



Independent Communications Authority of South Africa

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STANDARD OPERATING PROCEDURE FOR PROCESSING CLASS BROADCASTING APPLICATIONS

2023

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INTRODUCTION

The procedure falls under the Electronic Communications Act No. 36 of 2005, ICASA Act No.13 of 2000, and the applicable regulations. This procedure aims to promote effective and efficient management of the assignment of the radio frequency spectrum for broadcasting services, processing of broadcasting service licence applications and compliance with the aforementioned Act and regulations.

The applicable regulations are listed below:

- a. Processes and Procedures Regulations for Class Licences, 2010 as amended
- b. Standard Terms and Conditions for Class Licences Regulations, 2010 as amended
- c. Community Broadcasting Service Regulations, 2019
- d. Radio Frequency Spectrum Regulations, 2015 as amended
- e. Terrestrial Broadcasting Frequency Plan, 2013 as amended
- f. Guidelines for Confidentiality Request in Terms of Section 4D of the ICASA Act.

BACKGROUND

This procedure manual provides a framework for processing class broadcasting service and radio frequency spectrum applications within the Authority, for the provision of Community Broadcasting Services, Special Event Community Sound Broadcasting Services, Temporary Community Television Broadcasting Services, Low Power Community Sound Broadcasting Service, and Low Power Commercial Sound Broadcasting Service. It sets out the detailed requirements and minimum levels of achievement necessary to establish an internal process for the approval of licenses at the Independent Communications Authority of South Africa ("ICASA or the Authority").

PURPOSE

The purpose of the procedure is to illustrate the critical steps that should be adhered to when processing registrations, renewal, surrender, transfer, and amendment applications to issue class broadcasting service licences and radio frequency spectrum licences.

SCOPE

This procedure applies to all relevant employees within ICASA who process class broadcasting service licence and radio frequency spectrum licence applications.

Procedure

Name	#	Description	Governance/Business Rule	Role	Document
Complete Community Broadcasting license application documents	01	1. Applicant completes 2 sets of forms (obtained from ICASA's website/offices (walk-in). 1 Form is for the Community BC Service license application, and the other form is for the Radio Frequency Spectrum licence application. <i>Applicable forms for Registration of a licence to provide a Community Broadcasting Service or a Special Event Community Sound Broadcasting service or a Temporary</i>	The applicant must provide: - completed and commissioned applicable forms; and - proof of payment as per General Licence fees Regulations, as amended; The application must include all relevant supporting documents.	Applicant	Application

		<i>Community Television Broadcasting service or Low Power Community and Commercial Sound Broadcasting service:</i> a. Form B from Processes and Procedures Regulations for Class licences b. Form N from Processes and Procedures Regulations for Class licences; c. Form B from Radio Frequency Spectrum Regulations d. Form P from Processes and Procedures Regulations for Class licences <i>Applicable forms for Application to amend a Licence:</i> a. Form D: Application to amend a Licence (Regulation 8(1)); b. Form A from Radio Frequency Spectrum Regulations c. Form P from Processes and Procedures Regulations for Class licences <i>Applicable forms for Application to renew a Licence:</i> a. Form F from processes and procedures Regulations for Class licences b. Form P from Processes and Procedures Regulations for Class licences <i>Applicable forms for Application to transfer a Licence:</i> a. Form H processes and procedures Regulations for Class licences b. Form B from Radio Frequency Spectrum Regulations c. Form P from Processes and Procedures Regulations for Class licences <i>Applicable forms for Applications to surrender a Licence:</i> a. Form K from processes and procedures regulations; b. Form P from processes and procedure regulations; c. Form C from Radio Frequency Spectrum Regulations			
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Name	#	Description	Governance/Business Rule	Role	Document
		- Complete the relevant Community BC licence forms. - Registrants/Applicants must submit either one (1) soft copy of the application electronically (via email: broadcastingapplications@icasa.org.za) and /or two (2) hard copies (including an original) of the application as well as a soft copy of the application on a USB or a disc to the ICASA Head Office. Proceed to step 02, "Obtain application pack".			
Obtain application pack	02	For hard copies submitted to ICASA: - Receive the submitted/couriered hardcopies of the application forms with relevant supporting documents. Proceed to step 03, "Issue receipt to the applicant." For Applications received via email: - Receive application forms with relevant supporting documents. - Mailbox will send an automated response confirming the receipt of the email. Proceed to step 05 Forward application pack to the relevant departments".		Registry/Applicant/Service Broadcasting unit /Broadcasting Frequency Coordination Unit	Application pack
Issue receipt to the applicant	03	- Complete receipt. - Issue the receipt to the applicant. - Hand/email the copy of the receipt (with date) to the applicant as confirmation that the application pack has been received by ICASA. Proceed to step 04, "Date stamp application pack".		Registry	- Application pack - Receipt

