

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

GENERAL NOTICE 728 OF 2021



INVITATION TO PRE-REGISTER FOR COMMUNITY SOUND BROADCASTING SERVICE AND RADIO FREQUENCY SPECTRUM LICENCES

The Independent Communications Authority of South Africa ("the Authority") hereby invites pre-registration notices for Community Sound Broadcasting Service ("C-SBS") and Radio Frequency Spectrum ("RFS") Licences in terms of sections 17, 31 (1) and 31 (2) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended ("the EC Act"), read with regulation 4 (5) of the Community Broadcasting Services Regulations, 2019.

All pre-registration notices will be considered based on the requirements set out in this Invitation to Pre-Register ("ITP-R"), read together with the EC Act and applicable regulations.

This ITP-R applies to both the C-SBS and RFS licence applications.

DR. KEABETSWE MODIMOENG
CHAIRPERSON

Date: 14 / 12 / **2021**

BEFORE COMPLETING THE PRE-REGISTRATION NOTICE, APPLICANTS ARE REQUIRED TO READ AND TAKE INTO ACCOUNT THE FOLLOWING:

- a. The Pre-registration notice Guidelines in Schedule A;
- b. Section 4D of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("the ICASA Act") referred to in this ITP-R;
- c. Section 50, section 63 and sections 31(1) and 31 (2) of the EC Act;
- d. Section 5 (3) of the Broadcasting Act, No. 4 of 1999 ("Broadcasting Act") referred to in this ITP-R;
- e. The following Regulations and Guidelines are applicable to this ITP-R:
 - i. The Class Licensing Processes and Procedures Regulations, 2010 as amended ("Processes and Procedures Regulations");
 - ii. The Class Licensing Processes and Procedures Amendment Regulations, 2021 ("Processes and Procedures Regulations");
 - iii. The Community Broadcasting Services Regulations, 2019;
 - iv. The Radio Frequency Spectrum Regulations, 2015;
 - v. The Standard Terms and Conditions for Class Broadcasting Services Regulations, 2010, as amended;
 - vi. The Amendment Standard Terms and Conditions for Class Broadcasting Services Regulations, 2021;

vii. The Local Content Regulations, 2015; and

viii. The Guidelines for Confidentiality Request in terms of section 4D of the ICASA Act published in Government Gazette No. 41839 of 17 August 2018.

**NON-COMPLIANCE WITH THE PROVISIONS OF THE EC ACT, THIS ITP-R
AND/OR ANY APPLICABLE REGULATIONS WILL RESULT IN THE
REJECTION BY THE AUTHORITY OF SUCH NON-COMPLIANT PRE-
REGISTRATION NOTICE**

SCHEDULE A

PRE-REGISTRATION NOTICE GUIDELINES

1. Pre-registration notices must be made in writing.
2. Applicants must answer all questions set out in this pre-registration notice form in full. If any question is considered not applicable, mark it as "N/A" and provide an explanation as to why it is not applicable.
3. Applicants must submit one (1) soft copy of their pre-registration notice electronically via email in either Word or Pdf format.
4. All pre-registration notices must be received by the Authority by the closing date indicated in paragraph 16 below.
5. In terms of section 4D of the ICASA Act, Applicants may request that any part of the pre-registration notice be treated as confidential. Confidential documents must be clearly marked as such and submitted together with the original pre-registration notice. Requests for Confidentiality must be submitted in line with the Guidelines for Confidentiality Request in terms of section 4D of the ICASA Act published in Government Gazette No 41839 dated 17 August 2018 and attached herewith as Annexure D.

Where an Applicant has requested confidentiality on sections of its pre-registration notice, the pre-registration notice must be accompanied by one

- (1) non-confidential copy with sections that are redacted. The non-confidential version of the pre-registration notice will be published for public comment if the request for confidentiality is granted.
6. Requests for confidentiality will be considered within fourteen (14) working days of receiving the request. The Authority will communicate its decision to the respective Applicant.
 7. In the event that the request for confidentiality is refused, the Applicant may choose to withdraw the information on which confidentiality is requested.
 8. All pre-registration notices, save for information on which the Authority has granted confidentiality, made pursuant to this ITP-R will be made available on the Authority's website at <https://www.icasa.org.za> or can be sent via email upon request by any individual or can be collected from ICASA Library at the following address: 350 Witch-Hazel Avenue, Eco Point Office Park, Eco Park, Centurion between 09h00 and 16h00, Monday to Friday.
 9. Each pre-registration notice must have a cover page indicating the title of the ITP-R, name of the Applicant, the proposed name of the broadcasting service and year of application.
 10. The page(s) immediately following the cover must be the contents page(s), which shall detail each section of the pre-registration notice and corresponding page numbers.
 11. The entire pre-registration notice, including the appendices and schedules, must be sequentially numbered starting with the page immediately following the contents page(s) as page 1 and ending with the very last page of the pre-registration notice.
 12. In the event that the Applicant has to submit its pre-registration notice in more than one part or volume, each part or volume must have a cover page bearing all the details set out in paragraph 9 above. In this case, the cover page must specify the number of the part or volume (i.e., Part One, Part Two or Volume One, Volume Two). Each volume or part must also have the full set of contents pages and be sequentially numbered as indicated above.

