
GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

No. 109

6 February 2009

MINISTER OF COMMUNICATIONS

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

POLICY DIRECTION ON THE LICENSING FRAMEWORK OF BROADBAND INFRACO (PROPRIETARY) LIMITED

I, Dr. Ivy Matsepe-Casaburri, Minister of Communications, hereby make the policy direction in the Schedule in terms of section 3(2) and 3(1A) of the Electronic Communications Act (ECA), 2005 (Act No. 36 of 2005).



Dr. Ivy Matsepe-Casaburri
Minister of Communications

SCHEDULE**POLICY DIRECTION ON THE LICENSING FRAMEWORK OF BROADBAND INFRACO (PROPRIETARY) LIMITED**

1. Recalling Cabinet decision in August 2007, to approve the Electronic Communication Bill aimed at facilitating the licensing of public entities in the ICT sector, and the subsequent Act enabling the licensing of Broadband Infraco (Proprietary) Limited.
2. Acknowledging that Broadband Infraco (Proprietary) Limited has been established in terms of the Broadband Infraco Act, 2007 (Act No. 33 of 2007) to expand the availability and affordability of access to electronic communications, including but not limited to under-developed and under-serviced areas, through the provision of:—
 - (a) electronic communications network services; and
 - (b) electronic communications services.
3. Further acknowledging the need for a strategic policy intervention to ensure the licensing of Broadband Infraco (Proprietary) Limited to provide the services contemplated in the Broadband Infraco Act in the shortest possible time.
4. I, **therefore** in terms of sections 3(2) and 3(1A) direct the Independent Communications Authority of South Africa (ICASA) to conduct the necessary processes to accept and consider applications for:
 - a. electronic communications network service; and
 - b. electronic communications services to Broadband Infraco (Proprietary) Limited.
5. After considering such applications ICASA should publish licence terms and conditions for Broadband Infraco (Proprietary) Limited as contemplated in section 9(2)(c) of the ECA. It should take into account the mandate of Broadband Infraco referred to in paragraph 2 of this Policy Direction and the fact that it is a public entity of a developmental state with additional responsibilities related to the socio-economic development of

the country and its contribution to the accelerated and shared growth objectives of government.

6. I further direct ICASA to, within 30 days of the coming into effect of this policy direction:
 - (a) commence with the licensing process in a transparent and fair manner; and
 - (b) Inform Broadband Infraco (Proprietary) Limited of the dates for submission of the applications contemplated in paragraph (4).

 7. In view of the need to license Broadband Infraco (Proprietary) Limited urgently so as to allow it to play its role in the economy, ICASA is encouraged to consider waiving the requirement for public hearings in terms of section 9(2)(e) of the ECA.
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