Name	#	Description	Governance/Business Rule	Role	Document
Date stamp application pack	04	1. Stamp the application pack to confirm the date of receipt thereof. Proceed to step 05, "Forward application pack to the relevant departments".		Registry	• Application pack
Forward application pack to the relevant departments	05	1. Forward stamped application pack to the Licensing Division (Divisional Assistant). Proceed to step 06, "check the application pack for completeness".		Registry	• Application pack
Check the application pack for completeness.	06	1. Receive the application pack from the Registry/Applicant/Service Licence unit/Broadcasting Frequency Coordination unit. 2. Collate the application pack accordingly. 3. Verify Proof of payment. Engage with finance to confirm that the licence application fees applicable have been paid in full. Proceed to step 07, "Issue Acknowledgment of Receipt".	The application is subject to payment of a licence application fee. The processing of the application is subject to confirmation by Finance that the prescribed fee has been received.	Divisional Assistant	• Application pack
Issue Acknowledgement of Receipt.	07	IF: Community application documents are incomplete: a. Prepare an 'Acknowledgment of receipt' standard letter with a list of missing information. Proceed to step 08, "Inform the applicant of missing information". IF: Community BC licence application forms are complete: a. Prepare an 'Acknowledgment of receipt' standard letter. Proceed to step 09, "Forward the application pack to relevant departments".	Note: Acknowledgment of receipt letters are not sent out for renewal applications that were submitted late.	Divisional Assistant	• Application pack

Name	#	Description	Governance/Business Rule	Role	Document
Inform the applicant of missing information	08	1. Prepare the "Acknowledgement of receipt" standard letter signed by the relevant manager and attach it to the email. 2. List the specific information not provided, which may include the following: a. proof of payment of the applicable fee. 3. Forward the email to the applicant. Inform the applicant about the delay that may be caused due to waiting period. 4. The application shall be put in abeyance pending receipt of proof of payment of the applicable fee. 5. Upon receiving the proof of payment from the applicant, the Divisional Assistant must forward the received information to the identified relevant department for processing. Proceed to step 09 "Forward the community application to relevant departments".		Divisional Assistant	• Request for information email
Forward the application pack to relevant departments	09	1. Forward a stamped soft copy of the application pack to the following departments on the day of receipt: a. Finance; b. Compliance; c. Library; and d. Either Service Broadcasting or Broadcasting Frequency Coordination Unit. Proceed to step 10 "Assign application task". AND proceed to step 17 "Assign Spectrum Licence application task" Note: <i>The licence application for BC service and Spectrum is considered simultaneously by both a licencing officer (in terms of the Service licence) and a RF Specialist (in terms of the spectrum licence).</i>	• Forward non-confidential application to Finance, Compliance, and Library.	Divisional Assistant	• Community BC licence application pack

STEPS 10 TO 14 RELATE TO THE PROCESSING OF BROADCASTING SERVICE LICENCE APPLICATION

Name	#	Description	Governance/Business Rule	Role	Document
Assign application task	10	1. Receive the application pack from the Divisional Assistant. 2. Assign and forward the application pack to the Licensing Officer for analysis. Proceed to step 11, "Analyse the application".		BC Service Manager	• Application pack
Analyse the application	11	1. Receive the application pack from the BC Service Manager. 2. Log the application to the application Dashboard for tracking. 3. Assess the application for confidentiality, completeness and correctness. 4. Apply consideration as to whether the application adheres to the BC Service requirements. IF <i>Application information is incomplete:</i> a. Prepare an email with a list of missing information. b. Proceed to step 12 "Request missing information". IF: <i>Application information is does not meet the applicable legislative and regulatory provisions:</i> a. Proceed to step 13 "Drafting of recommendation memo with reasons for decision, and rejection letter or licence." IF: <i>Community renewal application documents are submitted late:</i> a. <i>Draft decision/rejection letter which sets out reasons for rejection based on late submission of the renewal application.</i> b. Forward the community license application rejection letter to the unit Manager for approval. c. The Unit Manager forwards the signed rejection letter to the Divisional	The Licencing officer should consider the application, taking into consideration that: • A BC service licence may only be issued if the corresponding spectrum licence has been recommended for approval in the technical report ("TR"), where applicable. The BFC unit will confirm the status of the spectrum application by means of a signed technical report. <u>Note:</u> The granting and issuance of the BC service licence is dependent on the availability of the radio frequency spectrum ("RFS") confirmed on the TR. Thus, an application for a service licence may be rejected on the basis of non-availability of RFS, even though there is adherence to the	Licensing Officer	• Application pack • Technical Report (If available)

