

GOVERNMENT GAZETTE

PRETORIA, 8 MAY 2002

No.

GENERAL NOTICE

NOTICE OF 2002

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA



RADIO FREQUENCY SPECTRUM AND RADIO STATION LICENCE ISSUED TO

SENTECH LIMITED ON

MONDAY, 6 MAY 2002

IN TERMS OF SECTION 30 OF THE TELECOMMUNICATIONS ACT 103 OF

1996 AS AMENDED AND PURSUANT TO THE MULTIMEDIA SERVICES

LICENCE

RADIO FREQUENCY SPECTRUM AND RADIO STATION LICENCE

1 INTRODUCTION

The Authority, in the exercise of the powers conferred upon it by Section 30 of the Telecommunications Act, 1996 (Act 103 of 1996), the Telecommunications Amendment Act, 2001 (Act 64 of 2001), and applicable regulations hereby issues a licence to Sentech Limited to use the radio frequency spectrum and construct, maintain and use radio stations and radio apparatus subject to the Act, the regulations and the Multimedia Service Licence issued to Sentech on the terms and conditions set out hereunder.

2 INTERPRETATION

2.1 In this Frequency Spectrum Licence and the annexes hereto:-

2.1.1 Words and terms used shall, unless otherwise stated, have the meaning assigned to them in the Telecommunications Act.

2.1.2 the words and terms as defined in the Multimedia Services Licence shall apply equally to the Frequency Spectrum Licence unless expressly excluded.

2.1.3 the following expressions bear the meanings assigned to them below and cognate expressions bear corresponding meanings:-

2.1.3.1 **"Existing Licences"** means the Broadcasting Signal Distribution Licence, number 001/SD/1997 and all the Radio Frequency Spectrum allocations and Radio Station Licences issued to Sentech by the Authority in respect of its broadcasting activities and any other licence issued to Sentech in respect of such activities;

- 2.1.3.2 **"Effective Date"** means 7 May 2002 and more particularly, the commencement of business on that day;
- 2.1.3.3 **"Frequency Spectrum Licence"** means this Licence issued by the Authority to the Licensee under Section 30 of the Telecommunications Act, as amended;
- 2.1.3.5 **"Licence"** means the Multimedia Services Licence issued to the Licensee;
- 2.1.3.6 **"Register of Assignments"** means the record of assignments and authorisations maintained by the Authority for all radio stations to use radio frequencies or radio frequency channels or both under specified conditions.

3 **TERM OF LICENCE**

The term of this licence shall commence on the Effective Date of the Licence, and shall continue until the expiry or termination, for any reason, of the Multimedia Service Licence issued to the Licensee. The Licence may be renewed in terms of the Act.

4 **FREQUENCY SPECTRUM AUTHORISATION**

- 4.1 The Licensee is authorised to operate on and to provide any and all components related to the delivery of Multimedia Services through the use of the frequencies assigned for broadcasting signal distribution and to use the assigned radio stations, as approved by the Authority.
- 4.2 The Licensee shall be authorised to operate on and to provide any and all components related to the delivery of Multimedia Services through the use of frequency bands assigned for telecommunications services and to use the assigned radio stations, as approved by the Authority.

- 4.3 The Licensee shall be entitled to use all existing frequencies assigned in terms of its Existing Licences for any and all components related to the delivery of Multimedia Services.

5 RIGHT TO CONSTRUCT, USE AND MAINTAIN A RADIO STATION

- 5.1 This Frequency Spectrum Licence authorises the Licensee to erect, maintain and operate any number of fixed satellite earth stations for the transmission, distribution, reception and control of Multimedia Services as set forth from time to time in the Register of Assignments in accordance with the provisions of this licence.
- 5.2 The Licensee shall be entitled to use licensed fixed satellite earth stations currently used by it in respect of its broadcasting activities for the transmission, distribution, reception and control of Multimedia Services.

6 RADIO STATIONS

- 6.1 The Licensee must ensure that: -
- 6.1.1 proper and adequate safety measures are taken for the safeguarding of life and property in connection with all installations, equipment and apparatus operated or used, including safeguarding against exposure to any electrical or radiation hazard emanating from the installations, equipment or apparatus used or operated under this licence;
- 6.1.2 where applicable, the antenna structures are marked in accordance with the prescribed specifications; and

6.1.3 prior to the installation of antenna structures, it must obtain the necessary approval from the appropriate land use Authorities, in accordance with all relevant and applicable environmental legislation.

7 USE OF RADIO APPARATUS

The Licensee shall be permitted to use any radio apparatus necessary for the efficient and effective use of the assigned frequency spectrum provided that such equipment has been type approved by the Authority.

8 ADDITIONAL FREQUENCY SPECTRUM AUTHORISATION

The Licensee may at any time apply in writing to the Authority for authorisation to use additional frequencies and radio stations. The Authority reserves the right to grant or refuse the requested frequencies/stations based on technical and/or regulatory considerations.

9 FREQUENCY SPECTRUM LICENCE FEES

The Licensee shall pay to the Authority an annual licence fee with respect to the assigned frequency spectrum, as prescribed in terms of section 88 of the Act.

10 TECHNICAL STANDARDS

The technical standards applicable to this licence are those included in Annexure A of this licence.

Issued at _____ on this ____ (day) / ____ (month) / 2002

MANDLA LANGA
CHAIRPERSON
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

NKATEKO NYOKA
CHIEF EXECUTIVE OFFICER
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (ICASA)

ANNEXURE A

TECHNICAL STANDARDS

- A1 The Technical Standards used by the licensee shall conform to the applicable specifications and standards as approved by the Authority.
- A2 The Licensee shall at all times comply with the recommendations of the ITU and its associated organizations as they apply to the Republic.
- A3 The Licensee shall introduce measures and at all times use its resources to ensure that apparatus in the licensed lines including terminal equipment owned by the Licensee shall comply with:
- A3.1 the requirements of electro magnetic compatibility; and
 - A3.2 the requirements of network interface;
- as approved by the Authority.