Independent Communications Authority of South Africa

350 Witch-Hazel Avenue,
Eco Point Office Park
Eco Park, Centurion
Private Bag X10,
Highveld Park 0169
Tel number: (012) 568 3000/1

DIGITAL TERRESTRIAL TELEVISION BROADCASTING REGULATIONS

REASONS DOCUMENT

MARCH 2026

TABLE OF CONTENTS

1. BACKGROUND AND CONTEXT 5
2. LEGISLATIVE AND POLICY FRAMEWORK 6
3. THE SCOPE 7
4. PURPOSE OF THE REASONS DOCUMENT 7
5. DEFINITIONS 8
6. REGULATION 2: PURPOSE OF THE REGULATIONS 9
7. REGULATION 3: FRAMEWORK FOR DIGITAL TERRESTRIAL TELEVISION 11
8. REGULATION 4: MULTIPLEX ALLOCATION 17
9. REGULATION 5: CHANNEL AUTHORISATION PROCEDURE 25
10. REGULATION 6: SIGNAL DISTRIBUTION OF THE DIGITAL TERRESTRIAL TELEVISION SERVICES 29
11. REGULATION 7: MULTIPLEX OPERATOR FOR THE DIGITAL TERRESTRIAL TELEVISION 33
12. REGULATION 8: GENERAL OBLIGATIONS 37
13. REGULATION 9: PENALTIES 39
14. REGULATION 10: REPEAL OF REGULATIONS 40
15. INSERTION OF SCHEDULE 3 TO THE REGULATIONS AND DELETION OF SOME DEFINITIONS 40
16. CONCLUSION 41

LIST OF ACRONYMS

ASO	Analogue Switch Off
DTT	Digital Terrestrial Television
ECA	Electronic Communications Act, 2005 (Act No. 36 of 2005)
FTA	Free to Air
HD	High Definition
ICASA	Independent Communications Authority of South Africa
ICT	Information Communication and Technology
Mux	Multiplex
SFN	Single Frequency Network

ACKNOWLEDGEMENTS

The Independent Communications Authority of South Africa ("the Authority"/ "ICASA") hereby acknowledges and thanks all stakeholders who have participated in the process aimed at developing a regulatory framework for the introduction of Digital Terrestrial Television Regulations.

The following stakeholders have submitted written representations to the Authority on the draft DTT Regulations:

(a) Association of Community Television South Africa (ACT SA)
(b) Department of Communication and Digital Technologies (DCDT)
(c) EMedia
(d) Media Monitoring Africa (MMA)
(e) QRevolution Orbit
(f) South African Broadcasting Corporation (SABC)
(g) The South African Screen Federation (SASFED)
(h) Sentech
(i) SOS Support Public Broadcasting Coalition (SOS)

1. BACKGROUND AND CONTEXT

1.1. On 22 March 2024, the Independent Communications Authority of South Africa ("the Authority") commenced an Inquiry through the publication of a Discussion Document[1], aimed at reviewing the Digital Migration Regulations, 2012[2] ("Digital Migration Regulations"). The primary purpose was to solicit stakeholder input concerning the regulatory framework necessary to effectively manage the broadcasting environment following the Analogue Switch-Off ("ASO").

1.2. The Discussion Document considered key regulatory aspects, including technological advancements, spectrum allocation, licensing frameworks and consumer access to broadcasting services. Stakeholders were initially invited to submit written comments by 29 May 2024, however, this deadline was subsequently extended to 13 June 2024 in response to stakeholder requests. To further engage stakeholders and clarify their submissions, the Authority also held oral hearings on 28 June 2024.

1.3. Following this consultative process, the Authority published a Findings Document[3] summarising stakeholder submissions and discussions, highlighting significant regulatory opportunities, challenges, and priorities identified during the Inquiry.

1.4. On 04 July 2025, the Authority published draft Digital Terrestrial Television (DTT) Regulations, 2025 (draft DTT Regulations)[4] under section 4(1)(a), (b), and (d), read with section 30(2) of the Electronic Communications Act, 2005 (ECA). The main aim of the draft Regulations was to develop a regulatory framework for the post-Analogue Switch-Off (ASO) digital terrestrial broadcasting environment.

1.5. The DTT Regulations are intended to give effect to the objectives set out in section 2 of the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("the ECA"), which include the efficient use and management of the radio frequency spectrum, the facilitation of universal and equitable access to broadcasting services, the encouragement of technological innovation and the promotion of a competitive and diverse broadcasting sector within the broader ICT landscape.

[1] Government Gazette No. 50329 — Independent Communications Authority of South Africa
[2] Government Gazette No.36000 — Independent Communications Authority of South Africa
[3] Government Gazette No.52392: Findings Document on Review of the Digital Migration Regulations
[4] Government Gazette No. 52946, published 04 July 2025.

1.6. Stakeholders were invited to submit their representations on the draft DTT Regulations by 15 August 2025. Further, public hearings were held at ICASA head office on 29 and 30 September 2025. Following the public hearings, stakeholders were requested to submit additional information, which the Authority received on 14 October 2025. This rigorous consultation was to ensure that the final regulations adopted are robust, inclusive, and aligned with South Africa's broader economic, social, and technological imperatives.

1.7. The purpose of this Reasons Document is to summarise the submissions (written and oral) by stakeholders in relation to the draft DTT Regulations and to provide reasons for decisions of the Authority.

1.8. The Reasons Document will focus on the Authority's consideration as well as on the sections of the draft DTT Regulations that interested parties made oral and written submissions on and the Authority's decisions thereto.