13. Applicants must apply for the assignment of RFS as contained in Annexure C of this ITP-R.
14. Every pre-registration notice must be accompanied by proof of payment of the non-refundable application fee of Four Thousand, one hundred and eighteen rand (R4118.00). The payment must be made by an electronic funds transfer or via a direct deposit into the following bank account of the Authority prior to the submission closing date and time indicated in paragraph 16 below:

BANK: NEDBANK LIMITED

BRANCH: NEDBANK CORPORATE INVESTMENT BANKING

BRANCH CODE: 198765

ACCOUNT NO: 1080249044

SWIFT CODE: NEDSZAJJ

REFERENCE: Name of the proposed service or Applicant

15. Pre-registration notices must be addressed for the attention of the Executive: Licensing and Compliance and must be submitted to the following email address: ITP-R@icasa.org.za
16. The closing date for the submission of pre-registration notices shall be **16:30 PM, South African time (GMT +2), on 30 June 2022.**
17. **Pre-registration notices received after the closing date and time will not be accepted and/or considered by the Authority.**
18. The licensing process will be undertaken in two phases:
 - 18.1. **Phase 1:** Consideration of the pre-registration notices for pre-registration of a C-SBS licence and RFS licence in line with the provision of the Community Broadcasting Services Regulations, 2019 and the Radio Frequency Spectrum Regulations, 2015 ("Spectrum Regulations"), as amended respectively. This process will be concluded within ninety (90) working days of the closing for receipt of the pre-registration notices. The Authority may decide to hold public hearings in respect of received pre-registration notices during this phase; and

- 18.2. **Phase 2:** registration of a C-SBS licence and RFS licence to be submitted 30 days after the decision on pre-registration. The registration phase will be completed within 30 working days of receipt of the pre-registration notice.
19. The Authority reserves its right not to consider a pre-registration notice should Applicants not meet the requirements as set out in this ITP-R or applicable legislations and regulations.
20. All applicants shall carry their own costs in responding to the ITP-R.

Pre-Registration requirements in terms of regulation 4 (1) of the Community Broadcasting Services Regulations, 2019.

21. The Applicant must submit proof that it is a Non-Profit Organization that has been in operation for a period of two (2) years or more.
22. An Applicant must demonstrate community development and empowerment with respect to the community located within the coverage area it would like to render community broadcasting services.

Pre-Registration requirements in terms of regulation 4 (3) of the Community Broadcasting Services Regulations, 2019.

23. An applicant must submit a pre-registration notice as per the requirements set out in Form B of the Processes and Procedure Regulations, which must be accompanied by the following documents:
- (a) Curriculum Vitae of Board Members and Management;
 - (b) Disclosure of Interests of Board Members and Management;
 - (c) Tax clearance certificate or tax status pin as provided by the South African Revenue Service ("SARS");
 - (d) Demand, Need, Support including profiled community broadcasters in the coverage area and programming format;
 - (e) Projects reporting on management, governance, and finances; and
 - (f) Corporate governance and operational policies including, but not limited to:

- (i) Technical Operations;
- (ii) Human Resource; and
- (iii) Financial;
- (iv) Programming Policy;
- (v) Editorial Policy;
- (vi) Social Media Policy; and
- (vii) Political branding at the station and affiliation Policy.

SCHEDULE B:**EVALUATION CRITERIA**

Criteria	Description	Weight
Need, Demand and Support	<ul style="list-style-type: none"> - Is the Applicant's proposed service informed by appropriate audience and market? Has the Applicant been able to demonstrate that there is need, demand and support for the proposed service? (an appropriate declaration that, with regards to the provision of the proposed broadcasting service, the Applicant has the support of each signatory); - The signatures of members of the community; or results of a survey which shows whether, the Applicant has the support of the community or of those associated with or promoting the needs and interests of the community. The survey shows the extent to which the proposed broadcasting service will be listened to. 	30%
Programming	<ul style="list-style-type: none"> - Is the Applicant's proposed service informed by appropriate audience and market? Has the Applicant been able to demonstrate that there is sufficient programming variety for the proposed service? - Is the Applicant's proposed programming schedule and format adding to the diversity in broadcasting taking into account existing similar licensees? 	20%
Business Plan and Funding	<ul style="list-style-type: none"> - Are the proposed financial projections realistic and credible? - Is there any commitment of funding? 	20%
Community Participation and Development	<ul style="list-style-type: none"> - How does the Applicant intend to encourage and facilitate community participation and development? 	10%
Technical Viability	Is the Applicant's proposed coverage footprint covering the targeted community?	20%

SCHEDULE C

AMENDMENTS TO THE PRE-REGISTRATION NOTICE

24. Amendments to pre-registration notices received in terms of this ITP-R will be considered in terms of the provisions of Form B and Form P of the Processes and Procedures Regulations as amended and regulation 8 of the RFS Regulations, attached herewith as Annexure A and Annexure B, respectively.
25. In instances where the information included in a pre-registration notice changes at any time after submission of the pre-registration notice, but before the Authority makes a decision, the Applicant must apply to the Authority in writing for such changes to be considered within fourteen (14) days of such change occurring.
26. The Authority will, after considering the changes, determine whether the changes;
 - 26.1. unfairly prejudice other interested parties;
 - 26.2. impede the expeditious and proper consideration of the pre-registration notices received; or
 - 26.3. materially change the pre-registration notice as to constitute a new application.
27. The Authority will then notify the Applicant of its decision to either grant or refuse the request for the amendment. In the event that the request for amendment is granted, the Authority may publish a notice in the Government *Gazette* inviting interested parties to submit written representations in relation to the amendment within the period stipulated in the notice.

SCHEDULE D

RADIO FREQUENCY SPECTRUM APPLICATIONS

1. Applications submitted must be in the format as provided in Form P attached as Annexure B and applicants are required to respond to all questions in full.
2. An Applicant must apply for the assignment of broadcasting frequencies as specified in Annexure C.
3. The Applicant should select the frequency(ies) in the geographic area in which the service is to be provided.
4. The Applicant should conduct a technical study to indicate how the frequency(ies) selected from Annexure C would cover the geographical area of interest. The technical report should be provided to that effect.
5. Applicants wishing to self-provide their broadcasting signal distribution must attach a copy of its electronic communications network service licence.
6. The Applicants appointing a licensed signal distributor must attach a copy of the agreement or a letter of support with that licensed signal distributor.
7. Failure to comply with any of these requirements and provisions of the Spectrum Regulations, as amended will render the application null and void.
8. The Authority reserves the right not to consider an application should it not meet the requirements as set out in this ITP-R or the Spectrum Regulations.

