

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NOTICE 3926 OF 2026

**DRAFT AMENDMENT OF THE RADIO FREQUENCY SPECTRUM FEES REGULATIONS, 2010 IN TERMS OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005)**

The Independent Communications Authority of South Africa (“**ICASA**” or “**the Authority**”) hereby declares its intention to amend the radio frequency spectrum fees regulations, 2010 (“**the Regulations**”).

A copy of the draft Amendment to the radio frequency spectrum fees regulations (“**the Draft Regulations**”) will be made available on the Authority’s website at <https://www.icasa.org.za> or can be sent via email upon request by any individual or can be collected from ICASA Library at the following address: 350 Witch-Hazel Avenue, Eco Point Office Park, Eco Park, Centurion between 09h00 and 16h00, Monday to Friday.

The Authority hereby invites interested parties to make written representations on the Draft Regulations by no later than 16H00 on 29 June 2026 electronically (in Microsoft Word) and marked specifically for the attention of: **Mr. Mandla Mchunu – Project Manager.**

The written representations should be sent by e-mail to RRamendments@icasa.org.za and copied to mmchunu@icasa.org.za.

Written representations received by the Authority pursuant to this notice will be made available for inspection by interested persons at the Authority’s library.

When a person submits information to the Authority, such person may request that specific information be treated as confidential information in terms of section 4D of the Independent Communications Act of South Africa Act, 2000 (Act No.13 of 2000) ("ICASA Act"). The request for confidentiality must be accompanied by a written statement explaining why the specific information should be treated as confidential, in accordance with ICASA Guidelines for Confidentiality Request published in Government Gazette No. 41839 of 17 August 2018.

The Authority may determine whether such specific information or any portion thereof is to be treated as confidential in terms of section 4D of the ICASA Act. Where the request for confidentiality is refused, the person who made the request will be granted an opportunity to withdraw such representations or portion(s) thereof.

Persons submitting written representations are further invited to indicate, as part of their submissions, whether they require an opportunity to make oral representations on the draft Regulations, should the Authority elect to hold public hearings.



MOTHIBI RAMUSI

CHAIRPERSON

DATE: 29 April 2026

AMENDMENT OF THE RADIO FREQUENCY SPECTRUM FEES, 2010

The Independent Communications Authority of South Africa has, under sections 4(1) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), made the regulations in the schedule.

SCHEDULE

1. Definitions

In these regulations "the Regulations" means the regulations published by Government Notice No. 33495 of 2010, as amended by Notices No. 385 of 30 March 2015 and No. 280 of 30 April 2015.

2. Amendment of regulation 1 of the Regulations

Regulation 1 of the Regulations is hereby amended –

2.1 by the insertion, after the definition "Bandwidth Factor", of the following definition:

"Blanket Licence" means an authorisation that covers the operation of a network that connect to an unlimited number of terminals with similar technical and operational characteristics,

3. Amendment of regulation 5 of the Regulations

Regulation 5 of the Regulations is hereby amended –

3.1 by the substitution for sub-regulation (5)(d) and (e) of the following sub-regulation:

"(d) Satellite Hub Ground Station Formula

The fee for a principal hub station for uplink is determined by the following fee:

$$\text{Hub ground station Fee} = \text{Max} (R_{UL}; \text{UNIT} * \text{FREQ} * \text{BW} * \text{SEC})$$

The fee is the multiplication of the unit price (UNIT) by the frequency factor (FREQ), and the bandwidth (BW) in MHz, and R_{UL} is the minimum fee for satellite uplink connections; and

(e) Satellite Terminal Network Formula

The fee for a blanket licence to operate a satellite terminal network will be based on the uplink of the terminals and is determined by the following formula:

$$\text{Terminal network Fee} = (\text{UNIT} * \text{BW} * \text{SEC})$$

The fee is the multiplication of the unit price (UNIT) by the bandwidth (BW) in MHz.”

4. Amendment of regulation 9 of the Regulations

Regulation 9 of the Regulations is hereby amended –

- 4.1 by the substitution for item 6 (Satellite) and its subitems in the reference Table, with the following Table:

| | |
|--|------------------------|
| 6. Satellite | |
| 6.1 Satellite terminal networks (including VSAT networks and ESIM terminals) | Terminal Network Fee |
| 6.2 Uplink broadcasting signal distribution fixed satellite earth station | Ground hub station fee |
| 6.3 Mobile or fixed satellite news gathering | Ground hub station fee |
| 6.4 Gateway Earth Stations | Ground hub station fee |

5. Short title and commencement

These regulations are called the Radio Frequency Spectrum Licence Fees Amendment Regulations, 2026 and will come into force upon publication in the Government Gazette.

EXPLANATORY MEMO

1. INTRODUCTION

- 1.1 On 14 August 2024, the Authority instituted an Inquiry in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) on the licensing framework for satellite services by publishing a notice in Government Gazette No. 51044. In terms of the notice, interested parties were invited to make written submissions to the Authority by no later than 12 November 2024, 16h00.
- 1.2 The Authority received thirty-eight (38) written representations and a further seven (7) after deadline. The Authority resolved to still accept submissions post the closing date. On 31 November 2024, the Authority published the written representations on its website.
- 1.3 The public hearings were held from 05 to 07 February 2025, which saw stakeholders providing valuable oral presentations regarding the framework's content.
- 1.4 After consideration of all the written submissions, oral hearings and supplementary information requested at the public hearings, ICASA published its findings in a government gazette No 52530, Notice 3144 dated 17 April 2025.
- 1.5 The implementation of the findings requires the Authority to make amendments to the Radio regulations (regulations published by Government Notice No. 279 of 2015, as amended by Notices No. 386 of 2015, 781 of 2016, 585 of 2019 and 737 of 2021) and radio spectrum fees regulations (Notice No. 33495 of 2010, as amended by Notices No. 385 of 30 March 2015 and No. 280 of 30 April 2015).