1.9. This Reasons Document accompanies the Digital Terrestrial Television Broadcasting Regulations, 2026, and sets out the rationale, objectives and intended effects of the proposed regulations.

1.10. The Authority acknowledges and values the ongoing participation and constructive input from stakeholders, which are essential to achieving a balanced regulatory environment conducive to the sustainable growth and development of South Africa's digital broadcasting landscape.

2. LEGISLATIVE AND POLICY FRAMEWORK

2.1. In terms of section 4 of the ECA, the Authority may make regulations with regards to any matter in terms of this Act or the related legislation must or may be prescribed, governed or determined by regulation. Section 4(1)(a) empowers the Authority to make regulations regarding any technical matter necessary or expedient for the regulation of all licensed services as identified in Chapter 3 of the ECA. Section 4(1)(b) provides that the Authority may make regulations on any matter of procedure or form which may be necessary or expedient to prescribe for the purposes of this Act or the related legislation. In terms of section 4(1)(d), the Authority may make regulations regarding the control of the radio frequency spectrum, radio activities and the use of radio apparatus.

2.2. Section 30(2)(d) requires the Authority to "plan for the conversion of analogue uses of the radio frequency spectrum to digital, including the migration to digital broadcasting in the Authority's preparation and modification of the radio frequency spectrum plan".

3. THE SCOPE

3.1. The objectives of these regulations are to establish a regulatory framework for the provision of digital terrestrial television following the analogue switch-off. With the analogue switch-off date still unannounced, it is the intention of the Authority to be forward-looking and shift regulatory focus from enabling the migration as was the case in the 2012 process to the regulatory management of a fully digital terrestrial broadcasting environment by prescribing the conditions applicable to the allocation of capacity in a multiplex and processes of channel Authorisation.

3.2. Further, the regulations introduce the concept of a Multiplex Operator, which is intended to manage and facilitate access to multiplex capacity and to establish and operate the associated DTT transmission network. This proposal supports the potential introduction of a regime comprising small provincial Single Frequency Networks (SFNs) and Multi-Frequency Networks (MFNs), aimed at enhancing spectrum use efficiency.

4. PURPOSE OF THE REASONS DOCUMENT

4.1. The purpose of this Reasons Document is to delineate the reasons for the Authority's decisions, as expressed in the final Digital Terrestrial Television Regulations.

4.2. The Authority's decisions follow due consideration of the submissions made by stakeholders in relation to the draft Regulations.

4.3. Those submissions that the Authority accepts/agrees with are not necessarily set out in full detail below. However, those that have not been adopted in the final Digital Terrestrial Television Regulations are addressed, and the reasons for the Authority's decisions are delineated below.

5. DEFINITIONS

5.1. Digital Broadcasting

Sentech submits that the draft DTT Regulations define digital broadcasting only as terrestrial, excluding satellite, cable and IP-based digital broadcasts, which are widely accepted forms of digital broadcasting in global standards and practices. Sentech advocates for the definition alluded to in the ITU Handbook on Digital Terrestrial Television Broadcasting Networks and Systems Implementation (2016 edition).

The Authority's reason

The Authority has decided to use DTTB in the relevant provision to avoid ambiguity and for greater specificity.

"Broadcasting" is aligned to ITU Recommendation ITU-R BT.2144-0 (05/2022) Guidance for the introduction of new DTTB systems, technologies and applications in the broadcasting service. This Recommendation provides guidance for the introduction of new Digital Terrestrial Television Broadcasting (DTTB) systems, technologies and applications in the broadcasting service.

5.2. Fourth generation Moving Picture Experts Group (MPEG-4)

Sentech proposes the following definition for MPEG-4:

"fourth generation Moving Picture Experts Group (MPEG-4)" means a digital video and audio compression standard, ISO/IEC 14496, enabling efficient encoding, compression, and transmission of multimedia content (video, audio, subtitles, etc.) and widely used in digital television broadcasting, video streaming, and mobile media.

The Authority's reason

The Authority has maintained the existing definition on the basis that it is sufficient for regulatory purposes. The retained definition is aligned to ITU-T Recommendation H.264 (MPEG-4/AVC), it provides adequate clarity, and is adopted globally as international best practice.

5.3. Second-generation digital terrestrial television broadcasting system (DVB-T2)

Sentech proposes the following definition for DVB-T2:

"Second generation digital terrestrial television broadcasting system (DVB-T2)" means a standard for digital terrestrial television broadcasting, offering significant benefits compared to DVB-T (EN 300 744 [i.18]).

The Authority's reason

The Authority has decided to retain the original text as proposed in the draft regulations, as this approach ensures continued alignment with the ITU Handbook Manual while avoiding the need to amend the regulations each time the ITU updates its definitions.

5.4. Multiplex 1 to 7

Sentech proposed the definition of Multiplex 1 to 7 to align with the Terrestrial Broadcasting Frequency Plan 2023 (as amended).

The Authority's reason

The Authority has decided to accept the recommended definitions and align them to the Frequency Band 470 to 694MHz.

6. REGULATION 2: PURPOSE OF THE REGULATIONS

6.1. Regulation 2

The purpose of these Regulations is to: -

a) allocate capacity in the Radio Frequency Spectrum Assignment Plan for the Frequency Band 470 to 694MHz comprising of Seven (7) Multiplexes for the provision of digital terrestrial television in South Africa;
b) prescribe the conditions applicable to the allocation of capacity in a multiplex;
c) prescribe the procedure for the submission of applications for digital television channels authorisation on multiplexes; and
d) prescribe the procedure for the operation of the multiplex by Multiplex Operator(s);
e) prescribe the procedure for the appointment of a Signal Distributor(s).