Annexure A**FORM B**

**REGISTRATION FOR A CLASS LICENCE TO PROVIDE A COMMUNITY BROADCASTING
SERVICE
(Regulation 7 (2))**

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA*Note:*

- (a) Registrants must refer to the *Electronic Communications Act, 2005 (Act No. 36 of 2005)* ("the Act") and any regulations published under that Act with regard to the requirements to be fulfilled by registrants. Registrants are referred, in particular, to the *Community Sound Broadcasting Regulations, 2019 (published under GN439 in Government Gazette 42323 of 22 March 2019)* and the *Community Sound Broadcasting Licence: Criteria to Measure Community Support Regulations, 1997 (published under GN R1388 in Government Gazette 18380 of 17 October 1997)*.
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.
- (c) Where any information in this Form does not apply to the registrant, the registrant must indicate that the relevant information is not applicable.

1. PARTICULARS OF REGISTRANT	
1.1 Full name of registrant:	
1.2 Designated contact persons (maximum of two):	
1.3 Registrant's principal place of business:	

1.4	Registrant's postal address:	
1.5	Registrant's telephone number/ (including mobile numbers):	
1.6	Registrant's telefax number/s:	
1.7	Email address of designated contact person (maximum of two):	

2. LEGAL FORM OF REGISTRANT	
2.1 Indicate the legal form of the registrant (e.g. Non- Profit entity incorporated in terms of the Companies Act, 2008):	
2.2	Registration number of the registrant:
<p>2.3</p> <p>The following documents <u>must</u> be submitted with the registration: the certificate of registration accompanied by an approved memorandum of incorporation, a constitution which has been signed by founding members/ Board. The founding documents <u>must</u> have provisions for the following minimum of 51% quorum for the annual general meeting, provision for membership and an appeals mechanism in case of rejection upon application and a clear separation of powers between management and board of directors. Should the registrant fail to submit these documents, the registration will not be considered. (Attach as Appendix 2.3.1)</p>	

3. NON-PROFIT STATUS OF REGISTRANT
Provide details of the registrant's non-profit status. Please provide a certified certificate of registration as a Non-Profit Entity or provide a deed of trust and Letter of Authority from the Master's Office in respect of a Community Trust.

4. COMMUNITY	
4.1 Indicate whether the community to be served by the proposed broadcasting service is:	
4.1.1 geographically founded community; or	
4.1.2 group of persons or sector of the public with a specific, ascertainable common interest.	
4.2 Where the community to be served by the registrant is a geographically founded community, provide details of the community to be served, including: <ul style="list-style-type: none"> (i) whether the community is urban, peri-urban or rural (ii) the number of people in the community (iii) gender, language, income and demographic statistics in relation to the community. (Attach as Appendix 4.2) 	
4.3 Where the community to be served by the registrant is a community of common interest, provide details of the community to be served, including: <ul style="list-style-type: none"> (i) the nature of the common interest; (ii) the size of the community in the geographic area in which the service is proposed to be provided; and (iii) gender, language, income and demographic statistics in relation to the community. (Attach as Appendix 4.3) 	

5.	NATURE OF SERVICES TO BE LICENSED
5.1	Provide a description of the service to be provided: (Attach as Appendix 5.1)
5.2	Indicate the geographic area in which the service is to be provided:
5.3	Provide details of the languages in which the broadcasting service is to be provided. Where it is proposed that the service will be provided in more than one language, provide a breakdown of the number of hours of programming which will be broadcast in each language.
5.4	Provide the registrant's proposed programming schedule. Further provide the proposed programming format and content to be provided, and indicate when your peak time will be, the extent to which output would be locally originated and extent to which it will be externally sourced. Further indicate the proposed minutes of news to be broadcast on a daily basis and provide a percentage split in terms of local, national and international news content. Indicate the duration and scheduling of current affairs programme/s and provide the percentage split in terms of local, national and international content and indicate source as well. The ICASA South African Music Content Regulations, 2016 require class community sound broadcast licences to broadcast the prescribed percentage of local music. Indicate your proposed percentage of local music to be broadcast. (Attach as Appendix 5.4)

Provide proof of support by members of the registrant's community or of persons associated with the registrant's community or of persons who promote the interests of the registrant's community. Kindly submit letters of support from NGOs, business and so forth and signatures of support from members of the community/prospective listeners etc. **(Attach as Appendix 7)**

8. FINANCES
8.1 Submit commitment of funding, which includes the amount from financial institutions or any other entity for start-up costs and provide details of the way the proposed service is to be funded (e.g. sponsorship, donations etc.) (Attach as Appendix 8.1)
8.2 Provide details of the registrant's anticipated: <ul style="list-style-type: none">i. capital expenditure necessary for the commencement of the provision of services; andii. operating expenditure during the registrant's first year of operation. (Attach as Appendix 8.2)
8.3 Provide details of the registrant's business plan: (Attach as Appendix 8.3)

9. CONTROL AND MANAGEMENT
9.1 Provide details (including name, nationality, identification or passport number, position

<p>and address) of each member of the registrant. Confirm if the individuals below reside within the proposed coverage area (Attach as Appendix 9.1)</p> <ul style="list-style-type: none"> i. board of directors or similar body ii. senior management iii. Attach the proposed organogram
<p>9.2 Provide details of all ownership interests in the registrant: (Attach as Appendix 9.2)</p> <p>9.2.1 Provide details of any persons in a position of control of the registrant who is a foreign citizen, or an entity registered or incorporated in any country other than South Africa: Indicate whether any member of the Board of the registrant is a foreign citizen or an entity registered or incorporated in any country other than South Africa. Provide details below.</p>
<p>9.3 Indicate whether any member of the Board of the registrant is also a member of the Board of another licensee issued in terms of the Act. Please provide details below.</p>
<p>10. RADIO FREQUENCY SPECTRUM</p>
<p>10.1 Indicate if the registrant has submitted or intends to submit an application for a radio frequency spectrum licence for the provision of the services to which this registration relates. The registrant <u>must</u> complete Form P contained in this ITPR, indicate, from the frequencies provided by the Authority, which frequency band it seeks to utilise to provide the service</p>