Name	#	Description	Governance/Business Rule	Role	Document
		Assistant. d. The Divisional Assistant sends the license application rejection letter to the applicant. e. The Divisional Assistant archives the letter on the applicable shared drive / online repository. f. The Divisional Assistant forwards the signed rejection letter to the following internal departments: a. Finance; b. Compliance; c. Library; d. Regions; e. Broadcasting Frequency Coordination Unit. Process ends: "Rejection letter forwarded to applicant" IF: <i>Application adheres to the applicable legislative and regulatory provisions:</i> Proceed to step 13 "Drafting of recommendation memo with reasons for decision, and rejection letter or licence."	requirements of the BC service licence.		
Request missing information	1 2	1. Forward the email with a list of missing information to the applicant. Inform the applicant about the delay that may be caused due to waiting period.		Licensing Officer	• Missing information standard letter

Name	#	Description	Governance/Business Rule	Role	Document
		2. The application shall be put in abeyance pending receipt of outstanding information. 3. Inform the Broadcasting Frequency Coordination (BFC) unit. 4. Upon receiving the outstanding information from the applicant, the Licensing Officer must proceed with the application assessment. 5. Inform the Broadcasting Frequency Coordination (BFC) unit that the information is complete. Return to step 11, "analyse the application".			
Drafting of recommendation memo with reasons for decision, and rejection letter or licence.	1 3	1. Licensing Officer drafts the recommendation memo with reasons for decision, and rejection letter or licence. 2. Licensing Officer forwards recommendation memo with reasons for decision, and rejection letter or licence to the Service Broadcasting manager for review. Proceed to step 14, "Consideration of the recommendation".	•	Licensing Officer	• Application analysis memo.
Consideration of the recommendation	1 4	3. Service Broadcasting Manager reviews the recommendation memo with reasons for decision, and rejection letter or licence. IF the Service Broadcasting Manager is not in agreement with the recommendations – the Service Broadcasting manager provides inputs. Return to step 13 "Drafting of recommendation memo with reasons for decision, and rejection letter or licence." IF the Service Broadcasting Manager is in agreement with the recommendations. Proceed to step 15 "Approval of the Recommendation and signing of the rejection letter or licence".	•	Service Broadcasting Manager	•

Name	#	Description	Governance/Business Rule	Role	Document
Approval of the Recommendation and signing of the rejection letter or licence	15	4. Licensing Officer will sign-off the recommendation memo. 5. Forward the recommendation memo to the Service Broadcasting Manager for Approval. 6. Forward the recommendation memo to the BFC unit for support - through co-signing of the recommendation memo by the BFC Manager. 7. Forward the recommendation memo to the SM: ICT Licensing Services for Noting. 8. Service broadcasting Manager to sign rejection letter or licence. 9. Forward the signed rejection letter or licence to Divisional Assistant. Proceed to step 16 "Communication of Decision to the Applicant and internal departments".	• Quarterly reporting by Service Broadcasting Manager to SM: ICT Licensing Services, to note outcomes of all applications. • IF the licensing process is automated – the rejection letter or licence will be signed by the automated system. • IF the licensing process is manual - the rejection letter or licence will be signed manually.	Licensing Officer	•
Communication of Decision to the Applicant and internal departments	16	10. Divisional Assistant forwards the signed rejection letter or Licence to the applicant. 11. Archive the signed letter or licence on the applicable shared drive / online repository. 12. Forward the signed rejection letter or licence to the following internal departments: a. Compliance; b. Library; c. Regions; d. Broadcasting Frequency Coordination Unit. End of process: Rejection letter or License issued to applicant.	• IF the licensing process is automated – the rejection letter or licence will be sent by the automated system. • IF the licensing process is manual - the rejection letter or licence will be sent by email.	Divisional Assistant	• Application rejection letter.

STEPS 17 TO 24 RELATE TO THE PROCESSING OF THE RADIO FREQUENCY SPECTRUM LICENCE APPLICATION

Name	#	Description	Governance/Business Rule	Role	Document
Assign Spectrum license application task	17	1. Receive the application pack from the Divisional Assistant. 2. Assign and forward the application pack to the RF Specialist for analysis. Proceed to step 18, "Analyse the Spectrum license application".		BFC Manager	• Radio Frequency Spectrum licence application pack
Analyse the Spectrum license application	18	1. Receive the application pack from the BFC Manager. 2. Log the application to the application Dashboard for tracking. 3. Assess the application for confidentiality, completeness and correctness. 4. Perform cross boarder coordination, where applicable. 5. Apply consideration as to whether the application adheres to the RFS requirements. IF <i>Application information is incomplete:</i> a. Prepare an email with a list of missing information. Proceed to step 19 "Request missing information". IF: <i>Application information is does not meet the applicable legislative and regulatory provisions:</i> Proceed to step 20 "Drafting of recommendation memo with reasons for decision, and rejection letter or licence." IF: <i>Community renewal application documents are submitted late:</i> a. Draft decision/rejection letter which sets out reasons for rejection based on late submission of the renewal application. b. Forward the spectrum license application rejection letter to the unit Manager for	• The application should be assessed for completeness and correctness within three (3) days. The RF Specialist should consider the application, taking into consideration that: • A Spectrum licence may only be issued if the corresponding Service licence has been issued, where applicable. The Service Broadcasting unit will confirm the status of the Service licence by means of a signed Service licence. • The TR can be signed off whilst waiting for the service licence verdict. <u>Note:</u> • The granting and issuance of the Spectrum	RF Specialist & Divisional Assistant	• Radio Frequency Spectrum licence application pack

