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GOVERNMENT NOTICE
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DEPARTMENT OF COMMUNICATIONS
DEPARTEMENT VAN KOMMUNIKASIE

No. 85

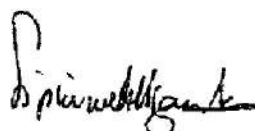
8 February 2010

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)

**DETERMINATION ISSUED UNDER THE ELECTRONIC COMMUNICATIONS ACT,
2005 (ACT NO. 36 OF 2005) WITH REGARD TO UNIVERSAL ACCESS TO AND
THE UNIVERSAL PROVISION OF ELECTRONIC COMMUNICATIONS SERVICES
AND ELECTRONIC COMMUNICATIONS NETWORK SERVICES**

I, Gen (Ret) Siphiwe Nyanda, Minister of Communications, hereby determine in terms of section 82(3) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) what constitutes —

- (a) universal access by all areas and communities in the Republic to electronic communications services and electronic communications network services; and
- (b) the universal provision for all persons in the Republic of electronic communications services and access to electronic communications networks, as set out in the Schedule.



GEN (RET) SIPHIWE NYANDA
MINISTER OF COMMUNICATIONS

SCHEDULE

Determination in respect of Universal Access

1. (a) **Universal access** is provided where all persons in all areas and communities are able to obtain quality, affordable and usable access to a publicly available minimum set of quality –
- (i) electronic communications network service and electronic communications service, including voice, messaging and data electronic communications service and, in the case of data, including a broadband connection, and access to emergency services using free calls and messaging; and
 - (ii) broadcasting service, including television and sound broadcasting service.
- (b) The following **universal access targets** apply for a maximum period of two years or until amended or substituted, whichever occurs first:
- (i) For **voice electronic communications service** the targets are -
 - (aa) at least one working public telephone or community service telephone at a public access point in a geographically founded community of up to 2 000 persons, and an additional such telephone for every additional 2 000 persons in such a geographical founded community, on request of such community; and
 - (bb) access to a voice electronic communications service at a public access point within a range of one kilometre from any person residing in such a geographically founded community.
 - (ii) For **data electronic communications service** the targets are -
 - (aa) at least one public broadband internet access point in a geographically founded community of up to 10 000 persons, and if the population of the community is more than 10 000 persons, then at least one public broadband internet access point for every additional 10 000 persons in that community or part thereof; and
 - (bb) access to a data electronic communications service at a public access point within a range of two kilometres from any person residing in such a geographically founded community.
 - (iii) For **broadcasting service** the targets are -
 - (aa) for each district municipality, access to at least one community radio broadcasting service in the most relevant languages for that community;

- (bb) for each district municipality, access to all public radio broadcasting service broadcasting in the most relevant languages for that community;
 - (cc) for each district municipality, access to all public television broadcasting services; and
 - (dd) for each province, access to at least one community television broadcasting service.
- (c) The following **additional universal access targets**, relating to public access points, are applicable targets in respect of electronic communications service for a maximum period of two years or until amended or substituted, whichever occurs first:
- (i) Each public access point for an electronic communications service must be housed in an adequate shelter;
 - (ii) access at a public access point must be provided for a minimum of 12 hours a day and at least during the hours of 08:00 to 18:00;
 - (iii) those persons who need assistance in using the public access point or any subscriber equipment must be assisted to the extent reasonable; and
 - (iv) access to electronic communications services at public access points must be provided at affordable rates.

Determination in respect of Universal Service

2. (a)(i) **Universal service for Electronic Communications Services** is provided where all persons, if they require it, are able to obtain quality, affordable and usable access to a minimum set of electronic communications network service and electronic communications service, on either a household or individual basis, including a voice and data electronic communications service and, in the case of data, including a broadband connection, and access to emergency services using free calls and messaging, where all services are offered on a non-discriminatory basis.

(ii) For the purposes of this determination, affordable means at a rate (including connection and usage charges, but not subscriber equipment charges) that does not exceed a defined percentage of a household's total expenditure.

(b) **Universal service for Broadcasting Service** is provided where all persons have access to a diverse range of television and sound broadcasting services, in terms of three categories of Broadcasting Service, that cater for all language and cultural groups, including persons with disabilities, and which provide entertainment, education and information.

(c) The following **universal service targets** apply for a maximum period of two years or until amended or substituted, whichever occurs first:

(i) For **voice electronic communications service** the targets are that -

(aa) the service is available to 95 percent of households on demand;

(bb) the service is affordable to 90 percent of households; and

(cc) in respect of affordability, each household or individual does not exceed more than five percent of the total expenditure or total income for a voice electronic communications service, and such service must consist of a minimum of 90 minutes calling time per month of which no less than 30 minutes are within peak calling rate periods.

(ii) For **data electronic communications service** the targets are that -

(aa) the service is available to 90 percent of households on demand where such service includes access to broadband as a minimum;

(bb) the service is affordable to 60 percent of households, and in respect of affordability does not exceed five percent of the household's total expenditure; and

(cc) a household is able to use the internet in a month for at least 20 hours of which no less than 10 hours are within peak calling rate periods, or the amount of data that may be consumed must be at least 500MB.

(iii) For **broadcasting service** the targets are that -

(aa) all official languages, including sign language, must be catered for in both sound and television broadcasting services, including public, community and commercial when viewed collectively; and

(bb) local content must be increased by 10 percent more than the prescribed minimum requirements in the local content regulations.