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11. GENERAL	
11.1	Indicate whether the registrant is a member of an entity recognised in terms of section 54 and 55 of the Act.
11.2	Indicate whether the registrant is a party, movement, organisation, body or alliance which is of a party - political in nature.
11.3	Indicate whether the registrant has ever been convicted of an offence in terms of the Act or related legislation, as defined in the Act. If so, provide details of such conviction
11.4	Provide details of other matters or undertakings which, in the registrant's view, the Authority should consider:
11.5	Attach a resolution authorising the person (s) not more than two signing this registration and liaising with the Authority during the registration process. The resolution <u>must</u> be marked clearly as (Appendix 11.5)

The person signing the registration on behalf of the registrant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence issued pursuant to this registration set aside should any material statement made herein, at any time, be found to be false. Signed

(REGISTRANT)

I certify that this declaration was signed and sworn to before me at
on the day of 20..., by the deponent who acknowledged that
he/she:

1. knows and understands the contents hereof;
2. has no objection to taking the prescribed oath or affirmation; and
3. considers this oath or affirmation to be truthful and binding on his/her
conscience.

COMMISSIONER OF OATHS

Name:

Address:

Annexure B**“ FORM P ”****APPLICATION FOR BROADCASTING SPECTRUM LICENCE****(Regulation 15)****INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA***Note:*

- (a) Application must refer to the *Electronic Communications Act, 2005 (Act No. 36 of 2005)* (“the Act”) and any regulations published under that Act with regard to the requirements to be fulfilled by the applicant. Applications are referred, in particular, to the *Community Sound Broadcasting Regulations, 2006 (published under GN755 in Government Gazette 28919 of 6 June 2006)* and the *Community Sound Broadcasting Licence: Criteria to Measure Community Support Regulations, 1997 (published under GN R1388 in Government Gazette 18380 of 17 October 1997)*.
- (b) Information required in terms of this Form which does not fit into the space provided may be included in an appendix attached to the Form. Each appendix must be numbered with reference to the relevant part of the Form.
- (c) Where any information in this Form does not apply to the registrant, the registrant must indicate that the relevant information is not applicable.

1. PARTICULARS OF APPLICANT	
1.1 Application/Radio Station Name:	
1.2 Designated contact person/s:	
1.3 Applicant's principal place of business:	

1.4 Applicant's postal address:	
1.5 Applicant's telephone numbers/s (include mobile numbers):	
1.6 Applicant's telefax number/s:	
1.7 Email address of designated contact person (maximum of two):	
1.8 Applicant's Service Licence No:	

2. TECHNICAL INFORMATION		
2.1 Transmitter Site*		
2.2 Signal Distributor*		
2.3 Frequency Applied For*		MHz
2.4 Geographic Co-Ordinates*		
2.5 Physical Address		
2.6 Site Height*		m above sea level
2.7 Mid-Antenna Height*		m above site
2.8 Maximum Effective Antenna Height*		m above terrain
2.9 Designation of Emission*		
2.10 Frequency Stability*		kHz
2.11 Spurious Emission Level*		dB/1mW
2.12 Maximum Deviation*		kHz
2.13 Maximum Effective Radiated Power (ERP)*		kW
2.14 Antenna Horizontal Radiated Pattern*		

2.15 Antenna Polarisation*	
2.16 Programme Source*	
2.17 RDS Service	
2.18 SST Service	
2.19 Period**	
Legend: (*) mandatory field	

The person signing the registration on behalf of the registrant must acknowledge as follows:

I acknowledge that the Authority reserves the right to have any licence issued pursuant to this registration set aside should any material statement made herein, at any time, be found to be false.

Signed
(REGISTRANT)

I certify that this declaration was signed and sworn to before me at on
the day of 20..., by the deponent who acknowledged that
he/she:

4. knows and understands the contents hereof;
5. has no objection to taking the prescribed oath or affirmation; and
6. considers this oath or affirmation to be truthful and binding on his/her conscience.

COMMISSIONER OF OATHS

Name:

Address:

(...end of substitution)"