Written and oral representations

eMedia submits that DTT has not achieved meaningful traction in South Africa and faces declining relevance internationally. Given the delays in digital migration in South Africa, which have left the country in a position to rethink digital migration and the future of broadcasting, their stance is that these Regulations may not exist in the future. As a result, the draft Regulations are therefore premature.

MMA is particularly concerned that there are no provisions for local content and independent production for DTT, as these are not among the draft DTT Regulation's purposes.

SOS believes that the 2025 draft DTT Regulations do not sufficiently focus on the importance of public interest content, audience needs, and the protection of the public's right to universal access to a range of broadcasting services. They propose that the objectives of the Regulations include a clause that highlights the need to provide a framework to ensure that audience needs and expectations are met by ensuring universal access to choice and quality programming across all three tiers of the broadcasting ecosystem.

SOS submits that any future regulation of digital television broadcasters should recognise the fact that, in addition to Direct-to-Home (DTH) and Digital Terrestrial Television (DTT), the ecosystem traditionally comprising legacy broadcasters now includes unlicensed online streaming platforms and Over-the-Top (OTT) services. All traditional broadcasters now make their services available across all three of these platforms, and consequently, any new regulatory framework being considered by the Authority needs to make provision for this reality.

ACT-SA is of the view that the role of DTH is ignored, as it is no longer a gap filler as proposed by the BDM. It may not be necessary for the Authority to regulate the DTH space because it does not suffer from the same bandwidth restrictions and transmission limitations as DTT, nevertheless, it forms an important component of the digital TV environment.

ACT-SA pleads with the Authority to include Must-Carry provisions for commercial TV platform operators to carry community channels. ACT-SA references the policy shifts at Multichoice, which could exclude community broadcasters from DSTV coverage.

Should community channels lose their carriage on DSTV it would be devastating to the sector, which relies on DStv audience numbers for its sustainability.

The Authority's reason

The purpose of the Regulations is clearly outlined in the draft as mainly to allocate capacity and prescribe the framework for DTT post-ASO. The draft regulations are technology-neutral and do not prevent broadcasters from using complementary technologies, including DTH, where they have been assigned capacity. These regulations remain relevant.

It is the Authority's view that DTT as an application is current and relevant. DTT is an application of broadcasting that uses terrestrial radio frequencies that is allocated in the National Radio Frequency Plan. This enables viewers to view DTT on the terrestrial platform. It is upon this National Radio Frequency Plan that all assignments made by the Authority have to be based. It is also based on the South African Terrestrial Broadcasting Frequency Plan, which is governed by the ITU Geneva 2006 agreement. According to section 34 of the ECA, South Africa has to conform to those international agreements.

In relation to the submission for the Authority to include the regulation of Local Content and must carry in these Regulations, it is the view of the Authority that the Local Content Regulations of 2016 address the issues of Local Content in a multichannel environment and the Must Carry obligation is legislated for carriage of public broadcasting and not any other tier of broadcasting. It is on this basis that the existing regulations are considered sufficient to address local content and must carry.

7. REGULATION 3: FRAMEWORK FOR DIGITAL TERRESTRIAL TELEVISION

7.1. Regulation 3(1)

Digital Terrestrial Television must use the DVB-T2 standard and the MPEG-4 compression standard or any advanced compression standard.

7.1.1. Written and oral representations

The **DCDT** submits that the regulation must include the word *"any other compatible advanced compression standard".* This is to align the compression standard with the transmission standard, ensuring set-top boxes and televisions meet quality standards.

Secondly, the regulation must refer to broadcasters who are obliged to deliver the compressed signal or the BSD that are obliged to deliver the signal, at this stage it is unclear.

SOS supports DVB-T2 and MPEG-4 but also suggests the addition of DVB-S2.

Sentech states that the draft Regulations erroneously focus almost exclusively on traditional digital broadcasting via DVB-T2 in the 470–694 MHz band with MPEG-4 compression, thereby inherently limiting terrestrial television. The regulations mandate DVB-T2 and MPEG-4, which were cutting-edge in 2012–2015 but are now being overtaken by IP-based, hybrid, and OTT platforms. Therefore, the draft Regulations overlook the global shift toward hybrid, mobile-friendly, and immersive media consumption, focusing on efficiency, flexibility, and seamless platform integration. The draft Regulations do not account for next-generation standards like DVB-I (Internet-integrated) or HbbTV (Hybrid Broadcast Broadband TV), which many countries are adopting.

Sentech suggests that sub-regulation 3(1) be revised as follows: *Digital Terrestrial Television can use any digital standards and any advanced compression standard, on the condition that the final stream for delivery over terrestrial transmission networks falls within the 8 MHz channel bandwidth in compliance with Annex J of the Terrestrial Broadcasting Frequency Plan, as amended*.

The Authority's reason

The draft Regulations refer to the use of DVB-T2 standard and the MPEG-4 compression standard or any advanced compression standard, which the Authority believes is wide enough to accommodate any future compression standards.

Additionally, the DTT as an application of broadcasting does not limit the evolution of technologies. The evolution of technologies will continue as the standards also change within the DTT platform. Therefore, DTT as an application will continue to be relevant in the digital domain.

7.2. Regulation 3(2)

The digital broadcast of terrestrial television broadcasting services may be in SDTV mode or HDTV mode, or any advanced version of these standards.

