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Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
GENERAL NOTICES • ALGEMENE KENNISGEWINGS			
Independent Communications Authority of South Africa / Onafhanklike Kommunikasie-owerheid van Suid-Afrika			
325	Electronic Communications Act (36/2005): Notice calling for comments on the application for the amendment of Transnet SOC ("Transnet") radio frequency spectrum licence in the 450 – 470 MHz band	44657	3

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

Independent Communications Authority of South Africa**NOTICE 325 OF 2021****ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**

1. The Independent Communications Authority of South Africa ("the Authority"), hereby issues a notice calling for comments on the application for the amendment of Transnet SOC ("Transnet") radio frequency spectrum licence in the 450 – 470 MHz band pursuant to Section 31(3) of the Electronic Communications Act 2005, (Act no. 36 of 2005)
2. Transnet is the largest and most crucial part of the freight logistics chain that delivers goods in South Africa. It presently makes use of analogue Trunk radio communication in metropolitan areas, Open Channel radio communication in rural areas for train communication, and handheld radios for shunt movements of trains in marshaling yards. Transnet is currently assigned 2 x 1.8 MHz in the 450-470 MHz radio frequency spectrum band.
3. On 30 March 2015 the Authority published Radio Frequency Spectrum Assignment Plan (RFSAP) 2015 (Government Gazette No 38640, Notice 270 of 2015) in which the radio frequency spectrum in the 450-470 MHz band would be assigned for International Mobile Telecommunications (IMT) services.
4. On 13 September 2020 the Authority received an application from Transnet for amendment of its radio frequency spectrum licence (licence No. 251-542-5) IC in terms of Regulation 9 of the Radio Frequency Spectrum Regulations, 2015 ("RFSR") as amended, read with Regulation 6 of the Radio Frequency Migration Regulations 2013, and paragraph 9.2 of the RFSAP 2015 for the frequency band 450 to 470 MHz which states that:

"In cases of coexistence, i.e., where a radio frequency spectrum licensee can migrate within the 450-470 MHz band and coexist with IMT, the radio frequency spectrum licence will be modified accordingly".

5. Taking into consideration that section 8(2) of the RFSAP for the band 450 to 470 MHz states that *"The assignment of frequency will take place according to the Extended Application Procedures in the applicable Radio Frequency Spectrum Regulations"* the Authority has decided to undertake a public consultation process in terms of regulation 9(3) of the RFSR which provides that:

"The Authority may engage in a public consultation process whereby an application for an amendment pertains to a radio frequency spectrum licence that was subject to an extended application procedure and/or where a radio frequency spectrum licence was granted in terms of section 31(3)(a) of the Act."

6. Interested persons are hereby invited to submit written representations on Transnet's amendment application. The written representations should be simultaneously submitted to Transnet using the contact details indicated below. The application can be obtained from the Authority's website (<https://www.icasa.org.za/pages/spectrum-licensing>). Interested persons must submit their written representations by no later than 16h00 on Friday, 30 June 2021 in line with the contact details below.

Comments and/or inquiries should be directed to the attention of:

Mr. Mandla Mchunu

The Independent Communications Authority of South Africa (the Authority)

Block C, Eco Point Office Park,

350 Witch-Hazel Avenue, Eco Park, Centurion, Gauteng.

E-mail: mmchunu@icasa.org.za

and

Mr. Selby Mchunu

TRANSNET SOC

138 Eloff Street

Johannesburg, 2000

E-mail : selby.mchunu@transnet.net

7. All written representations submitted to the Authority pursuant to this notice shall be made available for inspection by interested persons at the Authority's Library and website (www.icasa.org.za). Copies of such representations will be obtainable from the Authority's website on payment of a fee.
8. Where persons making representations require that their representation, or part thereof, be treated confidentially, then an application in terms of section 4D of the ICASA Act, 2000 (Act No. 13 of 2000) must be lodged with the Authority. Such an application must be submitted simultaneously with the representation on the draft regulations and plan. Respondents are requested to separate any confidential material into a clearly marked confidential annexure. If, however, the request for confidentiality is refused, the person making the request will be allowed to withdraw the representation or document in question.
9. The guidelines for confidentiality request are contained in Government Gazette Number 41839 (Notice 849 of 2018).



Dr Keabetswe Modimoeng

Chairperson

25/05/2021

