



Independent Communications Authority of South Africa
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MEDIA STATEMENT

ICASA to oppose the court application filed by MTN at the High Court

29 January 2021

Pretoria – The Independent Communications Authority of South Africa (“ICASA/the Authority”) received an urgent court application on Wednesday, 27 January 2021, filed by MTN (Pty) Ltd (“MTN”) in respect of the Invitation To Apply (“ITA”) for high demand spectrum or International Mobile Telecommunications (“IMT”) spectrum licensing process.

The Authority is currently reviewing the application and has instructed its legal representatives to oppose the application. The Authority would like to point out that it has been in constant communication with MTN on the issues raised in its court application. It is unfortunate that MTN has elected to proceed with instituting legal proceedings against the Authority under these circumstances.

“This latest litigation attempt is characteristic of either impatience or a subtle desire to channel the Authority’s decision-making outlook. We, however, remain steadfast and will defend the process against these challenges,” says ICASA Chairperson, Dr Keabetswe Modimoeng.

The licensing of high demand spectrum is one of the most critical regulatory projects ever undertaken by the Authority, backed by policy imperatives and the need to better the lives of all South Africans. The licensing process brings with it greater spin-offs for government, business and consumers in the form of faster broadband speed, economic recovery, investment and above all, better quality of service and experience for the South African population. It is for these considerations that the Authority intends to defend this process to the end.

According to Dr Modimoeng this process has been delayed since 2010. “At this stage, industry players and all stakeholders need to reflect on the extent to which their commercial interests ought to override patriotic considerations. We believe that this licensing process has been balanced, with no room for a winner-takes-all attitude,” states Dr Modimoeng.

“Furthermore, the fact that the respective litigants are uncomfortable for diametrically different reasons is indicative of a delicate balance that the Authority

has struck in its decisions. The process cannot be tailored for the narrow fulfilment of one or two specific mobile operators,” says Dr Modimoeng.

The release of the radio frequency spectrum has the potential to make a meaningful contribution to the country’s ailing economy. In particular, the release of spectrum is critical to the country’s multifaceted efforts to not only return our economy to a better credit rating but to forge a new economy in a new global reality.

The Authority would like to urge all South Africans not to be alarmed by the latest litigation. The process for licensing of high demand spectrum will continue as planned unless there is a court order issued to delay or halt the process.

“We will go to court and argue our case in defence and furtherance of ICASA’s public interest mandate. We will do so because South Africans deserve to benefit from the imminent release of the radio frequency spectrum through reduced data costs, improved network quality and rural broadband coverage,” concludes Dr Modimoeng.

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