Sentech advocates for the removal of sub-regulation 3(2), as there is no need for the Authority to state television or video systems. Broadcasters should have the freedom to choose, as the type of content very much influences which television/video format is preferred, because different formats handle motion, detail, colour, and bandwidth needs differently. It is important to note that it is no longer just about "better resolution" but about matching technical capabilities to the content's nature and audience expectations, including image quality and viewing experience.

The Authority's reason

The Authority has decided to retain regulation 3(2) because it does not limit a broadcaster to any transmission standard they wish to use (e.g., SDTV, HDTV) but instead requires that broadcasters use systems that are compatible with the transmission standard and states a principle that systems must support a good quality of experience and efficient use of spectrum.

7.3. Regulation 3(3)

Where any capacity in Muxes is allocated under these Regulations to a television broadcasting service licensee, and the licensee does not fully utilise that capacity for content provision within thirty-six (36) months of capacity authorisation, the unutilised portion of the allocated capacity shall be forfeited and reallocated by the Authority as it deems appropriate in accordance with section 31 (9) of the ECA.

DCDT believes that the Draft regulations confuse the allocation of capacity in Muxes with the grant of an RFS License in relation to the frequencies to be used in Mux.

eMedia is concerned with the suggestion that a licensee will forfeit any unutilised capacity assigned to it after 36 months. eMedia's view is that the issue of unutilised capacity, where a broadcaster has been allocated a complete multiplex, takes on a different slant from where a Multiplex may be shared. However, the principles to be applied should be similar, offering a greater flexibility rather than an inflexible "use it or lose it" approach.

MMA states that giving broadcasters 36 months to use multiplex (MUX) capacity is too long and will result in unused MUX capacity, which could be reallocated to other/new licensees to promote one of the key objectives of the Electronic Communications Act, 2005 (the ECA), namely "ensuring efficient use of the Radio Frequency Spectrum" – s2(e). They recommend that the MUX utilisation deadline be reduced from 36 months to 24 months in line with the "Commencement of Operations" provisions contained in clause 5(1)(b) and (c) of the Standard Terms and Conditions for Individual Licensees Regulations, 2010 as amended.

SOS supports the *"use it or lose it"* principle but suggests shortening the timeframe to 18-24 months. This approach would optimize the use of the Mux.

Sentech requests that the Authority review the timeline specified as thirty-six (36) to twenty-four (24) months, to balance the cost implication of a partially complete multiplex. According to Sentech, the cost of operating a network multiplex is fixed and not based on capacity usage.

Additionally, Sentech suggests that the Authority should include the following, as part of Regulation 3:

"Where multiplex capacity remains unused pending the allocation of permanent licensees, the Authority shall permit the multiplex operator to temporarily occupy such capacity, subject to approval, to offset operational costs and ensure efficient spectrum utilisation. Such assignments shall be limited in duration and must comply with relevant content and technical standards".

This transitional proposal is crucial because of the time it takes the Authority to license new broadcasters. The transitional capacity assignment is a cost-offsetting tool that encourages revenue generation, improves return on investment, and maintains high multiplex capacity utilisation, and reduces costs.

The **SABC** requests that the Authority exercise leniency in the punitive measures for the under-utilisation of allocated spectrum. The 36 months prescribed for the "use it or lose it" principle is not in line with the future expansion prospects of a Public Broadcaster. A special dispensation should be extended to the Public Broadcaster to provide services relevant to the public as and when the need within the allocated spectrum at any given time.

While this timeframe may be reasonable for commercial operators with private funding streams and light-touch licence obligations, it is not always feasible for the SABC due to external factors outside its control, including:

- Financial constraints: The SABC depends on a combination of TV licence fees, government support, and advertising revenue, which may delay channel launches or infrastructure investment.
- Policy dependencies: Roll-out is often tied to government-led processes such as digital migration or spectrum re-farming, which are outside the broadcaster's control.
- Public interest obligations: The SABC's programming and channel strategies must meet diverse language and educational requirements, which involve longer planning horizons than purely commercial ventures. Ultimately, it is important to remember that public services outweigh commercial efficiencies and therefore, the SABC role goes beyond maximising the use of the spectrum at any given point in time. The SABC serves public interest goals that require flexibility to ensure that the Corporation can reserve space for regional services, new formats, education and children's content. Thus, SABC needs spectrum flexibility to support the ever-evolving public service delivery.

The SABC also opposes the proposal of the temporary allocation of the SABC's spectrum to another broadcaster. Temporary allocation of spectrum to other broadcasters risks long-term inefficiencies, as it can take a television service many years to become commercially viable, and there is no commercial broadcaster who would risk investing in a TV service temporarily.

SASFED recommends reducing the 36 months of unutilised broadcast capacity to 18–24 months. This adjustment aims to prevent dominant players from "warehousing" spectrum and holding exclusive rights without launching new services. By shortening this period, SASFED believes it will accelerate the recycling of opportunities, enabling new channels including those run by or allied with independent players to enter the market sooner. This would create more chances for the independent production sector to launch channels and supply programming.

The Authority's reason

The Authority's view is that the period stated in the standard terms and conditions refers to the commencement of broadcasting, while the provision of 36 months in the draft Regulations refer to the full usage of the allocated spectrum. The Authority decided to retain the provision of 36 months as stated in regulation 3(3), taking into consideration the time and process of content acquisition, and the current practice whereby broadcasters mostly request additional time to fully utilize the allocated capacity, which has allowed them to apply for an extension to the Authority.

The Authority did not adopt the proposal to allow a multiplex operator to temporarily utilise unused spectrum. The Authority reasons that such an arrangement would create regulatory and practical difficulties, including that the use of such capacity by a Mux operator for broadcasting services would require a service license. The Authority's view is that this would complicate implementation, including in instances where a broadcaster has been allocated capacity but is not yet ready to commence broadcasting content.