Annexure C

SPARE COMMUNITY BROADCASTING FM FREQUENCIES

Province	TRANSMITTER NAME	GEOGRAPHIC	COORDINATES	FREQUENCY	HEIGHTS/m	MAX.	ANTENNA	
		LATITUDE	LONGITUDE	MHz	MID-ANTENNA (a.g.l.)	ERP/KW	AZ(Azimuth); BW (BeamWidth)	
NC	DEBEERSRUS	26S36 00	022E12 00	95.7	220	10	Omni-Directional	V
NC	DELPORTSHOOP	28S22 57	024E17 14	98	0	5	Omni-Directional	V
NC	DOUGLAS	29S04 09	023E31 43	89.8	220	10	Omni-Directional	V
MP	DULLSTROOM	25S34 21	030E11 17	90.1	158	0.5	Omni-Directional	V
MP	DULLSTROOM	25S34 21	030E11 17	97.3	158	0.5	Omni-Directional	V
EC	ELLIOT	31S10 36	027E51 57	94.6	65	0.5	Omni-Directional	V
NC	FAANS GROVE	27S05 59	022E24 18	93	118	5	Omni-Directional	H
FS	FICKSBURG TOWN	28S52 38	027E51 25	101.4	37	5	Omni-Directional	V
NC	GAMOEP	30S04 00	018E49 00	89.3	220	1	Omni-Directional	V
NW	GANYESA	26S36 12	024E16 00	105	144	2	Omni-Directional	H
WC	GEORGE	33S55 38	022E27 03	103.2	40	1	Omni-Directional	V
MP	GREYLINGSTAD	26S50 00	028E30 00	100.6	0	0.25	Omni-Directional	V
NW	GROOT MARICO	25S37 11	026E26 08	92.3	40	1	Omni-Directional	V
NW	GROOT MARICO	25S37 11	026E26 08	98.8	40	1	Omni-Directional	V
NW	GROOT MARICO	25S37 11	026E26 08	104	40	0.25	Omni-Directional	V
EC	HANKEY	33S49 52	024E52 12	87.9	40	0.01	Omni-Directional	V
EC	HANKEY	33S49 52	024E52 12	98.5	40	0.2	Omni-Directional	V
GP	HEIDELBERG	26S29 19	028E20 48	97.8	35	0.25	Omni-Directional	V
GP	HEIDELBERG	26S29 19	028E20 48	103	35	0.05	Omni-Directional	V
GP	HEIDELBERG 1	26S31 15	028E17 52	89.8	80	0.025	Omni-Directional	V
WC	HEXRIVIER	33S30 54	019E39 23	89.9	21	0.2	Omni-Directional	V
NW	ITSOENG	26S04 30	025E55 18	101.8	58	5	Omni-Directional	H

FS	JAGERSFONTEIN	29S45 23	025E25 47	107.5	24	0.5	Omni-Directional	V
L	KIESEL	23S52 00	027E08 00	106.4	220	10	Omni-Directional	V
EC	KING WILLIAMS TOWN 1	32S47 05	026E50 44	100.6	10	0.25	Omni-Directional	V
NC	KLIPRAND	30S54 00	018E29 34	93.1	0	5	Omni-Directional	V
NW	KURUMAN	27S21 05	023E18 49	105.5	144	10	Omni-Directional	H
NC	KALAHARI	27S21 00	021E40 00	104.9	220	10	Omni-Directional	V
L	KUTAMA	23S02 19	029E37 31	103.9	30	1	Omni-Directional	V
EC	ALIWAL NORTH	30S47 05	026E34 00	107.2	102	0.5	Omni-Directional	V
EC	ANDRIESKRAAL	33S46 42	024E42 35	99.7	15	0.01	Omni-Directional	V
MP	BALFOUR	26S39 57	028E43 07	92.9	25	1.2	Omni-Directional	V
FS	BLOEMFONTEIN	29S06 04	026E13 44	98.7	50	0.2	Omni-Directional	V
MP	BOESMANSKOP	30S00 29	027E12 53	97.7	189	10	Omni-Directional	V
NW	BOTHITHONG	27S07 29	023E59 16	91.4	137	4	Omni-Directional	V
NC	CARNARVON	30S54 14	022E22 29	99	220	6	Omni-Directional	V
MP	CAROLINA	26S10 37	030E37 57	89.9	189	9	Omni-Directional	V
EC	CLARKSON	34S01 29	024E25 48	104.1	40	1	Omni-Directional	V
EC	COLESBERG	30S42 30	025E03 28	100.4	9	1	Omni-Directional	V
EC	CRADOCK	32S18 01	025E32 27	89.6	128	12	Omni-Directional	V
EC	WOLWEFONTEIN	33S20 00	024E50 00	89.4	35	1	Omni-Directional	V
WC	WORCESTER	33S37 30	019E28 09	92.6	29	0.1	Directional (Beamwidth = 180 degrees; Azimuth = 230 degrees)	V
KZN	ZULULAND	28S26 24	031E24 11	105.5	30	0.1	Omni-Directional	V
EC	BEDFORD	32S37 57	026E02 57	97.3	102	5	Omni-Directional	V
FS	BETHLEHEM	28S14 10	028E29 58	87.6	128	1	Omni-Directional	V
FS	LADYBRAND	29S10 18	027E22 42	92.1	128	10	Omni-Directional	V
KZN	LADYSMITH	28S35 23	029E47 19	103.9	63	1	Omni-Directional	V
NC	LOERIESFONTEIN	30S57 32	019E26 35	89.1	0	10	Omni-Directional	V
MP	LYDENBURG	25S06 20	030E26 03	93.4	0	0.5	Omni-Directional	V
MP	LYDENBURG	25S06 20	030E26 03	99.9	26	0.5	Omni-Directional	V
NC	MATJIESFONTEIN	33S16 52	020E30 20	92.8	102	10	Omni-Directional	V