- 1.6 During the consultation, some stakeholders expressed uncertainty regarding the type of licences that the Authority intend to introduce as per the Discussion Document. In particular, there was uncertainty whether the Gateway Earth Station ("GES") licence and User-Terminal network licence would be radio frequency spectrum ("RFS") licences, or whether it would be service licences (as per Chapter 3 of the Electronic Communications Act ("ECA")), or whether an entirely new licence type was envisioned. The Authority can confirm that it does not intend to introduce a new type of licence, nor does it see any need to introduce a new type of licence and that both the Gateway Earth Station ("GES") licence and User-Terminal network licence are to be seen as radio frequency spectrum ("RFS") licences.

2. AMENDMENT CONSIDERATIONS

Regulation 1

- 2.1 The Consultation found that there is support for blanket licensing of the terminals and as such, a definition for it was added to regulation 1.

Regulation 5

- 2.2 An objective of the Inquiry was to review spectrum fees, taking into account the increasing amount of bandwidth used by satellite systems operating in higher frequency bands. To this end, the Discussion Document went on to propose two options with regard to the Gateway Earth Stations fee, namely (a) a new factor in the formula termed the "high throughput satellite factor" ("HTSF"), or (b) a fee that is variable per MHz assigned. Further, the Discussion Document proposed the blanket licensing of terminals.
- 2.3 It was found during the Consultation that there is support for the development of a regulatory framework for Spectrum Fees, although there are differing views on the appropriate methodology for calculating fees. The Authority noted the need for a balanced approach that ensures South Africa remains an attractive destination for satellite operators while promoting efficient use of spectrum.

- 2.4 To this end, the Authority considered the input received during the Inquiry for the amendment of the Radio Frequency Spectrum Fee Regulations, 2010¹, as amended by the Radio Frequency Spectrum Fee Amendment Regulations, 2015². In particular, the Authority focused on the formulas for the “Hub ground station Fee” and the “VSAT Fee”.

Fee for Gateway Earth station

- 2.5 Following the public consultation, the Authority published a Findings Document³. It was found that most of the stakeholders support that the fee structure must ensure that South Africa remains an attractive destination for satellite operators looking to install and operate Gateway Earth Stations. Views on the exact approach varied significantly, with some arguing for an approach that is not bandwidth-based, while others advocated for parity with formulas used for terrestrial services. After reviewing the submissions, the Authority is proposing the formula below to replace the existing Hub ground station Fee formula:

$$\text{Fee} = \text{Max} (\text{RUL}; \text{UNIT} * \text{FREQ} * \text{BW} * \text{SEC})$$

The addition of the frequency factor (FREQ) will ensure that the operation of GES is reduced according to the frequency band being licensed. For example, if the frequency band is between 23 GHz and 30 GHz, a factor of 0.1 will apply. Operators of high-throughput satellites (“HTS”) that make use of this band will therefore be paying a significantly lower fee. The benefit is, however, not only exclusively applied to HTS, but also to any GES operating in the higher bands. The FREQ term will be informed by the table below, and it is already used in the Point-to-Area formula, which brings greater alignment between the respective satellite and terrestrial formulas.

¹ NOTICE 754 OF 2010, Government Gazette No. 33495

² NOTICE 280 OF 2015, Government Gazette No. 38642

³ NOTICE 3144 OF 2025, Government Gazette No. 52530

| Frequency Ranges | | FREQ Factor |
|------------------|---------|----------------|
| From | To | |
| 1 kHz | 174 MHz | 1 |
| 174 MHz | 880 MHz | 0.75 |
| 880 MHz | 1.8 GHz | 0.5 |
| 1.8 GHz | 5 GHz | 0.4 |
| 5 GHz | 10 GHz | 0.3 |
| 10 GHz | 17 GHz | 0.2 |
| 17 GHz | 23 GHz | 0.15 |
| 23 GHz | 30 GHz | 0.1 |
| 30 GHz | 50GHz | 0.05 |

The FREQ factor, as per the table above, incentivises operators to use the higher, less congested frequency bands.

2.6 It is further proposed that only the frequency band and bandwidth in the uplink direction be considered when the fee is calculated. This is currently the case when applying the existing Hub ground station Fee formula. This is also compatible with an "Open-Sky" approach.

The minimum fee is maintained in this formula, resulting in no change to the fee for small bandwidth licences. Lastly, the introduction of the Security (SEC) factor will benefit satellite operations of the security sector.

Fee for User-Terminal network

2.7 During the consultation, it was found that there is general support for a blanket licensing approach for licensing the user-terminal network. After reviewing the submissions, the Authority is proposing the formula below to replace the existing VSAT Fee formula: **Fee = UNIT * BW * SEC**

The Security (SEC) factor is introduced to benefit satellite operations of the security sector. Apart from this addition, the formula is left unchanged as compared to VSAT formula. The scope of the formula is, however, extended to apply to any satellite terminal network and no longer only to a VSAT network. It is further proposed that only the bandwidth in the uplink direction be considered when the fee is calculated. This is currently the case when applying the existing VSAT Fee formula and is compatible with an "Open-Sky" approach. This licence is necessary even if the terminals fall within the definition of subscriber equipment. It should not be seen as the licence associated with the terminal stations/equipment, but instead as the licence of the network that makes it possible to connect those terminals. This approach will ensure accountability of

operations even in an event where the satellite network's gateway is not located in South-Africa.

Regulation 9

- 2.8 Item 6 of the table in regulation 9 was updated to clarify the use of the new satellite formulas in regulation 5. In particular, it is clarified that the Terminal Network fee will apply to ESIMs.