



Independent Communications Authority of South Africa

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**STANDARD OPERATING PROCEDURE
FOR PROCESSING INDIVIDUAL ELECTRONIC
COMMUNICATIONS SERVICES AND INDIVIDUAL
ELECTRONIC COMMUNICATIONS NETWORK SERVICES
TRANSFER, AMENDMENTS, SURRENDER, RENEWAL,
AND SPECIAL TEMPORARY AUTHORISATION
APPLICATIONS**

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	Authorised by Executive: Licensing and Compliance Division	Approved by Exco
Name and job title	Fikile Hlongwane Executive: Licensing and Compliance	Tshiamo Maluleka- Disemelo Chief Executive Officer
Signature		
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INTRODUCTION

The procedure falls under the Electronic Communications Act No. 36 of 2005, ICASA Act No.13 of 2000, and applicable regulations. This procedure aims to promote effective and efficient management for the processing of Individual Electronic Communications Network services (I-ECNS) and Individual Electronic Communications Services (I-ECS) licence transfers, amendments, surrenders, renewals, and special temporary authorization applications with the aforementioned Act and regulations.

The applicable regulations are listed below:

- a. Processes and Procedures Regulations for Individuals Licences, 2010 as amended,
- b. Standard Terms and Conditions for Individual Licences Regulations, 2010 as amended,
- c. General Licence Fees Regulations as published in Government Gazette No 43129 of 23 March 2020, and
- d. Guidelines for confidentiality request in terms of section 4D of the ICASA Act, 2000.

BACKGROUND

This procedure manual provides a framework for processing of individual electronic communications network services and individual electronic communications services (transfer, amendments, renewals, special temporary authorization, and surrenders) applications within the Authority. 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 surrenders, transfers, renewals, special temporary authorizations, and amendment applications to issue I-ECNS and I-ECS licences.

SCOPE

This procedure applies to all relevant employees within ICASA who process I-ECNS and I-ECS (transfers, surrenders, amendments, renewals, and special temporary authorizations) applications.

Procedure

Name	#	Description	Governance/Business Rule	Role	Document
Complete electronic communications networks and services licence transfer, amendments, surrender, special temporary authorization and renewal application documents	01	1. The Applicant completes Forms C, E, G, I, J, and O (obtained from ICASA's website/offices (walk-in) of the Processes and Procedures Regulations for Individual licences. <i>Applicable forms for Application to transfer, amend, surrender, renew, and special temporary authorization in respect of a Licence:</i> a. Form C – application to amend an individual licence (Regulation 9); b. Form E - application to renew an individual licence (Regulation 10); c. Form G - application to transfer ownership and/or control of an individual licence (Regulation 11); d. Form I- notice of surrender of an individual licence (Regulation 13) and e. FORM J - application for a special temporary authorization (Regulation 14); a. Complete the relevant Individual electronic communications networks and individual electronic communications service licence Forms as prescribed by the Processes and Procedures Regulations for individual licences. b. Applicants must submit either one (1) soft copy of the application electronically (via email: licensing@icasa.org.za) and /or two (2) hard copies (including an original) of the application as	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/s

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		well as a soft copy of the application on a USB or a disc to the ICASA Head Office; 2. Complete the relevant <i>Individual Electronic Communications Networks Service</i> and <i>Individual Electronic Communications Service</i> licence forms. 3. Applicants must submit either one (1) soft copy of the application electronically (via email: licensing@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: 1. Receive the submitted/couriered hard copies and softcopy via an external device of the application forms with relevant supporting documents. Proceed to step 03 "Issue the applicant with the receipt indicating date on which application was lodged with the Authority." For Applications received via email: 1. Receive application forms with relevant supporting documents. 2. Mailbox will send an automated response confirming the receipt of the email. Proceed to step 06 "Check application pack for completeness".		Registry/Applicant/Service ECS\ECNS\Postal Licensing Unit.	• Application pack

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Issue receipt to the applicant	03	1. Complete receipt. 2. Issue the receipt to the applicant. 3. 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
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 Individual application pack to the relevant departments	05	1. Forward stamped application pack to the Licensing Division (Client Licensing Services Officer). Proceed to step 06 "Check application pack for completeness".		Registry	• Application pack
Check application pack for completeness.	06	1. Receive the application pack from the Registry/Applicant/Service ECS\ECNS\Postal Licence 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.	Client Licensing Services Officer	• Application pack
Issue Acknowledgement of Receipt.	07	IF: Individual application documents are incomplete: a. Prepare an 'Acknowledgment of receipt' standard letter with a list of missing information. Proceed to step 08 "Inform applicant of missing information". IF: Individual Electronic Communications Networks licence and/or Individual Electronic Communications	• An Individual transfer application is acknowledged by the Line manager via email (Ack of receipt letter signed by the Manager).	Client Licensing Services Officer	• Application pack

