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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**GENERAL NOTICE 2216 OF 2023****ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)****APPLICATIONS FOR THE TRANSFER OF CONTROL OF THE INDIVIDUAL ELECTRONIC COMMUNICATIONS NETWORK SERVICE ("I-ECNS"), INDIVIDUAL ELECTRONIC COMMUNICATIONS SERVICE ("I-ECS") AND RADIO FREQUENCY SPECTRUM ("RFS") LICENCES FROM CELL C LIMITED TO THE PREPAID COMPANY (PTY) LTD**

- 1 The Independent Communications Authority of South Africa ("the Authority") hereby gives notice that it has received applications from Cell C Limited ("the Applicant") for the transfer of control of its Individual Electronic Communications Service ("I-ECS"), Individual Electronic Communications Network Service ("I-ECNS") and Radio Frequency Spectrum ("RFS") licences.

2 Applications

- 2.1 On 26 September 2023, the Authority received applications from the Applicant for the transfer of control of its Individual Electronic Communications Service ("I-ECS"), Individual Electronic Communications Network Service ("I-ECNS") and Radio Frequency Spectrum ("RFS") Licences to The Prepaid Company (Pty) Ltd ("TPC") ("the Transferee").
- 2.2 The Applications for transfer of control of the service licences and control of RFS licence are made in terms of sections 13 (1) and 31 (2A) of the

Electronic Communications Act, 2005, as amended ("ECA") read together with:

- 2.2.1 Regulation 11 Processes and Procedures Regulations for Individual Licences, 2010 as amended by the Amendment Regulations published on 30 March 2016 in Government Gazette 39871 ("**Processes and Procedure Regulations**").
- 2.2.2 Regulation 15 of the Radio Frequency Spectrum Amendment Regulations, 2015 published on 30 April 2015 in Government Gazette No. 38754 as amended ("**RFSR 2015**").
- 2.3 Section 13 (1) of the ECA provides as follows: *"An individual licence may not be let, sub-let, assigned, ceded or in any way transferred, and the control of an individual licence may not be assigned, ceded or in any way transferred, to any other person without the prior written permission of the Authority"*.
- 2.4 Section 31 (2A) of the ECA provides as follows *"A radio frequency spectrum licence may not be assigned, ceded or in any way transferred, and the control of a radio frequency licence may not be assigned, ceded or in way transferred, to any person without the prior written permission of the Authority"*.
- 2.5 The Authority will also consider whether the proposed transaction would promote competition as contemplated by section 2(f) of the ECA.
- 2.6 The application for the transfer of control submitted to the Authority is as follows:
 - 2.6.1. The transfer of control of the I-ECS licence number 001/IECS/JAN/2009 to TPC;
 - 2.6.2. The transfer of control of the I-ECNS licence number 001/IECNS/JAN/2009 to TPC; and

- 2.6.3. The transfer of control of RFS licence number 00-495-213-2 (2100 MHz) and licence number 00-476-898-6 (900 & 1800 MHz)
- 2.7 The transfer applications seek approval from the Authority to transfer the I-ECS and I-ECNS licences from the Applicant to the Transferee, and will be evaluated on the basis of the following criteria:
- a) Promotion of competition in the ICT sector;
 - b) Interests of consumers; and
 - c) Equity ownership by Historically Disadvantaged Persons ("HDPs").
- 2.8 The Applicant submits that 34.41% of the Transferee's equity shareholding is held by HDPs.
- 2.9 In terms of the application for the transfer of control of the radio frequency spectrum licence number 00-495-213-2 (2100 MHz Radio Frequency Spectrum), and licence number 00-476-898-6 (900 & 1800 MHz Radio Frequency Spectrum) submitted to the Authority, section 9 (2) (a) of the ECA states that the Authority *"must give notice of the application in the gazette and invite interested persons to apply and submit written representations in relation to the application within the period mentioned in the notice"*.
- 2.10 The transfer applications seek approval from the Authority to transfer the RFS Licence will be assessed in accordance with regulation 15 sub-regulation 6 of the Radio Frequency Spectrum Regulations, 2015.
- 2.11 The applications, relevant schedule and any representations received pursuant to this notice will be made available and open for inspection by any interested party in the Authority's library, during the Authority's office hours.
- 2.12 Any interested party is invited to lodge written representations to the applications within fourteen (14) working days from the date of publication of this notice in the Government Gazette. The Authority will

make the applications received available for public review on its website:
www.icasa.org.za.

- 2.13 Any person who makes written representations must indicate whether they require an opportunity to make oral representations, in the event that the Authority decides to hold public hearings.
- 2.14 All written representations, responses, and other correspondence in terms of this notice must be directed to Licensing Department, at Block B, 350 Witch – Hazel Avenue, Eco Point Office Park, Eco Park, Centurion **OR** Private Bag X10, Highveld Park, 0169 **OR** by e-mail: Licensing@icasa.org.za.
- 2.15 Any person/s who lodge representations in terms of this notice, must also furnish proof that a copy of the representation has been delivered by hand to Mr Themba Phiri and Mr Harrish Kasseepursad at Cell C Limited, at Waterfall Campus, Cnr. Maxwell Drive and Pretoria and Main Road, Buccleuch, Ext 10, 2090 **OR** delivered by e-mail to Themba.Phiri@cellc.co.za/HKasseepursad@cellc.co.za
- 2.16 The Applicant has the right to respond in writing to the written representations made by any interested person/s on the transfer application. The written responses must be lodged with the Authority within twenty-eight (28) working days from the date of publication of this notice in the Government Gazette.
- 2.17 The Applicant must, at the time of lodging the written response, furnish proof to the Authority's satisfaction that it has delivered a copy of the response by hand, OR by e-mail to the relevant person/s having made the written representations.

PROCESS	TIMEFRAMES
Publication of application for public comment	14 days
Applicants' responses to written submissions	14 days
Public hearings	If necessary, based on written comments



YOLISA KEDAMA**ACTING CHAIRPERSON****DATE: 04/12/2023**

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