

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Vol. 386

PRETORIA, 15 AUGUST
AUGUSTUS 1997

No. 18214

GENERAL NOTICE

NOTICE 1200 OF 1997



SOUTH AFRICAN TELECOMMUNICATIONS REGULATORY AUTHORITY

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12 AUGUST 1997

PROHIBITION OF CALL-BACK OPERATIONS IN SOUTH AFRICA

1. RULING: FR-0001

By virtue of the powers implicit in the functions vested generally in the Authority in terms of the Telecommunications Act, 1996 ("the Act"), including section 5 (2) (b) in particular, the Authority hereby pronounces that all call-back operations, including their associated support activities, constitute an offence under section 101 (b) of the Act in that such operations without a duly issued licence are a contravention of section 32 (1). All call-back operators and customers are hereby duly warned to cease and desist from such unlawful activities.

Penalties of a fine of maximum R500 000 or two years in prison, or both, as contemplated under section 102 of the Act, will be enforced from **1 September 1997**.

2. DEFINITION: "Call-back"

A call originated in South Africa on any South African telecommunications access service provider network licensed to provide telecommunications services under the Act, intended for termination outside South Africa, that, through various means, results in the majority of the call being financially allocatable to other than such a South African telecommunications access service provider. Such services are generally based on arbitrage prices relating to accounting rates or collection charges.

3. BASIS

- 3.1 Section 32 (1) of the Act prohibits the provision of telecommunications services without a duly issued licence.
- 3.2 International telecommunications service can only be provided by Telkom SA Limited in terms of section 36 (3) of the Act, and clause 3 of the Telkom SA Limited PSTN Licence on an exclusive basis for a specified period. The limited exclusivity permitted to Telkom allows the rollout of telephones to areas and people neglected under the previous dispensation, to allow Telkom SA Limited to rebalance tariffs and to prepare for competitive environment. Such a rollout obligation is a significant contribution to Universal Service, which is in the public interest and a major objective of the Act.
- 3.3 Call-back operation has the effect of calls that originate in South Africa being transformed into calls that primarily originate outside South Africa. SATRA has determined such operations to be in contravention of the Act and of the Telkom SA Limited Licence.

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