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The Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
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Eco Park, Centurion, Gauteng.

Attention: Mr Manyapelo Richard Makgotlho

By email: rmakgotlho@icasa.org.za
jdikgale@icasa.org.za

Dear Sirs,

NOTICES REGARDING SECOND DRAFT RADIO FREQUENCY ASSIGNMENT PLANS FOR THE FREQUENCY BANDS 450 MHz to 470 MHz (IMT450), 825 MHz to 830 MHz // 870 MHz to 875 MHz (IMT 850) AND 1427 MHz to 1518 MHz FOR PUBLIC CONSULTATION

1. Cell C Limited (“**Cell C**”) would like to thank the Independent Communications Authority of South Africa (“**ICASA**”) for the opportunity to provide written comments to the various draft radio frequency spectrum assignment plans (“**RFSAPs**”) published for consultation in *Government Gazette 48078* on 20 February 2023.
2. ICASA published these 3 draft RFSAP on 31 March 2022 for written comments. Cell C understands that ICASA was not satisfied with the responses received and therefore the decision to republish for another round of consultation. Cell C supports ICASA in this regard and recommends that this should be the norm when there is poor or no written input to a consultation process, as this approach supports a more robust regulatory process. Cell C is grateful for adopting this approach as this will provide certainty to the regulatory process.
3. Cell C looks forward to further engaging with ICASA on these three draft RFSAPs. Accordingly, please find below our written submission in this regard.

Cell C hereby confirms its readiness to participate in any subsequent consultations and oral hearings, which may be called for by ICASA.

Yours sincerely

Themba Phiri
Executive Head: Regulatory Affairs
Cell C Limited

CELL C WRITTEN COMMENTS ON THE DRAFT RADIO FREQUENCY SPECTRUM ASSIGNMENT PLANS FOR THE FREQUENCY BANDS 450 MHz to 470 MHz (IMT450), 825 MHz to 830 MHz // 870 MHz to 875 MHz (IMT 850) AND 1427 MHz to 1518 MHz FOR PUBLIC CONSULTATION

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1. GENERAL COMMENTS

- 1.1. Cell C would like to thank ICASA for the opportunity to present these written comments and requests the opportunity to both elaborate on the points below as well as to raise further points via oral submission when public hearings are convened on the three RFSAP’s.
- 1.2. Cell C supports and recommends the alignment of these RFSAP’s with the various the resolutions/recommendations as adopted at various international, regional and national levels (ITU, ATU and SADC), including those arising from WRC 2019 (“WRC 19”). This means the same spectrum bands are used country to country, which allows the same equipment, including devices, to be sold across large regions, bringing down the cost to communicate and thereby benefitting from economies of scale.
- 1.3. In finalizing the RFSAP’s, the migration of licensees including government entities and organizations must follow the process as prescribed in the ECA where relevant. The development of the “RFSAP” and the Frequency Migration Plan (“FMP”) are overseen by different rulemaking provisions. Therefore, there must be no areas of ambiguity, inconsistency or wrongfully placed spectrum events between the processes. Thus, avoiding protracted delays due to unnecessary litigation.
- 1.4. Cell C recommends that rules, procedures and conditions regarding spectrum matters such as spectrum migration, sharing, incentives or spectrum surrender for spectrum migrating users be prescribed in a manner that is consistent with the ECA. No migrating licensees should unfairly benefit or treated in a manner that compromises competition in the sector. Any decision taken by ICASA must be informed by robust consultation with affected licensees whilst taking into account the existing use and value of the affected spectrum bands.

2 Preparation of a Radio Frequency Spectrum Assignment Plan

2.1 In terms of the ICASA 2019 Frequency Migration Plan Regulations (“FMP”), regulation 6, “*Preparation of a Radio Frequency Spectrum Assignment Plans (“RFSAP”)*”, states that:

“(1) A change in the use of a radio frequency band(s) must be initiated through a Radio Frequency Spectrum Assignment Plan for the radio frequency spectrum

bands in the manner specified in the latest Radio Frequency Spectrum Regulations in force.

