

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)**

CASE NO. 2018 / 20057

In the matter between :-

CELL C LIMITED

Applicant

and

**THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

First Respondent

**CHAIRPERSON OF THE INDEPENDENT
COMMUNICATIONS AUTHORITY OF SOUTH
AFRICA**

Second Respondent

AMANDLA.MOBI

Third Respondent

**CRYSTAL WEB MOBILE AND LEASP (PTY)
LTD**

Fourth Respondent

FREE MARKET FOUNDATION

Fifth Respondent

**INTERNET SERVICE PROVIDERS'
ASSOCIATION NPC**

Sixth Respondent

**LIQUID TELECOMMUNICATIONS SOUTH
AFRICA (PTY) LTD**

Seventh Respondent

MARK P LISTER

Eighth Respondent

MOBILE TELEPHONE NETWORK (PTY) LTD

Ninth Respondent

MWEB

Tenth Respondent

NATIONAL CONSUMER COMMISSION

Eleventh Respondent

**WIRELESS ACCESS PROVIDERS'
ASSOCIATION NPO**

Twelfth Respondent

TELKOM SOC SA LTD

Thirteenth Respondent

VODACOM (PTY) LTD

Fourteenth Respondent

("the main application")

And in the matter between:

MOBILE TELEPHONE NETWORK (PTY) LTD

Applicant

and

**INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

First Respondent

**CHAIRPERSON OF INDEPENDENT
COMMUNICATIONS AUTHORITY OF SOUTH
AFRICA**

Second Respondent

**CELL C PROPRIETARY LIMITED
AMANDLA.MOBI**

**Third Respondent
Fourth Respondent**

**CRYSTAL WEB MOBILE AND LEASP (PTY)
LTD**

Fifth Respondent

FREE MARKET FOUNDATION

Sixth Respondent

**LIQUID TELECOMMUNICATIONS SOUTH
AFRICA (PTY) LTD**

Seventh Respondent

**INTERNET SERVICE PROVIDERS'
ASSOCIATION NPC**

Eighth Respondent

MARK P LISTER

Ninth Respondent

MWEB

Tenth Respondent

NATIONAL CONSUMER COMMISSION

Eleventh Respondent

**WIRELESS ACCESS PROVIDERS'
ASSOCIATION NPO**

Twelfth Respondent

TELKOM SOC SA LTD

Thirteenth Respondent

VODACOM (PTY) LTD

Fourteenth Respondent

("the counter application")

**FILING SHEET: APPLICANT'S ANSWERING AFFIDAVIT IN RELATION TO
NINTH DEFENDANT'S SUPPLEMENTARY FOUNDING AFFIDAVIT TO ITS
COUNTER APPLICATION**

TAKE NOTICE THAT the applicant in the main application hereby files its answering affidavit in relation to the ninth respondent's supplementary founding affidavit in the counter application.

SIGNED at Illovo on the 6th day of **SEPTEMBER 2018**.

A handwritten signature in black ink, appearing to be 'H. Irvine' or similar, written over a horizontal line.

FALCON AND HUME INCORPORATED

Applicant's Attorneys

Second Floor

8 Melville Road

Illovo

Sandton

Tel: 010 - 594 5022

Email: heather@fhinc.co.za /
niel@fhinc.co.za

Ref: H Irvine / N Jacobs / MAT1336

TO:
THE REGISTRAR
High Court of South Africa
Gauteng Local Division
Johannesburg

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, JOHANNESBURG)**

CASE NO.

2018 / 20057

In the matter between :-

CELL C LIMITED

Applicant

and

**THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

First Respondent

**CHAIRPERSON OF THE INDEPENDENT
COMMUNICATIONS AUTHORITY OF SOUTH
AFRICA**

Second Respondent

AMANDLA.MOBI

Third Respondent

**CRYSTAL WEB MOBILE AND LEASP (PTY)
LTD**

Fourth Respondent

FREE MARKET FOUNDATION

Fifth Respondent

**INTERNET SERVICE PROVIDERS'
ASSOCIATION NPC**

Sixth Respondent

**LIQUID TELECOMMUNICATIONS SOUTH
AFRICA (PTY) LTD**

Seventh Respondent

MARK P LISTER

Eighth Respondent

MOBILE TELEPHONE NETWORK (PTY) LTD

Ninth Respondent

MWEB

Tenth Respondent

NATIONAL CONSUMER COMMISSION

Eleventh Respondent

**WIRELESS ACCESS PROVIDERS'
ASSOCIATION NPO**

Twelfth Respondent

TELKOM SOC SA LTD

Thirteenth Respondent

VODACOM (PTY) LTD

Fourteenth Respondent

("the main application")



And in the matter between:

MOBILE TELEPHONE NETWORK (PTY) LTD

Applicant

and

**INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA**

First Respondent

**CHAIRPERSON OF INDEPENDENT
COMMUNICATIONS AUTHORITY OF SOUTH
AFRICA**

Second Respondent

**CELL C PROPRIETARY LIMITED
AMANDLA.MOBI**

Third Respondent
Fourth Respondent

**CRYSTAL WEB MOBILE AND LEASP (PTY)
LTD**

Fifth Respondent

FREE MARKET FOUNDATION

Sixth Respondent

**LIQUID TELECOMMUNICATIONS SOUTH
AFRICA (PTY) LTD**

Seventh Respondent

**INTERNET SERVICE PROVIDERS'
ASSOCIATION NPC**

Eighth Respondent

MARK P LISTER

Ninth Respondent

MWEB

Tenth Respondent

NATIONAL CONSUMER COMMISSION

Eleventh Respondent

**WIRELESS ACCESS PROVIDERS'
ASSOCIATION NPO**

Twelfth Respondent

TELKOM SOC SA LTD

Thirteenth Respondent

VODACOM (PTY) LTD
("the counter application")

Fourteenth Respondent

**APPLICANT'S ANSWERING AFFIDAVIT IN RELATION TO NINTH
RESPONDENT'S SUPPLEMENTARY FOUNDING AFFIDAVIT IN THE COUNTER
APPLICATION**



I, the undersigned,

GRAHAM NEIL MACKINNON

do hereby make oath and say that:

1. I am an adult male and the Chief Legal Officer of the applicant ('Cell C'), and the deponent to the founding and replying affidavits in the main application. I remain authorised as before to represent Cell C in these proceedings and to depose to affidavits in relation to this application.
2. The allegations contained in this affidavit are, save where the context indicates the contrary, within my personal knowledge and are true and correct. Where I make legal submissions, these are made on the advice of Cell C's legal representatives, which advice I accept as correct.
3. I have read and considered the contents of the supplementary founding affidavit to the counter-application filed by the ninth respondent ('MTN') and confirm that Cell C aligns itself with the contents of the supplementary founding affidavit to MTN's counter application.

JUDITH S. MEYER
COMMISSIONER OF OATHS
PRACTISING ATTORNEY RSA
GROUND FLOOR, OXFORD TERRACE
3 ON 9TH STREET
HOUGHTON ESTATE
JOHANNESBURG



GRAHAM NEIL MACKINNON

I CERTIFY that this affidavit was signed and sworn to before me at **JHB** on this the **6th** day of **SEPTEMBER** 2018, by the deponent who acknowledged that he knew and understood the contents of this affidavit, had no objection to taking this oath, considered this oath to be binding on his conscience and who uttered the following words: "I swear that the contents of this affidavit are true, so help me God".