The Authority also did not adopt the recommendation for a special dispensation for the public broadcaster. The 36-month period is sufficient to accommodate the practical realities faced by broadcasters, including the time required to commence and fully utilise allocated capacity. The Authority therefore decided to retain a uniform approach in the Regulations, which also supports efficient use of spectrum.

The Authority does not agree that the Regulations confuse the allocation of capacity in a multiplex with the grant of a radio frequency spectrum licence

7.4. Regulation 3(5)

A television broadcasting service licensee that is allocated capacity on Multiplex 1-6 in terms of these Regulations may use its capacity for the provision of DTTB or other services, which the television broadcasting service licensee is authorised to provide, in accordance with the procedures prescribed by these Regulations.

The Authority's reason

The Authority had previously provided that this clause would apply to Multiplexes 1 to 5, because Multiplexes 6 and 7 were at the time reserved for trial purposes. However, following the allocation of Multiplex 6 to community broadcasting services, Multiplex 6 is no longer reserved for trials. The Authority has therefore amended the provision to refer to Multiplexes 1 to 6, in order to reflect the current allocation framework and to provide regulatory clarity. A television broadcasting service licensee that is allocated capacity on Multiplex 1-6 in terms of these Regulations may use its capacity for the provision of DTTB or other services, which the television broadcasting service licensee is authorised to provide, in accordance with the procedures prescribed by these Regulations.

8. REGULATION 4: MULTIPLEX ALLOCATION

8.1. Regulation 4(2)

The regulation proposes that up to eighty-five percent (85%) of Mux 2 be allocated to the incumbent commercial FTA broadcasters (e.tv) and fifteen percent (15%) to community broadcasters.

ACT-SA submits that the Multiplex 2 allocation of 15% will not be sufficient to enable community TV to broadcast in High Definition (HD). They propose that the Authority revisit the current Mux allocation framework and increase community TV capacity to at least 20–30% of a Multiplex. This will enable one HD service (8–10 Mbps) per Community TV broadcaster expand into supplementary services (e.g., datacasting, multi-language audio, local radio stations) and improve sustainability and competitiveness of the community TV sector.

According to ACT-SA, all community TV stations are either ready or almost ready for HD transmission (agreement with Multichoice and SABC). There is no significant barrier to community channels transmitting HD in terms of their own capacity, and the only impediment is the limitations of the current DTT architecture. Based on their experience operating in the economic environment of community broadcasting, it is believed that no more than two community TV channels per province are feasible due to competition for scarce resources, and that the multiplex architecture should be adjusted accordingly, along with the licensing regulations for community television.

Therefore, they support SENTECH's request for a MUX of its own, which should thus cater for only two community channels per province if the MUX is to be provincial in scope.

eMedia believes that it is not conducive for e.tv to share a Multiplex with community broadcasters, as e.tv has different licence obligations to community broadcasters. Therefore, allocating 15% of Mux 2 to community broadcasters limits e.tv's ability to expand into HD broadcasting. The same reasoning concerning the sharing of a Mux between the SABC and community broadcasters applies equally to e.tv. therefore, the reallocation discriminates against e.tv.

Additionally, eMedia states that the Authority's initial allocation of Mux capacity was based on Standard Definition (SD). SD is no longer relevant anywhere in the world, and HD has become the entry-level offering to viewers. Many viewers now own an HD flat-screen television set and view content of their choice in HD. To make the DTT platform as attractive as DTH, broadcasters will have to offer their channels in HD and compete with the wider multi-channel offering available via DTH.

e.tv has only been allocated 85% of Mux 2. This means it can only offer, at most, 5 HD channels – one more than it currently provides. This is not a compelling offering for existing or new television broadcasters, nor is it a major incentive for consumers to invest in a DTT STB. e.tv believes that it should be allocated 100% of Mux 2 and at least 30% of Mux 3, which, according to the Authority in its Explanatory Memorandum, has been reserved for private FTA incumbents of which e.tv is now the only one.

MMA is concerned about limiting community TV to only 15% of Mux 2. They believe this allocation does not make any provisions for future community television broadcasting services. They recommend that the carriage of existing public, commercial, and community sound broadcasting services be specifically provided for in the Draft DTT Regs, and that allocations to appropriate multiplexes be made accordingly in regulation 4.

SASFED expresses concern about the allocation of 85% of Multiplex 2 (Mux 2) to e.tv, arguing that this concentration risks reinforcing incumbents' dominance and limiting opportunities for new entrants, community broadcasters, and the independent sector. They call for a rebalancing of Mux 2 to guarantee at least 30% capacity for community

broadcasters, along with a transparent allocation method that includes open calls, provincial/regional balance, cost-oriented carriage tariffs, and a "use-it-or-lose-it" policy for idle capacity. SASFED believes this approach would promote diversity, fair competition, and greater inclusion of underrepresented groups in the broadcasting landscape.

Sentech is concerned that the Authority is not addressing the challenges currently experienced within DTT on the sharing of multiplex capacity misalignments caused by Provincial SFNs. Sentech advocates for dedicated multiplex allocation by broadcaster category. The Authority should, where technically and economically feasible, inter alia: assign full multiplexes to public, commercial, and community categories independently within each SFN; and align the assignment with anticipated demand and scalability, using flexible licensing structures to allow new entrants to occupy vacant capacity. If it is not possible to assign full multiplexes, the Authority should allow the multiplex operator to use spare capacity on a transitional basis subject to annual capacity audits.