NC	MERWEVILLE	32S40 09	021E30 28	90.4	12	1	Omni-Directional	V
EC	MIDDLETON	33S14 55	025E34 29	95.7	0	0.5	Omni-Directional	V
NW	MOROKWENG	25S59 00	023E41 00	103.7	137	3	Omni-Directional	V
NW	MOROKWENG	25S59 00	023E41 00	107.3	137	3	Omni-Directional	V
EC	MURRAYSBURG	31S58 00	023E45 16	107.3	0	2	Omni-Directional	V
MP	NELSPRUIT	25S30 57	030E46 33	107.3	102	0.2	Omni-Directional	V
NC	NOENIEPUT	27S48 50	020E08 35	98.8	24	1	Omni-Directional	V
KZN	NONGOMA	27S54 18	031E39 27	97	158	1	Omni-Directional	V
FS	NOUPOORT	31S18 14	024E56 01	88.3	128	10	Omni-Directional	V
L	NYLSTROOM	24S47 58	028E25 59	92.9	37	0.2	Omni-Directional	V
FS	PETRUS STEYN	27S31 09	028E19 06	104.5	189	1	Omni-Directional	V
MP	PIET RETIEF	27S01 11	030E41 03	107.4	220	5	Omni-Directional	V
EC	PLETTENBERG BAY	34S03 34	023E22 25	87.7	15	0.8	Omni-Directional	V
NC	POFADDER	29S14 31	018E56 22	99.3	118	5	Omni-Directional	H
NW	POMFRET	25S49 52	023E34 44	91.1	118	5	Omni-Directional	H
FS	POSTMASBURG	28S18 43	023E07 34	103.9	0	10	Omni-Directional	V
FS	PRIESKA	29S40 52	022E36 57	87.7	220	9	Omni-Directional	V
L	PUNDA MARIA	22S43 28	030E59 19	104.5	118	5	Omni-Directional	V
FS	RICHMOND	31S17 52	024E06 18	96.8	0	2	Omni-Directional	V
EC	RIETBRON	32S45 14	022E57 52	91.9	0	1	Omni-Directional	V
KZN	KOKSTAD	30S36 42	29E29 24	97.5	5	0.1	Omni-Directional	V
KZN	DONNYBROOK	29S54 56	29E51 19	89.6	100	10	Omni-Directional	V
MP	MIDDELBURG 1	25S40 02	29E36 51	89.7	38	0.5	Omni-Directional	V
L	TZANEEN 1	23S47 01	30E00 26	104.8	25	1	Omni-Directional	V
L	MOLEMA	23S18 38	30E02 40	96.2	65	5	Omni-Directional	V
EC	BUTTERWORTH	32S16 35	28E12 24	106.1	90	0.2	Omni-Directional	V
FS	WITKOP	26S48 04	27E28 54	94.1	10	0.5	Omni-Directional	V
KZN	PIETERMARITZBURG	29S34 47	30E19 49	104	80	0.25	Omni-Directional	V
L	LEBOWAKGOMO	24S19 09	29E29 01	105.8	9	0.25	Omni-Directional	V
FS	PARYS	26S57 02	27E27 37	93	33	0.5	Omni-Directional	V
L	GA MABULA	23S37 26	27E58 15	87.8	30	5	Omni-Directional	V

NW	LETLHABILE	25S37 30	27E48 25	99.5	70	0.1	Omni-Directional	V
EC	CATHCART	32S17 51	27E06 53	103.9	18	0.5	Omni-Directional	V
EC	COFIMVABA	31S59 57	27E30 43	107.3	18	0.5	Omni-Directional	V
EC	ENGCOBO	31S36 37	27E59 04	104	18	0.5	Omni-Directional	V
EC	MADEIRA	31S52 27	26E49 40	93.7	12	1	Omni-Directional	V
GP	WELVERDIEND	26S26 48	27E14 53	106.5	80	0.2	Omni-Directional	V
MP	DAVEL	26S27 30	29E37 26	97.6	220	1	Directional (Beamwidth = 90 degrees; Azimuth = 270 degrees)	V
FS	SENEKAL	28S15 19	27E30 26	103.9	160	0.6	Omni-Directional	V
KZN	NKANDLA	28S37 33	31E04 36	97.5	11	0.2	Omni-Directional	V
KZN	NQUTHU	28S15 43	30E40 42	102	80	1	Omni-Directional	V
L	PHALABORWA	23S56 21	31E01 55	105.1	9	0.5	Omni-Directional	V
WC	GRABOUW	34S06 07	18E58 00	102.7	29	0.1	Omni-Directional	V
EC	BURGERSDORP	31S00 02	26E20 21	90	102	10	Omni-Directional	V
WC	KHAYELIYSHA	34S02 3	18E40 36	98.2	10	0.01	Omni-Directional	V
KZN	NDWEDWE	29S30 50	30E56 00	97.6	44	1	Omni-Directional	V
EC	GRAHAMSTOWN	33S17 15	26E42 31	106.1	158	10	Omni-Directional	V
WC	MALMESBERRY	33S28 41	18E44 33	97.3	30	0.5	Omni-Directional	V
KZN	ULUNDI	28S27 00	31E23 38	97	70	1	Omni-Directional	V
NW	PIET PLESSIS	26S14 56	24E49 55	92.8	220	7.6	Omni-Directional	V
NW	POMFRET	25S49 52	23E34 44	88.0	118	16.6	Omni-Directional	V
NW	SCHWEIZER RENEKE	27S08 13	25E13 07	107.9	220	10	Omni-Directional	V
L	GABA	22S47 02	30E42 25	102.0	25	0.2	Omni-Directional	V
GP	TEMBISA	26S01 23	28E11 18	87.6	15	0.1	Directional (Beamwidth = 180 degrees; Azimuth = 90 degrees)	V
EC	EAST LONDON	32S56 20	27E48 58	93.8	100	1	Omni-Directional	V
FS	THEUNISSEN	28S11 55	26E34 50	90.9	150	1	Omni-Directional	V
GP	TELKOM MICROWAVE TOWER	26S34 50	27E52 42	103	75	0.25	Omni-Directional	V
L	SIBASA	22S56 57	27E52 42	103.3	42	5	Omni-Directional	V
WC	PAARL	33S42 51	18E56 23	92.8	95	0.3	Directional (BW:180°; AZ:105°)	V

Annexure D

GUIDELINES FOR CONFIDENTIALITY REQUEST IN TERMS OF SECTION 4D OF THE ICASA ACT

PREAMBLE

WHEREAS, the Independent Communications Authority of South Africa (ICASA/ Authority) is mandated in terms of section 192 of the Constitution of the Republic of South Africa, 1996 to regulate broadcasting in the public interest;

WHEREAS, ICASA is further mandated in terms of section 2 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), as amended ("ICASA Act"), to regulate broadcasting, electronic communications services and postal matters in the public interest; and

WHEREAS, section 4D of the ICASA Act empowers ICASA to make determinations relating to confidentiality on information provided to ICASA by stakeholders.

WHEREAS, section 9(4)(c) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended ("ECA") permits the Authority to grant confidentiality on information submitted by an applicant at the request of an applicant.

