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- 360 Telecommunications Act (103/1996): Intention to make regulations relating to the manner in which applications for the transfer of telecommunication service licences are to be made: The period within which applicants may make certain requests; and the period within which applicants may make certain representations to the authority

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GENERAL NOTICE

NOTICE 360 OF 2002



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE OF INTENTION TO MAKE REGULATIONS RELATING TO THE MANNER IN WHICH APPLICATIONS FOR THE TRANSFER OF TELECOMMUNICATION SERVICE LICENCES ARE TO BE MADE; THE PERIOD WITHIN WHICH APPLICANTS MAY MAKE CERTAIN REQUESTS; AND THE PERIOD WITHIN WHICH APPLICANTS MAY MAKE CERTAIN REPRESENTATIONS TO THE AUTHORITY

The Independent Communications Authority of South Africa ("the Authority"), hereby gives notice that it intends making the following regulations in terms of section 96 read with section 50, 34 and 35 of the Telecommunications Act, 1996 (Act No. 103 of 1996).

Interested persons are hereby invited to submit written comments or written representations with regard to the proposed regulations, to be received **by no later than 16h00 on the 19th of April 2002** by post, hand delivery, facsimile transmission or by an electronic version in Microsoft Word 6.0 or lower, for the attention of Mr Andries Matthysen, Independent Communications Authority of South Africa, Private Bag X10002, Marlboro, 2063; Block A, Pin Mill Farm, 164 Katherine Street, Sandton; Facsimile (011) 321 8536.

**MANDLA LANGA
CHAIRPERSON
ICASA**

SCHEDULE

REGULATIONS ON THE MANNER IN WHICH TRANSFER OF TELECOMMUNICATION SERVICES ARE TO BE MADE, THE PERIOD WITHIN WHICH APPLICANTS MAY MAKE CERTAIN REQUESTS AND THE PERIOD WITHIN WHICH APPLICANTS MAY MAKE CERTAIN REPRESENTATIONS TO THE AUTHORITY.

Definition

1. In this Schedule any expression to which a meaning has been assigned by the Telecommunications Act, 1996 (Act No. 103 of 1996) (hereinafter referred to as the Act), shall have the same meaning unless the context otherwise indicates.

Manner in which an application for the transfer of a telecommunication service licence shall to be made (section 50)

2. An application for the transfer of a telecommunications service licence, must:
 - (1) be made in writing.
 - (2) be accompanied by the original copy of the licence or a certified copy thereof.
 - (3) identify the applicant, and for this purpose:
 - (a) if the applicant is a natural person, the following information must be furnished:
 - (i) the full name of the applicant;
 - (ii) the identity number of the applicant;
 - (iii) the applicant's permanent residential address;
 - (iv) the applicant's business address; and
 - (v) the applicant's telephone and fax numbers.
 - (b) if the applicant is a juristic person, the following information must be furnished:
 - (i) business name and address, the telephone and fax numbers of the applicant, and where applicable, certified copies of all the founding documents of the applicant;

- (ii) full names, business and residential addresses and the telephone numbers of each shareholder or member owning shares or interests exceeding five percent of the total shares or interests in the applicant;
- (iii) the percentage of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the applicant;
- (iv) the number of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the applicant;
- (v) the classes of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the applicant; and
- (vi) affiliated ownership interests of the applicant in other telecommunication licensees or entities which the applicant has the potential of competing with in South African telecommunications markets.

(4) contain information as to -

- (a) the applicant's employment strategies related to women;
- (b) the percentages of beneficial ownership by historically disadvantaged individuals in the applicant where the applicant is a juristic person and
- (c) the percentages of control by historically disadvantaged individuals in the applicant where the applicant is a juristic person.

(5) identify the transferee, and for this purpose:

- (a) if the transferee is a natural person, the transferee shall provide the following information:
 - (i) the full name of the transferee;
 - (ii) the identity number of the transferee;
 - (iii) the transferee's permanent residential address;

- (iv) the transferee's business address; and
 - (v) the transferee's telephone and fax numbers.
- (b) if the transferee is a juristic person, the following information must be furnished:
- (i) business name and address, the telephone and fax numbers of the transferee, and where applicable, certified copies of all the founding documents of the transferee;
 - (ii) full names, business and residential addresses and the telephone numbers of each shareholder or member owning shares or interests exceeding five percent of the total shares or interests in the transferee;
 - (iii) the percentage of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the transferee;
 - (iv) the number of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the transferee;
 - (v) the classes of shares or interests of each shareholder or member owning shares or interests in excess of five percent of the total shares or interests in the transferee and
 - (vi) affiliated ownership interests of the transferee in other telecommunication licensees or entities which the referee has the potential of competing with in South African telecommunications markets.
- (6) must contain information as to -
- (a) the transferee's employment strategies related to women;
 - (b) the percentages of beneficial ownership by historically disadvantaged individuals in the transferee; and
 - (c) the percentages of control by historically disadvantaged individuals in the transferee.
- (7) contain a full description of -
- (a) the service to be provided by the transferee;

- (b) the frequency spectrum requirements of the transferee;
 - (c) the network and
 - (d) the geographical area where the service will be provided, including the relevant maps.
- (8) contain a detailed business plan for the service to be provided by the transferee together with the projection of the market size, target groups and revenue for the first three years.
- (9) in respect of any telecommunication facility or equipment to be connected to the public switched telecommunication network, be accompanied by a certificate of approval issued by the Authority to the transferee.

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

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