Pending ICASA's finalisation of the licensing process for unassigned MUX capacity, the final DTT Regulations must allow the multiplex operator to temporarily utilise spare capacity for commercial services (e.g., test channels, short-term leases, value-added services). This approach contributes to sustainability by offsetting fixed operational costs, and usage should be subject to transparent reporting and revocation once ICASA issues new capacity licenses.

SOS supports the allocation of two full Muxes to SABC and seeks assurance that the 15% allocation of Mux 2 indeed translates into capacity to distribute existing and future community television broadcasters in every province.

The Authority's reason

When deciding on multiplex allocation, the Authority based its decision on the available infrastructure. Currently, there is infrastructure on Mux 1 and 2, while infrastructure in Mux 3-7 is yet to be built. This allocation ensures that broadcasters are allocated capacity in the current environment as well as in the future. In finalising the Regulations, the Authority has decided to maintain sharing between etv and Community Broadcasters in Mux 2, however, revised capacity allocation to 80% for etv, and 20% for community broadcasters. The regulations further allocate additional

capacity within future multiplexes, subject to infrastructure availability, thereby creating an enabling environment for commercial free-to-air broadcasting service licensees to expand their service offerings where there is demonstrated demand, while promoting efficient utilisation of the DTT.

8.2. Regulation 4(4)

Free-to-Air broadcasting service licensee must not exceed fifty-five per cent (55%) of the available capacity of Multiplex 3 to broadcast their television channels.

DCDT alludes that Kwese is an inactive licensee thus they should not be endowed with any rights in terms of the Regulations. It is unclear to the DCDT how they have not lost their licence despite being inoperative.

eMedia also states that although initially granted an FTA licence, KWESE no longer operates. eMedia maintains that there should be no such reservation for future FTA broadcasters on Mux 3. Further, eMedia presumes that, over 27-year period since 1998, only two FTA broadcasters have been licensed. One was unable to compete in the changing broadcasting sector and audiovisual service environment; therefore, it is unlikely that the introduction of any new FTA broadcaster will be possible. If a new FTA broadcasting licence is granted, it will be many years away, given the process which will need to be followed before such a licence is granted (A position paper for comment, a findings document, and then a competitive application process).

SOS asks for clarification on the status of Kwesé. SOS is also seeking clarity on which "FTA television broadcasting service licensees" ICASA is referring to in Mux 3.

The Authority's reason

The Authority notes the submissions regarding the status of Kwesé Free TV (Pty) Ltd. While it is a matter of public record that the licensee is currently not operational, the licence has not been formally revoked in terms of the Act. The Authority is required to follow due process in respect of any compliance or enforcement matters, including consideration by the Complaints and Compliance Committee (CCC), before any determination regarding the status of a licence can be made.

References to "FTA television broadcasting service licensees" in the context of Mux 3 are forward-looking and refer to existing and any future licensed free-to-air television broadcasting service licensees

8.3. Regulation 4(6)

A television broadcasting service licensee that is assigned capacity on Multiplex 3 in terms of sub-regulation (1) may use its capacity on Multiplex 3 for the digital broadcasting of any digital television channels, which the television broadcasting service licensee is authorised to provide, in accordance with the procedures set out in regulation 5.

8.3.1. Written and oral representations

The **DCDT** proposes a deletion of the reg 4(6) *"A television broadcasting service licensee that is assigned capacity on Multiplex 3 in terms of sub-regulation (1) may use its capacity on Multiplex 3 for the digital broadcasting of any digital television channels, which the television broadcasting service licensee is authorized to provide, in accordance with the procedures set out in regulation 5."* – this is because the regulation repeats the provisions of regulation 5.

The Authority's reason

Regulation 4 and regulation 5 serve distinct but complementary regulatory purposes. Regulation 4 governs the assignment and utilisation of multiplex capacity, whereas regulation 5 governs the process for authorisation of digital television channels. Regulation

8.4. Regulation 4(8)

One hundred percent (100%) of the available capacity on Multiplex 4 is allocated to commercial subscription broadcasting television service licensee(s), subject to the publication of the Invitations to Apply for a Radio Frequency Spectrum Licence to be issued in terms of regulation 7 of the Radio Frequency Spectrum Regulations.

The **DCDT** proposes that the sub-regulation be reworded and seeks clarity on the basis upon which the allocation is to be divided. Specifically, the DCDT questions whether the division is intended to occur on a proportionate basis and submits that, if so, the clause should expressly stipulate this in order to avoid ambiguity.

According to **eMedia**, in the Findings Document, the Authority recognised that as the "key subscription broadcaster" had surrendered its Mux capacity, this created "an opportunity to review the allocation process to better align with the needs of FTA broadcasters. Given that the only terrestrial subscription broadcaster recognised that there was no future in subscription broadcasting by terrestrial means and gave up its allocation of Mux capacity, the use by a commercial subscription broadcasting television service licensee of Mux capacity to broadcast terrestrially is so remote as to be impossible. This means that Mux 4 should also be allocated to FTA broadcasters and divided on the same basis as suggested above for Mux 3. The greater allocation of Mux capacity to FTA broadcasters, the greater the FTA broadcasters can compete in the current environment, and the greater the access of those reliant on FTA broadcasting, particularly the poor, to higher quality television and substantially more content.