(2) With respect to the radio frequency migration process, a Radio Frequency Assignment Plan may include:

(a) The process for migrating existing users and usages from their existing spectrum location, specifying the bands to which the users and uses will be migrated; including in-band migration where applicable.

(b) The time scale for the reallocation of the radio frequency band in question, specifying the date at which the users to be migrated should cease transmission.

(3) A Radio Frequency Spectrum Assignment Plan shall be subject to public consultation:

(a) The Authority shall publish the Radio Frequency Spectrum Assignment Plan in the Government Gazette, inviting interested persons to submit written representations as specified by the notice in the Gazette; and

(b) The Authority may, after any defined period for lodging comments by interested persons has passed, hold a public hearing in respect of the application.”

2.2 Therefore prior to finalizing the RFSAP's, Cell C recommends that ICASA ensures that the processes listed above are followed and concluded with definitive timelines. We say this because the RFSAP's must include milestones with dates that provide regulatory certainty to all affected parties so that they understand their roles and responsibilities.

3 TABLE A – RFSAP's

Band	Proposed use of band	Affected Stakeholders (Typical Applications)	Comments
450MHz to 470MHz	This band is proposed to be used for IMT450 Mobile services and subject to ITA assignment process	This band is primarily allocated for the following: <ul style="list-style-type: none"> ♦ Fixed links (450 to 453 MHz) ♦ Single Frequency Mobile (453 to 454 MHz) ♦ Paging (454 to 454.425 MHz) ♦ Trunked Mobile ♦ BTX (454.425 to 460 MHz) ♦ IMT450 (450 to 470 MHz) ♦ Fixed links (PTP) ♦ Government Services ♦ Security Systems (464.5375 MHz) ♦ Non-specific SRDs (464.5 – 464.5875 MHz) 	Cell C supports the allocation of the 450 MHz to 470MHz band for IMT services. It should however be noted that various government services are provided by Transnet, and SAPS currently in this band and migration to other bands is important to ensure that the band is clear of any users that could interfere with IMT450 services. The band allows for better coverage due to its propagation characteristics and improved in-door penetration. Infrastructure deployment can be achieved at lower capital expenditure. Cell C notes that the Authority has determined that an ITA process will be followed for the assignment of this radio frequency spectrum. It is unclear to Cell C as to how and what methodology the Authority used to arrive at the conclusion that demand exceeds supply in the IMT 450 band. Therefore, Cell C recommends that the Authority include in the regulations the reasons motivating the determination that for this band the demand exceeds supply.