Name	#	Description	Governance/Business Rule	Role	Document
		Service application forms are complete: a. Prepare an 'Acknowledgment of receipt' standard letter. Proceed to step 09 "Forward the application to relevant departments".			
Inform 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 Client Licensing Services Officer must forward the received information to the identified relevant department for processing. Proceed to step 09 "Forward the application to relevant departments".		Client Licensing Services Officer	• Request for information email
Forward the application 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. CCC; and d. Library. Proceed to step 10 "Assign the transfer/surrender application task"	• Forward non-confidential application to Finance, Compliance, and Library.	Client Licensing Services Officer	• Individual ECS, ECNS licence transfer/surrender/amendment/renewal/special temporary authorization application pack

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STEPS 10 TO 21 RELATE TO THE ANALYSIS OF THE ELECTRONIC COMMUNICATIONS NETWORKS AND SERVICES					
Assign application task	10	1. Receive the application pack from the Client Licensing Services Officer. 2. Assign and forward the application pack to the Licensing Officer for analysis. Proceed to step 11 "Consider Confidentiality Request".		Manager: Service ECS\ECNS\Post: Licensing	• Application pack
Consider Confidentiality Request	11	1. Assess the application for confidentiality, completeness and correctness. 2. Draft the legal vetting submission and a decision letter for confidentiality. 3. Submit the draft submission to Service ECS, ECNS and Postal Licensing Manager. Proceed to step 12 "Signing off the Confidentiality Submission to Legal".		Licensing Officer	•
Review and sign off the Confidentiality Submission to Legal	12	1. Manager: Service ECS\ECNS\Post: Licensing review the draft submission. IF the draft submission is not satisfactory: a. Proceed to step 11 "Consider Confidentiality Request". ELSE: 1. The Manager: Service ECS\ECNS\Post: Licensing signs of the submission and submits it to Senior Manager: ICT Licensing Services 2. Senior Manager: ICT Licensing Services forward the submission to the office of the Executive: Licensing and Compliance. 3. The office of the Executive: Licensing and Compliance forwards the submission to LRCCC for vetting.			•

Name	#	Description	Governance/Business Rule	Role	Document
		4. LRCCC takes a minimum of 21 working days to vet the submission. 5. When LRCCC revert with the vetted documents, the vetted letter of confidentiality is sent to the applicant – 6. If the confidentiality request is granted, the applicant will be asked to submit a redacted version of their application. 7. If the confidentiality request is refused, the applicant will be informed of its option to withdraw the information submitted. Proceed to step 13: Publication of Notice of Receipt of application in the Government Gazette.			
Publication of Notice in Government Gazette	13	1. Licensing Officer prepares the Notice and Cover Memo for consideration by the Manager: Service ECS\ECNS\Post: Licensing. 2. Once the Manager is satisfied, the Manager signs it off. 3. The Manager sends it to the SM: ICT Licensing for noting. 4. The SM ICT Licensing forwards the memo to Executive Licensing and Compliance. 5. The Office of the Executive Licensing and Compliance forwards it to the office of the CEO for submission to the Chairperson. 6. The Chairperson of the Authority signs the Notice for publication. 7. Once the Notice is signed, the Chairperson's office sends the signed Notice to the office of the Executive, Licensing and Compliance, who forwards it to the relevant manager. 8. Manager forwards the Notice to the Client Licensing Services Officer who arranges for publication. Proceed to 14 "Receipt of Representations and Responses"			•

Name	#	Description	Governance/Business Rule	Role	Document
Receipt of Representations and Responses	14	1. After publication of the Notice, stakeholders are provided with 14 working days to make representations to the Authority. 2. In addition, the Applicant is given 14 working days to respond to any representations made. Proceed to 15 "Analyse the application"			•
Analyse the application	15	1. Receive the application pack from the Manager: Service ECS\ECNS\Post: Licensing. 2. Log the application to the application Dashboard for tracking. 3. Apply consideration as to whether the application adheres to the ECS, ECNS transfer/amendment/surrender applications requirements. IF: <i>Application information is incomplete:</i> a. Prepare an email with a list of missing information. b. Proceed to step 16 "Request missing information". IF: <i>Application information does meet the applicable legislative and regulatory provisions:</i> a. Proceed to step 17 "Drafting of recommendation memo with reasons for decision, and rejection letter or licence."	1. The Licencing officer considers the application, taking into consideration the representations received and the responses to the representations (if any). 2. The Competition Specialist within the Policy, Research and Analysis Division considers the Independent Competition Analysis Report and Consumer Interest Report to analyse the impact of competition and impact on consumers post the transaction.	Licensing Officer and Competition Specialist.	Individual ECS, ECNS licence transfer/surrender/amendment/renewal/ special temporary authorization application pack
Request missing information	16	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 and Competition Specialist.	• Missing information standard letter