1. Introduction

- 1.1 The guidelines on requests for confidentiality, are intended to provide a practical application of section 4D of the ICASA Act and section 9(4)(c) and (d) of the ECA. The guidelines will further explain the process to be followed by ICASA when dealing with confidentiality of information a licensee may submit to the Authority. A template for requesting confidentiality from ICASA is further provided in these guidelines, in Appendices A and B.
- 1.2 This document provides guidance to ICASA staff and informs the public of ICASA's policies and procedures. These guidelines are not regulations. They are not legally enforceable and do not create any legal rights or impose any legally binding requirements or obligations on ICASA or the public.
- 1.3 Section 4D provides as follows:

"4D. Confidential information

(1)

- (a) When a person submits information to the Authority, such person may request that specific information be treated as confidential information.
- (b) The request for confidentiality must be accompanied by a written statement explaining why the specific information should be treated as confidential.

- (2) Within 14 days of receiving a request for confidentiality, the Authority must make a determination whether or not confidentiality will be granted and provide the person contemplated in subsection (1) with written reasons for such determination.

- (3) Should the Authority determine that a request for confidentiality cannot be acceded to, the party providing the information must be given an opportunity to withdraw the information that is the subject of the confidentiality request.

- (4) When considering a request contemplated in subsection (1), the Authority must treat the following information, as confidential information, namely-

- (a) trade secrets of such person;
- (b) financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which is likely to cause harm to the commercial or financial interests of such person;
- (c) information of which the disclosure could reasonably be expected-
 - (i) to put the person at a disadvantage in contractual or other negotiations; or
 - (ii) to prejudice the person in commercial competition;
- (d) the names of prospective employees; and
- (e) business plans of a licensee.

- (5) A determination of confidentiality may not be made in respect of a document or information that is in the public domain or is required to be disclosed by operation of law or a court order" (our emphasis).

1.4 In addition, section 9(4) of the ECA further provides as follows:

"(4)

- (a) *Applications, representations, responses and other documents relating to an application which are submitted to the Authority are, subject to this subsection, open to public inspection during the normal office hours of the Authority.*
- (b) *The Authority must, at the request of any person and on payment of such fee as may be prescribed, furnish him or her with copies of documents requested by such person.*
- (c)
 - (i) *The Authority may, at the request of an applicant or person who has submitted representations or responses, decide that*
 -
 - (aa) *any document or information that is commercially sensitive; or*
 - (bb) *any other matter reasonably justifying confidentiality, is not open to public inspection, if such document or information can be separated from the application, representations or other documents in question.*
 - (ii) *for the purposes of this subsection, commercially sensitive document, information or other matter reasonably justifying confidentiality, excludes documents or information that should, as a matter of law be generally available to the public.*
- (d) *If the Authority refuses a request referred to in paragraph (c)(i), the applicant or person concerned may withdraw the document or information in question" (our emphasis).*

2. Information required to accompany a request for confidentiality

- 2.1 The provision in the ICASA Act cited above expressly states that “(t)he request for confidentiality must be accompanied by a written statement explaining why the specific information should be treated as confidential” (our emphasis).
- 2.2 This requires more than just stating a category of confidentiality under section 4D (4) of the ICASA Act.
- 2.3 When requesting confidentiality, the applicant is therefore required to:
 - 2.3.1 identify the confidential information; and
 - 2.3.2 provide a written statement or explanation justifying why the Authority should treat the identified information as confidential.

3. Categories of information that the Authority is required to treat as confidential

- 3.1 Section 4D (4) of the ICASA Act identifies the following categories:

3.1.1 *Trade secrets of such person*

Any trade secret must be treated as confidential by the Authority if confidentiality is requested thereon. Unless if apparent to the Authority, the onus is on the applicant to prove that the document is a trade secret.

Trade secrets includes formula, practice, process, design, instrument, pattern, commercial method, or compilation of information not generally known or reasonably ascertainable by others by which a business can obtain an economic advantage over competitors or customers.

3.1.2 *Financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which is likely to cause harm to the commercial or financial interests of such person;*

In line with section 4D (1) (b) of the ICASA Act, this category requires the applicant, to substantiate and demonstrate that if certain financial, commercial, scientific or technical information were to be in the public domain, it is likely to suffer commercially or financially.

3.1.3 Information of which the disclosure could reasonably be expected to put the person at a disadvantage in contractual or other negotiations; or to prejudice the person in commercial competition;

This category is broad. In line with section 4D (1) (b) of the ICASA Act, this category requires the applicant to substantiate and demonstrate that the specific/concerned information will prejudice or disadvantage the applicant in commercial competition if it is not treated as confidential.

The information under this category may include the names of third parties with which the applicant has contracted, the value of such contractual agreements and selling prices.

3.1.4 The names of prospective employees

This category refers to prospective employees of the applicant or licensee or any person who submits confidential information to the Authority. Names of prospective employees must be treated as confidential by the Authority if confidentiality is requested thereon.

Unless if apparent to the Authority, the onus is on the applicant to prove that the names, in relation to those confidentiality is requested, are those of prospective employees, not of those individuals already employed by the applicant.

3.1.5 Business plans of a licensee

Any business plan must be treated as confidential by the Authority if confidentiality is requested thereon. Unless if apparent to the Authority, the onus is on the applicant to prove that the document is a business plan.

In each category above, the onus falls on the applicant to demonstrate and substantiate that such information would be fall within any of the above categories. The written statement that accompanies each information should provide such substantiation.

It is worth noting that all the categories mentioned above are subject to the information not being available in the public domain, the operation of law and an order of court.

It is also worth noting that an applicant can request confidentiality on any information not listed in section 4D (4) of the ICASA Act provided that such information is not in the public domain and the applicant provides reasons as to why specific information must be treated as confidential.

