



## SABC REPRESENTATIVES

1. Fikile Skosana – Manager (Policy and Regulatory Affairs)
2. Frank Awuah – Distribution Specialist (Media Technology Infrastructure)

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## SABC MANDATE

- The SABC welcomes the opportunity to participate in the ICASA public hearings with respect to the RFSAP draft for IMT 850MHz band
- The SABC is mandated to deliver a public value proposition of educating, informing and entertaining all South Africans in all official languages in line with the Broadcasting Act of 1999, as amended
- The SABC delivers on its mandate through 18 radio stations plus Channel Africa broadcasting to the rest of Africa via shortwave and 5 television channels
- The SABC will focus on areas that affect public broadcasting services

## BACKGROUND

- This presentation will combine aspects of migration from the 700 and 800MHz bands as this subject is not restricted to only IMT 850MHz band.
- The SABC supports the Authority's attempts to provide technical aspects of how the band is to be managed and used in the RFSAP
- The main purpose of this submission is to remind the Authority and place on records that the SABC is still using these bands for its current analogue transmissions and some DTT services
- We believe that the RFSAP is not an attempt to licence operators and bring to use the 700 and 800MHz bands whilst the SABC is still operating in these band.
- If this is not so, we humbly request the Authority to clarify.

## BACKGROUND cont'd

- There has been many attempts to licence IMT services in the 700 and 800MHz in the past
- On 15 July 2016, ICASA published an ITA for mobile operators to apply for frequencies including the 700MHz, 800MHz and 2.6GHz bands.
- On 11 September 2015, ICASA published information memorandum for the same frequency bands
- ICASA also embarked on an IMT roadmap in which series of publications were made for these frequency bands to be licenced to the IMT services.

## BACKGROUND cont'd

- The RFSAP says that “broadcast transmissions and services ancillary to broadcasting in the band above 694 MHz are to be systematically switched off”
- So we just want to place on the records that we have made submissions in the past calling for transitional arrangements to be concluded before any operator is licenced and brought to use whilst the SABC is still using the frequency bands

## TIMELINES FOR THE IMPLEMENTATION OF IMT SERVICES

- No objections to assignments in the 700MHz and 800MHz bands
- The SABC's objections is one of time for implementations
- The timelines for the implementation of IMT services are not clear
- If IMT services are licenced and assignments are brought to use whilst the SABC is still operating in these bands there will be interference to SABC's services
- The SABC has 280 analogue and 143 Digital Terrestrial Television (DTT) transmitters operating (excluding self-help transmitters) in the 700 and 800MHz bands.
- These transmitters serve about 40% of the population
- The SABC will suffer serious financial losses

## NO TRANSITIONAL ARRANGEMENTS FOR MIGRATION

- ICASA's publication indicates that "... in order to minimize and/or prevent harmful interference during the transitional arrangement period it will develop a systematic implementation plan during the transition".
- Indeed the SABC believe that there should not be any interference to IMT services or from IMT services to SABC;s transmissions
- However, the Authority has failed to put in place the said transitional arrangements

## NO TRANSITIONLA ARRANGEMENTS FOR MIGRATION cont'd

- The SABC believes that it will be in line with orderly spectrum management as enshrined in the ECA for the said transitional arrangement to be discussed, agreed upon and gazetted
- The SABC does not oppose to the assignment plans in the 700 and the 800MHz bands now.
- However, the spectrum must only be available for operations to the new licensees after analogue switch off (ASO) and the completion of digital to digital migration as practiced by many international regulators.

## LEGISLATIVE AND POLICY PROVISIONS

- **Broadcasting Act No.4 of 1999 as amended**
- Section 10 (1) of the Broadcasting Act obliges the SABC to make its services available to all South Africans. This universal service mandate will be highly affected as the SABC stands to lose viewers.
- **Electronic Communications Act No.36 of 2005**
- Section 2 (t) of the Electronic Communications Act ('the ECA') enjoins the Authority to protect the integrity and viability of the public broadcasting service.

## LEGISLATIVE AND POLICY PROVISIONS cont'd

- **Promotion of Administrative Justice Act, no.3 of 2000**
- The SABC submits that the Authority, in the execution of its duties is bound by the provision of section 3 of the Promotion of Administrative Justice Act (PAJA) in its totality. Proceeding with the auction of the 700 and 800MHz bands when objections have been raised in the RFSAP during the public consultation process and disregarding the concerns which may adversely affect the SABC as articulated in the previous submission, directly violates the provisions of PAJA.

- **The Constitution Act 108 of 1996**
- Section 16(1) of the Bill of Rights as contained in the Constitution of the Republic provides as follows:

“Everyone has the right to freedom of expression, which includes: (a) freedom of the press and other media; (b) freedom to receive or impart information or ideas (own emphasis); (c) freedom of artistic creativity; and (d) .....

## CONCLUSION

- The SABC is concerned with the assignment of the 700 and 800MHz bands whilst it is still operating in these bands
- The Cooperation will suffer serious financial losses if this happens and it will not be able to meet its legislated mandate
- Transitional arrangements for migration out of these bands need to be discussed and agreed upon so that the SABC can systematically switch off transmissions in these bands
- Until a successful Broadcast Digital Migration (BDM) process has been completed, the licensing of operators and the use of the bands needs to be carefully considered
- The SABC also calls for the Authority to whole heartedly support successful BDM implementations

**THANK YOU**