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		2. The application shall be put in abeyance pending receipt of outstanding information. 3. Upon receiving the outstanding information from the applicant, the Licensing Officer must proceed with the application assessment. Return to step 15 "Drafting of recommendation".			
Drafting of recommendation memo, and draft decision letter or licence.	17	1. Licensing Officer drafts the recommendation memo with draft Reasons Document. 2. Licensing Officer forwards recommendation memo with draft Reasons Document to the Manager: Service ECS\ECNS\Post: Licensing for review. Proceed to step 18 "Consideration of the recommendation".	•	Licensing Officer and Competition Specialist.	• Application analysis memo and Draft Reasons Document (where applicable).
Consideration of the recommendation	18	1. Manager: Service ECS\ECNS\Post: Licensing reviews the recommendation memo and draft Reasons Document. IF the Manager: Service ECS\ECNS\Post: Licensing is not in agreement with the recommendations – the Manager: Service ECS\ECNS\Post: Licensing provides inputs. Proceed to step 16 "Drafting of analysis memo" IF Manager: Service ECS\ECNS\Post: Licensing is in agreement with the recommendations, Proceed to step 19 "Approval of the Recommendation and signing of the decision letter or licence".	•	Manager: Service ECS\ECNS\Post: Licensing	•

Name	#	Description	Governance/Business Rule	Role	Document
Approval of the Recommendation and signing of the decision letter or licence	19	1. The Manager: Service ECS\ECNS\Post: Licensing signs of the submission and submits it to Senior Manager: ICT Licensing Services 2. Senior Manager: ICT Licensing Services forward the submission to the office of the Executive: Licensing and Compliance. 3. The office of the Executive: Licensing and Compliance forwards the submission to LRCCC for vetting. 4. LRCCC takes a minimum of 15 working days to vet the submission. 5. LRCCC reverts with the vetted submission to the Office of the Executive: Licensing and Compliance. IF there are comments to address: a. the Licensing Officer will have to engage with LRCCC, if necessary b. Revise recommendation memo and draft Reasons Document. c. Proceed to 20 "Submission to OPCO/EXCO".	Quarterly reporting by Manager: Service ECS\ECNS\Post: Licensing to SM: ICT Licensing Services, to note outcomes of all applications.	Licensing Officer and Competition Specialist.	
Submission to OPCO/EXCO	20	1. Once the Licensing Officer has revised the memo and draft Reasons Document – the submission is sent to the Manager: Service ECS\ECNS\Post: Licensing for approval. 2. The Manager: Service ECS\ECNS\Post: Licensing signs of the submission and submits it to Senior Manager: ICT Licensing Services 3. Senior Manager: ICT Licensing Services forward the submission to the office of the Executive: Licensing and Compliance. 4. The office of the Executive: Licensing and Compliance forwards the submission to OPCO/EXCO. 5. After the submission is considered at OPCO/EXCO, the Executive Licensing and			

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		Compliance sends the Council submission to the CEO for consideration and tabling at Council. 6. Council considers the submission and makes a final decision on the application/s. 7. The Executive- Licensing and Compliance Notifies the department of the Council Decision, verbally and on email (where applicable). 8. The Licensing Officer then drafts the cover memo, accompanied by the draft decision letter, draft licences, draft notice for availability of the Reasons Document together with the approved Reasons Document for Chairperson's consideration and signature. 9. The cover memo, draft decision letter, draft licences, draft notice for availability of the Reasons Document and the approved Reasons Document are forwarded to Manager: Service ECS\ECNS\Post: Licensing. 10. The Manager: Service ECS\ECNS\Post: Licensing signs the submission and submits it to Senior Manager: ICT Licensing Services 11. Senior Manager: ICT Licensing Services signs the submission and forwards it to the office of the Executive: Licensing and Compliance. 12. The office of the Executive: Licensing and Compliance signs and forwards the submission to the office of the CEO. 13. The CEO signs and forwards the submission to the Chairperson for signature. Proceed to 21 "Communication of Decision to the Applicant and internal departments".			
Communication of Decision to the Applicant and internal departments	21	1. The decision letter and licences are sent to the Applicant by the office of the Chairperson. Copies of the Licences are kept in the Division and sent to Library. • End of process: Decision letter, signed licences, signed Reasons Document, and signed notice for availability of the Reasons Document.	The Secretariat office will perform a quality check on the Licences	Office of the Chairperson	Application decision letter, signed licences, signed Reasons Document, and signed notice for availability of the Reasons Document.

Review of procedure

The Manager: ECS-ECNS-Postal shall initiate a review of this procedure, its processes and associated documents every after 3 years of effective date.