



ICASA
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8 January 2021

By e-mail: ndana@icasa.org.za

Draft Digital Sound Broadcasting Services Regulations, 2020

Dear Mr. Dana,

1. The National Association of Broadcasters (NAB) welcomes the publication of the Draft Digital Sound Broadcasting Services (DSB) Regulations 2020. We note the Draft Regulations follow from the policy directive published earlier this year on 10 July by the Minister of Communications and Digital Technologies.
2. The members of the NAB have participated in the DSB trials with the Southern African Digital Broadcasting Association (SADIBA). Furthermore, our members have participated in all digital sound broadcasting policy and regulatory development processes. Whilst we are encouraged by the progress made by the Authority, there are a few aspects of the Draft Regulations which we seek clarity on as discussed below.

Alignment with the Policy Direction

3. The Draft Regulations provide that the Minister will determine the switch-off date of analogue sound broadcasting services. However, paragraph 2.1.1 of the Policy Direction emphatically states that **DSB services are to be offered alongside analogue sound broadcasting services**. The Authority also adopted the same position as articulated in paragraph 6.6.3.4 of its Findings Document and Position

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Paper on the use of DSB services. Furthermore, the standards applicable for DSB services (ie DRM 30, DRM+ and DAB+) are spelt out in section 6 of the Draft Regulations to 'complement' AM and FM services and not as substitutes of these services. The NAB therefore respectfully recommends that the Draft Regulations be wholly aligned with the Policy Direction in this regard.

Prioritising incumbent broadcasters

4. The Draft Regulations distinguish between primary and secondary markets with reference to the geographical markets of Gauteng and the metropolitan areas of and around Cape Town and Durban. The NAB understands that the purpose of this distinction is to provide for a phased introduction of DSB services. However, it is not clear why such a phased approach is necessary. The NAB respectfully recommends an inclusive and standard approach be adopted to ensure that all incumbent radio broadcasters have an equal opportunity to launch DSB services.
5. The NAB is encouraged to note that the Authority will only consider applicants without existing sound broadcasting licences two years after the effective date of the Draft Regulations. However, the NAB is concerned that two years may not be sufficient time to establish the DSB market. We therefore recommend that this period of exclusivity be revised upward to at least three years.

Costing model for DSB services

6. The Draft Regulations do not include any costing model and it is not clear how the applicable fees will be determined. This creates uncertainty regarding the overall affordability of DSB services. The NAB respectfully recommends that a costing framework be developed as opposed to it being left to the sole discretion of the mux operators.

Channel authorisation process

7. The NAB notes that an application for channel authorisation is to be processed within 60 (sixty) days. However, it is conceivable that this timeframe may not always be adhered to, which may put an applicant in an untenable position. We therefore recommend that a deeming provision be included so that an application for channel



authorisation is deemed to have been granted should the Authority not communicate its decision within the prescribed period. We note that paragraph 6(6) of the Digital Migration Regulations, 2012 has a similar provision.

Implications for community broadcasting service licensees

8. The three-tier system is central to a dynamic, competitive, pluralistic broadcasting industry and is entrenched in legislation, regulatory instruments as well as the Draft White Paper on Audio and Audiovisual Content Services Policy Framework. Therefore, DSB services must not be provided in a manner which distorts the broadcasting industry to the detriment of the public and licensees. Community broadcasting service licensees in particular must be accommodated without their coverage area being increased as a result of being placed on provincial muxes. The NAB therefore recommends that there be provision for low-power community muxes especially for geographic community broadcasting services.

9. In conclusion, the NAB thanks the Authority for the opportunity to contribute to this critical process. We look forward to sharing insights and supporting the Authority.

Yours sincerely,

Nadia Bulbulia

EXECUTIVE DIRECTOR

Sent electronically without signature.