The Authority's reason

The Authority does not agree that the sub-regulation requires amendment to stipulate a proportionate division of capacity. The sub-regulation allocates 100% of the available capacity on Multiplex 4 to commercial subscription broadcasting television service licensee(s) as a category, while it also makes clear that such capacity will be assigned through a competitive Invitation to Apply process in terms of the applicable spectrum framework. The competitive licensing mechanism determines allocation based on objective and transparent criteria and not on an automatic or proportional entitlement. Prescribing a proportional basis in the regulation would pre-empt the outcome of that process and undermine the principles of fairness, efficiency and competitive neutrality that govern spectrum allocation.

Further, while one subscription broadcaster has surrendered its capacity, this does not justify eliminating the licence category or reallocating Mux 4 to FTA broadcasters. The regulatory framework must remain forward-looking, technology-neutral and flexible to accommodate future market developments.

8.5. Regulation 4(8)

One hundred percent (100%) of capacity on Multiplex 6-7 is reserved for future innovation, wherein trials, experiments, and demonstrations can be undertaken in terms of regulation 40 of the Radio Frequency Spectrum Regulations.

DCDT suggests separating Mux 7 & 8.

eMedia has no problem with the manner in which Muxes 6 and 7 are to be reserved – i.e. for future innovation and trials. Based on the Authority's summary in the Findings Document regarding both challenges and opportunities for community broadcasters, there is more than sufficient capacity to accommodate community broadcasters in this manner (Mux 6 or 7 would be ideal and is available) with a recognition of, and sensitivity towards, the role community broadcasters play in the communities in which they broadcast and the cost implications of sharing a Mux with e.tv (or the SABC for that matter) as is currently proposed.

SASFED submits that the innovation-focused Multiplexes 6 and 7 should not simply serve as holding pens for deferred corporate experiments; instead, the Authority should ensure that participation in trials and pilots is genuinely accessible to independent and small-scale producers, with regulatory mechanisms for shared learning, knowledge transfer, and rapid scale-up of successful locally-driven innovations. SASFED further submits that Multiplexes 6 and 7 must have annual public reporting, with set quotas for experimental, regional, and underrepresented genres so that these multiplexes become launchpads for independent creators outside the metro mainstream. This will break the market grip of legacy broadcasters, create regular and transparent points of entry for an independent and transformative production sector, and guarantee South Africa's public assets - its spectrum - fuel diversity, redress, and sustainable sector growth.

The Authority's reason

The Authority has carefully considered the submissions and has structured Multiplex 6 and 7 to serve distinct but complementary public interest objectives. Further, in response to stakeholder submissions in 8.7 below, that the capacity available to community broadcasting services is insufficient, the Authority has expressly reserved Multiplex 6 for Community Broadcasting Services in the future. This is intended to provide dedicated capacity for community television services in the future, in

recognition of their role in promoting local expression, diversity and development. The provision that 20% of the capacity be shared within each Provincial Single Frequency Network is intended to ensure equitable access and cost efficiency within provinces.

Multiplex 7 is reserved for future innovation and trials in terms of regulation 40 of the Radio Frequency Spectrum Regulations. The Authority notes proposals for quotas, annual reporting and structured access for independent producers however, the regulation deliberately retains flexibility and discretion to assess applications on a case-by-case basis, taking into account the number, duration and scale of ongoing trials. This approach ensures that the spectrum remains a dynamic public asset, supporting community broadcasting, enabling innovation and ensuring long-term efficiency and adaptability in a rapidly evolving digital broadcasting environment.

8.6. Regulation 4(10 and 11)

(10) Community Terrestrial television broadcasting service licensees that are in Mux 2 will be moved to Mux 6 once it is operational.

(11) Subject to sub-regulation (10), the remaining twenty percent (20%) of the allocation in Mux 2 will be allocated to FTA broadcasting service licensee that is listed in item 9 of the Mux Allocation Table.

SASFED expresses concern about the allocation of 85% of Multiplex 2 (Mux 2) to e.tv, arguing that this concentration risks reinforcing incumbents' dominance and limiting opportunities for new entrants, community broadcasters, and the independent sector. They call for a rebalancing of Mux 2 to guarantee at least 30% capacity for community broadcasters, along with a transparent allocation method that includes open calls, provincial/regional balance, cost-oriented carriage tariffs, and a "use-it-or-lose-it" policy for idle capacity. SASFED believes this approach would promote diversity, fair competition, and greater inclusion of underrepresented groups in the broadcasting landscape.

SOS supports the allocation of two full Muxes to SABC and seeks assurance that the allocation of 15% of Mux 2 indeed translates into capacity to distribute existing and future community television broadcasters in every province.

eMedia submits that it has no problem with the manner in which Muxes 6 and 7 are to be reserved, i.e. for future innovation and trials. Based on the Authority's summary in the Findings Document regarding both challenges and opportunities for community broadcasters, eMedia submits that there is more than sufficient capacity to accommodate community broadcasters in this manner (Mux 6 or 7 would be ideal and is available) with a recognition of, and sensitivity towards, the role community broadcasters play in the communities in which they broadcast and the cost implications of sharing a Mux with e.tv (or the SABC for that matter) as is currently proposed.

The Authority's reason

The Authority has decided to maintain the sharing arrangement on Multiplex 2, while also allocating Multiplex 6 to community broadcasting services in the future. In the Authority's view, this approach supports the continued accommodation of community broadcasters in the current framework, while creating additional capacity for future expansion of the community broadcasting sector. This approach also responds to stakeholder concerns regarding access to capacity by community broadcasters. Once community broadcasters vacate Multiplex 2, the remaining capacity on that mux will be available for use by the FTA broadcasting service licensee, effectively bringing the multiplex sharing challenges to an end.

