



the westbury community development centre
IT 4455/00

08 January 2020

Attention: Mr Ndumiso Dana

ICASA

350 Witch-Hazel Ave, Eco-Park Estate, Centurion, 0144, South Africa

e-mail: ndana@icasa.org.za

Dear Mr. Dana,

Draft Regulations for Sound Broadcasting Services (DSB)

The Westbury Community Development Centre Trust would like to thank ICASA for the opportunity to make a submission on the above subject. Our submission is attached as part of this letter.

Yours sincerely,

Joseph Cotty

Director

A handwritten signature in black ink, appearing to be 'JC' with a large flourish.

Peter Faver

Director

A handwritten signature in black ink, appearing to be 'P. FAVER'.

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Westbury Community Development Centre Trust (WECODEC)

SUBMISSION to The Independent Communications Authority of South Africa

ON

Draft Regulations for Digital Sound Broadcasting (DSB)

December 2020

1. Background

WECODEC is the license holder of Kofifi FM 97.2, an incumbent community radio station located in Westbury/Johannesburg servicing our communities in Westbury, Sophiatown, and other western and southern areas of Johannesburg, reaching an audience of up to 200,000 listeners. Kofifi FM 97.2 has been in operation since October 2012.

To empower our community and other previously disadvantaged South Africans, WECODEC aims to develop and promote innovative technologies that can serve the whole country to uplift communities, create jobs, improve education, and help fighting poverty. For that purpose WECODEC is involved in the evaluation of digital radio and television technologies and builds part of the technical environment around WECODEC.

Within this responsibility WECODEC has undertaken the continent's first DRM trial in the FM-Band (DRM+). The outcome of our trial had a substantial impact on the reception of DRM+ in the world and also the South African decision process to include this technology specifically as broadcast standard for community radio to ensure their participation on DSB and the digital migration of radio.

Therefore the Draft Regulations for Digital Sound Broadcasting Services of 2020 addresses various matters that we believe of being able to make constructive contributions to and as always we are delighted to utilize this opportunity to respond.

2. WECODEC Response to the Draft Regulations.

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4. Framework for DSB Services

(1) The introduction of DSB services will be in a phased approach: phase one (1) will be in the primary markets, and phase two (2) will be in the secondary markets.

The Authority does not explain the purpose of a phased approach which will obviously again benefit the already advantaged people in Johannesburg and Cape Town whilst the disadvantaged and under-served communities in the rural areas are discriminated once more.

For the DAB+ rollout where infrastructure from previous trials is already present in Johannesburg and Pretoria this might be practical but the situation for community radio stations which are going to use DRM is totally different and has not been considered. For those it actually does not make any technical difference if a license is issued and a transmitter installed in Johannesburg or in the Karoo. So this discrimination is unnecessary and if the Authority sees the necessity to mention the phased approach for DAB+ it must make clear that this has no impact on the DRM rollout for community radio and other broadcasters using the DRM technology.

CONCLUSION: DAB+ will be delivered in a phased approach whilst DRM will be delivered as per individual need and requirement.

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4. Framework for DSB Services

(3) The Authority will consider Applicants without existing sound broadcasting licenses two (2) years after the effective date of these Regulations. ...

What is the purpose of this? In our trial we have demonstrated that e.g. in Johannesburg there is right now space for at least 48 additional

sound broadcasting services in Johannesburg within the existing FM spectrum. There are plenty of communities who are desperately waiting for licenses for many years who have been told that they have to wait because there is no spectrum available for them. So now as there finally is spectrum it will be very difficult to communicate why they still have to wait without any reasonable arguments.

However, if the Authority wishes to utilize this time period for a concerted DRM community radio pilot project (that thereafter must transform straight into regular operation and not be seen as yet another trial!) it should allow participation from both incumbent and new licensees in order to gain a better understanding how In-Band DSB can be deployed in an optimal way (see also our below statement in the last paragraph).

...This will be done through an invitation to apply issued by the Authority in terms of section 9 of the Act, and in line with Regulation 4 (5) of the Community Broadcasting Services Regulations, 2019. ...

