BCG must submit their written response to the Authority within forty-two (42) working days from publication of this notice in the Government Gazette.



DR STEPHEN MNCUBE

CHAIRPERSON