Name	#	Description	Governance/Business Rule	Role	Document
		approval. c. The Unit Manager forwards the signed rejection letter to the Divisional Assistant. d. The Divisional Assistant sends the license application rejection letter to the applicant. e. The Divisional Assistant archives the letter on the applicable shared drive / online repository. f. The Divisional Assistant forwards the signed rejection letter to the following internal departments: a. Finance; b. Compliance; c. Library; d. Regions; e. Broadcasting Frequency Coordination Unit. Proceed to step 24, "Updating of Terrestrial Broadcasting Frequency Plan" IF: <i>Application adheres to the applicable legislative and regulatory provisions:</i> Proceed to step 20, "Drafting of recommendation memo with reasons for decision, and rejection letter or licence."	licence is dependent on issuance of the Service Licence. Thus, an application for RFS licence may be rejected on the basis that the application for Service licence is rejected, even though there is adherence to the requirements of the RFS licence.		
Request missing information	19	1. Forward the email with a list of missing information to the applicant. Inform the applicant about the delay that may be caused due to waiting period.		RF Specialist	• Missing information standard letter

Name	#	Description	Governance/Business Rule	Role	Document
		- The application shall be put in abeyance pending receipt of outstanding information. - Inform the Service Broadcasting unit. - Upon receiving the outstanding information from the applicant, the RF Specialist must proceed with the application assessment. - Inform the Service Broadcasting unit that the information is complete. Return to step 18 "Analyse the Spectrum license application".			
Drafting of TR, recommendation memo with reasons for decision, and rejection letter or licence.	20	- RF Specialist drafts the TR (where applicable), recommendation memo with reasons for decision, and rejection letter or licence. - RF Specialist forwards TR, recommendation memo with reasons for decision, and rejection letter or licence to the BFC manager for review. Proceed to step 21, "Consideration of the recommendation".		RF Specialist	Application analysis memo.
Consideration of the recommendation	21	BFC Manager reviews the TR, recommendation memo with reasons for decision, and rejection letter or licence. IF the BFC Manager is not in agreement with the recommendations – the BFC provides inputs. Proceed to step 20 "Drafting of TR, recommendation memo with reasons for decision, and rejection letter or licence". IF the BFC Manager is in agreement with the recommendations. Proceed to step 22 "Approval of the Recommendation and signing of the rejection letter or licence".		BFC Manager	

Name	#	Description	Governance/Business Rule	Role	Document
Approval of the TR, Recommendation memo and signing of the rejection letter or licence ("Approval Pack").	2 2	- RF Specialist will sign-off the TR. - Forward the approval pack to the BFC Manager for sign-off of the recommendation. - Forward the approval pack to the Service Broadcasting unit for support - through co-signing of the recommendation memo by the Service Broadcasting Manager. - Forward to the Senior Manager: Spectrum Licensing for approval. - Senior Manager: Spectrum Licensing to sign rejection letter or licence. - Forward the signed rejection letter or licence to Divisional Assistant. Proceed to step 23, "Communication of Decision to the Applicant and internal departments".	- Quarterly reporting by BFC Manager to SM: Spectrum Licensing, to note outcomes of all applications. - IF the licensing process is automated – the rejection letter or licence will be signed by the automated system. - IF the licensing process is manual - the rejection letter or licence will be signed manually.	RF Specialist	•
Communication of Decision to the Applicant and internal departments	2 3	- Divisional Assistant forwards the signed rejection letter or Licence to the applicant. - Archive the signed letter or licence on the applicable shared drive / online repository. - Forward the signed rejection letter or licence to the following internal departments: - Compliance; - Library; - Regions; - Service Broadcasting Unit. Proceed to step 24, "Updating of Terrestrial Broadcasting Frequency Plan".	IF the licensing process is automated – the rejection letter or licence will be sent by the automated system. IF the licensing process is manual - the rejection letter or licence will be sent by email.	Divisional Assistant	•
Updating of Terrestrial Broadcasting Frequency Plan	2 4	The RF Specialist updates the frequency assignment in the Terrestrial Broadcasting Frequency Plan. End of process: "Terrestrial Broadcasting Frequency Plan updated".		RF Specialist	•