Band	Proposed use of band	Affected Stakeholders (Typical Applications)	Comments
			<p>Cell C proposes that option D14 is adopted as per channelling plan published by the Authority and as recommended by the Authority in the Government Notice No: 3064 under section 4.2. and 6.1.</p> <p>We say this because the device ecosystem for 3GPP Band B31 is maturing according to the 450MHz alliance. LTE450 supports M2M and IoT applications where market is expected to show a strong growth from 2021 onwards. (https://450alliance.org/wp-content/uploads/2022/06/450MHz-Alliance-Brief_JUN2022.pdf).</p>
825MHz to 830MHz paired with 870 MHz to 875 MHz	It is proposed that IMT 850 radio frequency spectrum band be repealed due to the adoption of the IMT 800 channelling arrangement.	<p>This band is primarily allocated for the following as contained in the 2021 NRFP:</p> <ul style="list-style-type: none"> ♦ FIXED LINKS ♦ MOBILE (except aeronautical mobile 5.316B 5.317A) ♦ BROADCASTING <p>Fixed links (856 – 864.1 MHz) paired with (868.1 – 876MHz).</p> <p>Wireless Access (827.775– 832.695 MHz) Paired with 827.775-832.695 MHz</p>	<p>Cell C acknowledges and welcomes the Authority's implementation of the Regulations as detailed in section 6, points 6.1.1 and 6.2.2. Migrating users from this band is crucial and conforming to the ITU frequency arrangement A3 as a part of the 800 MHz band plan in ITU Region 1 which is beneficial as it falls within the 3GPP Band 20 with a mature global ecosystem. In addition, the proposal to repeal this band supports the principal that there would be no interference with the existing IMT 800/900 bands. It is noted with great appreciation that the Authority's to migrate all broadcasting licenses by the 1st of April 2023 and the remaining current licensee by 31st of March 2024 plans as outlined in section 12 of the Regulations.</p> <p>Cell C notes that one of the primary reasons for consulting on this band are to determine the destination bands for the incumbent licensee. The Authority seems to propose the IMT 900 band as the destination band option wherein after the in-band migration, the migrating licensee will be issued with the resultant 5MHz. It is unclear to Cell C how the Authority arrived at the conclusion that the incumbent licensee should receive 5Mhz of prime IMT 900MHz spectrum in exchange for legacy assigned broadcasting spectrum of about 5MHz during this migration process. In amending radio frequency spectrum licences the Authority is reminded to abide by section 31(4) of the ECA which states the following:</p> <p><i>"(4) The Authority may amend a radio frequency spectrum licence -</i></p> <ul style="list-style-type: none"> <i>(a) to implement a change in the radio frequency plan;</i> <i>(b) in the interest of orderly radio frequency spectrum management;</i> <i>(c) to effect the migration of licensees in accordance with a revised radio frequency plan or the transition from analogue to digital broadcasting;</i> <i>(d) if requested by the licensee concerned to the extent that the request is fair and does not prejudice other licensees; or</i> <i>(e) with the agreement of the licensee."</i>

Band	Proposed use of band	Affected Stakeholders (Typical Applications)	Comments
			<p>It is also observed that the Authority states that in section 8.3 of the Regulations that it <i>“aims to proceed, guided by the principles of fairness, reasonableness, non-discrimination and transparency.”</i> It is Cell C's view that the Authority must ensure that these principles are complied with to ensure that the objects of the ECA are met.</p> <p>Lastly, Cell C requests that all licensees who are subject to a migration requirement must be treated with fairness, reasonableness, non-discrimination and transparency. Following from this Cell C recommends that the Authority be consistent with its approach for all migrating licensees to ensure regulatory certainty. We say this because there are instances where the Authority has rewarded licensees in the past with additional spectrum when a migration occurred (IMT2600) and in other instances the Authority prescribed regulations that require licensees to surrender licenced and paid for spectrum after the completion of an in-band migration (IMT900).</p>
1427MHz to 1518MHz	This band is proposed for IMT1500 - (1427 MHz to 1518 MHz) and subject to ITA assignment process.	This band is primarily allocated for the following as contained in the 2021 NRFP: <ul style="list-style-type: none"> ◆ Fixed links (1 427-1 452 MHz) ◆ Broadcasting ◆ Mobile ◆ Broadcasting - Satellite 	<p>Cell C acknowledges and welcomes the Authority's provisional agreement and proposal to allocate the entire 1427 to 1518MHz (91MHz) contiguous band for IMT services. This allocation will allow for the most efficient use of the available spectrum which will benefit the consumers. Existing users in this band which may cause interference could do an in-band migration. There is sufficient bandwidth available between 1300 and 1427MHz to accommodate these incumbents. Cell C believes that a TDD configuration allows more efficient spectrum usage (i.e. adaptability in allowing for adjustments and corrections based on current use case patterns/requirements).</p> <p>Cell C notes that the Authority has determined that an ITA process will be followed for the assignment of this radio frequency spectrum. It is unclear to Cell C as to how and what methodology the Authority used to arrive at the conclusion that demand exceeds supply in the IMT 1500 band. Therefore, Cell C recommends that the Authority include in the regulations the reasons motivating the determination that for this band the demand exceeds supply.</p>