We understand that this is not the forum to discuss details of the Community Broadcasting Service Regulations of 2019 to which we had also made our dedicated submissions. However, an ITA process as intended for commercial broadcast licenses to regulate fair market competition has in our eyes never been a meaningful option for the dynamic space of community broadcasting. Until 2019 the community broadcasting sector was perfectly supported by the regulator considering the individual situation of each applicant. But right now we have a situation where a potential community might e.g. miss the deadline to submit to an ITA by a few weeks because their NGO might not have been registered for the required 2 years at that time. So instead of giving them the opportunity to submit whenever they are ready they would have to wait for the next ITA. In the end it will be the

community to suffer as after 5 years the people of that NGO might have moved on and in the end the initiative will have run dry.

The authority should do everything to motivate communities to become successful participants in the media world including job creation, skills development, youth, women and disabled empowerment as well as informing, educating and entertaining the communities and not put a long chain of blocking regulations in place that make such efforts almost impossible.

So these DSB Regulations could be a chance to cure this situation at least for the most innovative initiatives that chose to go the digital way and reward them by allowing them to apply at any time outside and ITA process like it used to be in the past.

(4) A DSB technical advisory group (DTAG) will be formed...

WECODEC hereby expresses its interest to participate in this group. As we have undertaken Africa's first DRM trial in the FM-Band (DRM+) and gained extensive knowledge and experience with this technology we believe that we will be able to provide substantial contributions to the work of this group.

5. MULTI-CHANNEL DISTRIBUTOR FOR DSB SERVICES

(3) The Authority shall issue an invitation to apply (ITA) for a RF spectrum license to Applicants who hold an ECNS license and intend to be a Multi-channel distributor.

This section again has obviously only thought of from a DAB+ view. For DAB spectrum where 15+ services will be accommodated on a single platform and reasonable responsibility will last with the respective licensee, an ITA process would perhaps make sense to regulate that a suitable candidate is chosen. However, for the DRM licensees in our view it makes no sense to limit the events when DRM spectrum is provided – in the AM or FM Band – to a specific time slot. These

spectrum licenses could rather be issued whenever required on an ad-hoc basis as well.

CONCLUSION: So it should read: *“The Authority shall issue an invitation to apply (ITA) for a RF spectrum license to Applicants who hold an ECNS license and intend to be a Multi-channel distributor or accept ad-hoc RF spectrum applications from ECNS license holders when required by an immediate need”.*

(4) Existing Broadcasters, who self-provide their signal distribution services, will be required to apply for a RF spectrum license in order for them to operate a MUX.

This should also apply to new community radio station applicants.

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7. DSB MUX ALLOCATION

(1) The MUX allocation for DSB services is as indicated in the Terrestrial Broadcasting Frequency Plan 2013.

Also this paragraph only applies for DAB+. For DRM there are no “MUX Allocations” in the frequency plan as DRM operates within the same frequencies used for analogue AM and FM.

CONCLUSION: Therefore it should read: *“The MUX allocation for DAB+ services is as indicated for Digital Audio Broadcasting, and the DRM Mux allocations are within the current AM and FM spectrum in the Terrestrial Broadcasting Frequency Plan 2013.”*

(2) Public, commercial and community DSB services will be provided in terms of the Terrestrial Broadcasting Frequency Plan 2013 as updated by the Authority from time to time.

Besides the Terrestrial Broadcasting Frequency Plan there is also the need to elaborate a new document that regulates the co-existence of analogue and digital signals within the same bands (AM and FM Bands) with the aim of best spectrum optimization. As demonstrated in our

trial the separation between two digital signals or a digital and an analogue signal can be much less than between two analogue signals. However, the exact opportunities and limitations of a fully utilized In-Band digitization can probably only be fine-tuned within a pilot phase (NOT a trial!!) that should take place directly subsequent to the publication of these regulations. This pilot phase could – instead of a waiting period of 2 years – prepare the sound broadcasting landscape even better for its digital migration and should provide opportunities of participation to both incumbent and new licensees.

ICASA could invite e.g. 20 community broadcasters to participate on this pilot phase directly after these regulations become active. But there must be a reward for the efforts and costs that stations that have participated on the pilot will have their licenses converted to permanent licenses after the pilot phase.