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GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

NOTICE

issued by the

Minister for Posts, Telecommunications and Broadcasting

No. R. 751

9 June 1999

In terms of section 96 (6) of the Telecommunications Act, 1996 (Act No. 103 of 1996), I, Jay Naidoo, Minister for Posts, Telecommunications and Broadcasting, hereby approve and publish the following regulations made by the South African Telecommunications Regulatory Authority in terms of sections 34 and 35 read with sections 96 (1) and 96 (5) (b) of the Act.

JAY NAIDOO

Minister

REGULATIONS IN TERMS OF SECTIONS 34 AND 35 READ WITH SECTIONS 96 (1) AND 96 (5) (b) OF THE TELECOMMUNICATIONS ACT, 1996 (ACT No. 103 OF 1996) REGARDING CERTAIN ADDITIONAL MATTERS IN THE LICENSING PROCESS IN RESPECT OF ONE MOBILE CELLULAR TELECOMMUNICATION SERVICE LICENCE FOR WHICH APPLICATIONS HAVE BEEN INVITED IN TERMS OF SECTION 34 (2) (a) (ii) OF THE ACT, PUBLISHED IN NOTICE 314 IN GOVERNMENT GAZETTE 19806 DATED 26 FEBRUARY 1999

Definitions

1. "The Act" means the Telecommunications Act, 1996 (Act No. 103 of 1996).
2. "The Authority" means the South African Telecommunications Regulatory Authority.
3. "Normal office hours" means 08:30 to 16:30, Mondays to Fridays, excluding South African public holidays.
4. "Offices of the Authority" means the offices of the Authority situated at Block B, Pinmill Farm, 164 Katherine Street, Sandton.

Preparation of Applications

5. Applications must be in writing in the English language.
6. Applications must be prepared in Microsoft Word 97 and the financial information must be prepared in spreadsheets in Microsoft Excel 97, both of which are to run under either Microsoft Windows 95 or Windows 98.
7. Applications must be in Arial or a similar font size 12, with 1.5 line spacing.
8. All financial models and plans must be "live-linked", that is, all figures which are sourced from elsewhere within the spreadsheet or in separate spreadsheets must be calculated using a linking formula.
9. The first page of the application must be a cover page; followed by a covering letter indicating that the application and the prescribed application fee is attached, which letter is to be signed by at least two directors of the applicant or similarly responsible persons where the applicant is not a company; followed by proof of authority of the signatories to sign the application on behalf of the applicant; followed by the table of contents; followed by the Application Form and Annexures thereto as set out in the "Document Detailing the Form in which Applications for One Mobile Cellular Telecommunication Service Licence shall be Submitted and the Manner in which it is Contemplated that the Service shall be Provided in terms of Section 34 (2) (b) (ii) of the Telecommunications Act, 1996 (Act No. 103 of 1996)" dated 5 March 1996 made available by the Minister for Posts, Telecommunications and Broadcasting; followed by an affidavit stating that the application is the true and complete application of the applicant, signed by at least the same two persons who sign the covering letter.
10. All pages of applications after the pages referred to in regulation, must be clearly and sequentially numbered and recorded in the table of contents.
11. Applications must be spiral bound and if more than one volume is submitted, each volume thereof must be clearly and sequentially numbered and contain a copy of the table of contents.

Submission of Applications

12. Applications must be submitted by 12:00 on 14 June 1999 and shall be hand delivered to the offices of the Authority.
13. Applications must be submitted in sealed, sturdy and easily portable containers. The exterior of the container must detail the name and address of the applicant and identify the contents of the container.
14. Applications must be submitted in the original together with 25 hard copies and one soft copy thereof, appropriately and clearly marked.
15. The soft copy of the application, which must be consistent with hard copies, must be stored on CD Rom and appropriate file names shall be specified.
16. If the applicant wishes to exclude certain confidential information from public inspection as provided for in section 34 of the Act, the applicant must submit two additional hard copies marked "For Public Inspection", which copies shall exclude such confidential information and shall clearly indicate where such confidential information has been excluded therefrom, together with the applicant's request to the Authority to have that confidential information excluded from public inspection in terms of section 34 (4) (b) of the Act.
17. If the applicant wishes to exclude certain confidential information as contemplated in regulation 16, the applicant must submit a soft copy stored on CD Rom with appropriate file names specified consistent with the file names specified in accordance with regulation 15, containing only the information contained in the *For Public Inspection* copy mentioned in regulation 16 and a soft copy, stored on CD Rom with appropriate file names specified consistent with the file names specified in accordance with regulation 15, containing only the information that the applicant wishes to exclude as confidential.

Submission of Additional Written Information

18. Applicants and interested parties, when submitting written information to the Authority, whether in the form of written representations, requests or otherwise, must submit such written information to the offices of the Authority during normal office hours together with a covering letter which must contain the name, postal and physical addresses and telephone and facsimile numbers of the person submitting the written information, and if such written information is in relation to an application or other written information, a copy of such written information shall be hand delivered or sent by registered post to the relevant applicant or interested person to which the written information is in relation.

Obligation to Inform Authority of Changes in respect of the Applications

19. If any change to the information submitted in an application occurs, including, without limitation, any change in the ownership or control of the applicant, after the submission of the application, the applicant shall immediately submit written notification thereof to the Authority.

Intended Decisions and Recommendations on Applications

20. Applicants may, not later than 14 (fourteen) days from the date of notification of the Authority's intended decision or recommendation, request in writing the Authority to furnish the applicant with reasons therefor, provided that reasons have not been previously provided by the Authority.
 21. Applicants may, not later than 14 (fourteen) days from the date of notification of the Authority's intended decision or recommendation or from the date the reasons are provided by the Authority in terms of regulation, whichever is later, make written representations in relation to the intended decision or recommendation.
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