3.2 Withdrawal of information by the applicant

3.2.1 If the applicant's request for confidentiality is refused, the Authority is required to grant the applicant an opportunity to withdraw the information. Failure of the applicant to withdraw such information within a stipulated time will result in the Authority not treating the information as confidential.

3.2.2 Should the applicant withdraw the information, the Authority may continue with whatever process the information was required for, without reference to or relying on the withdrawn information.

3.3 Reasons for refusal of confidentiality by the Authority

3.3.1 Section 4D (4) prohibits the Authority from making a determination of confidentiality over any document that is in the public domain or required to be disclosed by law or court order.

3.3.2 The Authority must provide the applicant with reasons for making a determination to refuse confidentiality as contemplated in section 4D (2).

3.4 Review of the Authority's decision on the request for confidentiality

3.4.1 The Authority's decision concerning the request for confidentiality is final and binding on the Applicant. An applicant may, in terms of section 3(5) of the ICASA Act, take the Authority's decision on a request for confidentiality on review, to a court with competent jurisdiction.

Authority's process for dealing with confidentiality claims

STAGE 1

1. The applicant completes in full the confidentiality form.
2. The applicant must submit the confidentiality form along with the documents which are the subject of the confidentiality request.

STAGE 2

1. The Authority assesses the confidentiality application on its merits, considering the reasons put forward by the applicant.
2. The Authority must communicate its decision to the applicant in writing on the issue of confidentiality within 14 business days. The Authority will advise the applicant of its determination and the reasons thereto.

What happens when the Authority agrees on confidential information?

3. The Authority will proceed to disclose all the information that is not confidential and protect information granted confidentiality by keeping it from the public domain.

What happens when the Authority is not satisfied with the reasons provided by the applicant to treat information as confidential?

4. Where the Authority is not convinced of the reasons given by the applicant, it will inform the applicant of this decision in writing and afford the applicant an opportunity to withdraw the information.

**FORM TO REQUEST FOR CONFIDENTIALITY
IN TERMS OF SECTION 4D of the ICASA Act**

N.B.: When making the request for confidentiality, submit the FORM ONLY.

Do Not submit or attach the GUIDELINES. Only read those carefully to complete the FORM.

Appendix A

REQUEST FOR CONFIDENTIALITY FORM

Any applicant or other person submitting information to ICASA may request that such information be treated as confidential in terms of section 4D of the ICASA Act

FORM INSTRUCTIONS: Please fill out all parts of this Form to the best of your knowledge and attach any relevant supporting documents.

ICASA will:

- 1. Decide whether the information is confidential.**
- 2. Take all reasonable steps to treat the confidential information as such.**
- 3. Notify the party when the information ceases to be confidential at any stage during the proceedings/processes for which the confidentiality was sought and granted.**

I. MATTER:

Application/ _____ **Regulatory** _____ **process:** _____

Applicant/ _____ **Licensee** _____ **name:** _____

II. DOCUMENT(S) CONTAINING CONFIDENTIAL INFORMATION:

Please fill out the items bellow for each document containing confidential information:

1. Name and other details of the document containing confidential information:

2. Please list and mark "confidential" all pages, paragraphs and line numbers where confidential information appears (Page: Paragraph: Line):

3. Reasons why specific information in the document is considered confidential:

Vol./Page No./Par./line No.	Specific Information	Reasons for Requesting Confidentiality

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4. Relevant category in section 4D (4) of the ICASA Act (where applicable):

5. If the applicant would like to list additional documents containing confidential information, the applicant may attach extra sheets (see appendix B), to this form and identify all the pages, paragraphs and line numbers where confidential information appears, reasons why the document/information is confidential and the relevant category in section 4D (4).

III. CONFIDENTIALITY STATEMENT:

I, declare that the information supplied by me to ICASA in this Form is true and accurate to the best of my knowledge.

Print Name: _____

Designation: _____

Company: _____

Signature: _____

Date: _____

Office Use Only

Received By -

Print Name: _____

Signature: _____

Date Received: _____

Reference Number: _____

Division / Department/Unit: _____

Appendix B

Vol./Page No./Par./line No.	Specific Information	Reasons for Requesting Confidentiality

Vol./Page No./Par./line No.	Specific Information	Reasons for Requesting Confidentiality

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Annexure E**ITP-R CHECKLIST**

Kindly tick the checklist below to confirm that you have added all the required documents as per the criteria of this ITP-R.

PLEASE TICK	ITEMS
	Registered as a non-profit entity at least 2 years prior to lodging this pre-registration notice.
	Have demonstrated community participation, development, and empowerment within the intended coverage area.
	Tax Clearance Certificate or Tax status Pin attached,
	Founding documents such as Constitution, Memorandum of Incorporation (MoI), or Deed of Trust is attached (must be Lodged with CIPC/Department of Social Development/Master of the High court).
	Does the submitted Constitution/MoI/Deed of Trust speak to the Radio station and Community.
	Letter of Support or agreement from Signal distributor or ECNS licence for self-distribution attached.
	Form B completed and commissioned.
	Form P completed and commissioned.
	Need, support and demand demonstrated.
	51% quorum for AGM, appeals mechanism, membership clause. (NB. Not 50% +1)
	Proof of payment of registration fee attached.
	Curriculum vitae's of the board and management is attached.
	Disclosure of interest of board members and management attached.
	Business plan comprising a 3 – 5 years' financial plan attached.
	Resolution of the board attached.
	Project reporting on management, governance, and finances attached.
	Corporate governance and operational policies attached.
	Programming schedule and format including news provision, current affairs and SA music percentage.
	Technical study conducted (interference study/analysis).
	Frequency applied for is within the geographic area as specified in the ITP-R.
	Frequency applied for is within the intended service area.
	Has the pre-registration notice and application for radio frequency spectrum been submitted in the prescribed manner.
	Pre-registration notice submitted before closing date.

NB: This checklist is not exhaustive; Applicants are encouraged to familiarise themselves with all the necessary regulations and requirements.

END