9. REGULATION 5: CHANNEL AUTHORISATION PROCEDURE

9.1. Regulation 5 (1)

A television broadcasting service licensee that has been assigned capacity other than a broadcasting service licensee which provides a community broadcasting service, must make an application in writing to the Authority for authorisation to broadcast a specific digital television channel on the multiplexes.

9.1.1. Written and oral representations

DCDT opposes the channel authorisation procedure, stating that it seems to be inappropriate post-ASO, and questions the need of such in a post-digital multichannel environment.

MMA states that draft Regulations exempt community TV from the requirement to apply for channel authorisation to broadcast a specific digital television channel on

multiplexes. MMA submits that if community TV is restricted to one channel, it's unfair and contradicts the provisions of draft Regulation 8(4), which authorise all terrestrial television broadcasting service licensees to provide multi-channel broadcasting services. Multi-channel community television broadcasters would contribute to the diversity of the overall broadcasting ecosystem, and the draft DTT Regulations should provide for the possibility of such multichannel community broadcasters.

9.2. Regulation 5(2)

In the interest of procedural fairness, the Authority may invite public comments and conduct a public hearing in relation to an application to authorise a digital television channel in terms of sub-regulation (1).

DCDT is of the view that there is no need for public hearings and questions their necessity. Further, the DCDT submits that the process must be more efficient by eliminating such hearings.

eMedia is concerned that the draft Regulations propose a highly cumbersome channel authorisation regime in which the Authority can decide to hold public hearings following a channel authorisation application. eMedia states that the channel authorisation process should be the same as that set out in the Broadcasting Subscription Services Regulations and should follow the same procedure accordingly.

SABC submits that public hearings for channel authorisation will lengthen channel authorisation processes. The Authority must find a way to level the playing field and foster certainty, enabling broadcasters to be agile and responsive to audience needs. Public hearings may perhaps be held in exceptional circumstances where some clarification is needed.

9.3. Regulation 5(5)

An application in terms of sub-regulation (1) by a television broadcasting service licensee, which provides a free-to-air broadcasting service, must include.

SASFED submits that the Authority should amend Regulation 5 to require specific information from channel applicants with clear commissioning, fair terms of trade, supplier diversity, cash-flow, and discoverability commitments.

SASFED further submits that channel authorisation processes and ongoing conditions must be premised by setting clear quotas such as minimum percentages of newly commissioned, first-run South African content, disaggregated by independent supplier, region, black, women and youth ownership.

SASFED recommends that the Authority should require: (i) a cap on related-party commissions (by hours and spend) per channel per year; (ii) full disclosure of all group suppliers, with transfer-pricing/benchmarking policy; and (iii) annual audit of compliance, reported to the Authority. Every channel authorisation should include a Development and Slate Fund of no less than 3–5% of the annual content budget for scripts, pilots and proofs-of-concept, accessed via open calls with published timelines and feedback. Outcomes (projects advanced, producers supported, regional spread) must be reported annually to the Authority.

SASFED submits that, in addition to the information required by Subscription Broadcasting Regulations, all subscription service channel applications must disclose the planned share of South African-produced content (by hours and spend), specify what portion of new commissions will be offered to unrelated, independent, black, women, and youth-owned producers, include proposals for transparent and public commissioning windows, particularly for genres that build broad public value (factual, children's, regional language, etc.), set out measurable mentorship, training, and skills transfer plans for the independent sector. SASFED further recommends that the Authority should require annual public reporting on these commitments as a condition of ongoing channel authorisation.

The Authority's reason

The Authority assessed stakeholders' input on the Channel Authorisation Procedure and decided to retain it in the Regulations not for every channel authorisation application, but rather where it is deemed necessary. In this regard, the Authority clarifies that a public hearing will not be convened for every channel authorisation application. Rather, a hearing will be held only where it is deemed necessary, particularly where the proposed channel content raises material public interest considerations and issues of compliance with content obligations. To that end, channel authorisation will still be relevant post ASO.

9.4. Regulation 5(7) and (8)

Sentech submits that there is a requirement for capacity for technical purposes, specifically, delivering software updates to DTT receiver devices (set-top boxes, integrated TVs). The engineering channel is for DTT receiving equipment manufacturers and/or broadcasters, i.e. manufacturers of set-top boxes or TVs, as well as broadcasters, who will be able to push firmware or software updates over the air.
The following wording is proposed:
An engineering service will be established by the common carrier on a Multiplex with the largest coverage area, designated by the Authority, to make available 4 Megabits per second (Mb/s) of capacity to be used by DTT receiving equipment manufacturers and/or broadcasters to broadcast software updates to DTT receivers. The 4 Mb/s will be allocated from the total MB/s of the broadcast transmission prior to the calculation of capacity for allocation to broadcasting services.

Sentech assumes a capacity of 4 Mbps is required: i.e. at least 20 STB manufacturers & 200 kbps (enhanced profile) per manufacturer for SSU. The assumption of STB manufacturers was premised on the number of entities linked to the USAASA process. It was also assumed that STB manufacturers for subsidised and retail FTA boxes will not be more than 20.

The Authority's reason

The Authority has included this provision to make express provision for an engineering service channel to support the effective operation and maintenance of the DTT environment, including the distribution of software updates to DTT receiving equipment. The Authority notes stakeholder submissions on the importance of reserving capacity for technical functions of this nature and agrees that such capacity should be excluded from the bandwidth available for allocation to broadcasting services.

10. REGULATION 6: SIGNAL DISTRIBUTION OF THE DIGITAL TERRESTRIAL TELEVISION SERVICES

10.1. Regulation 6(2)

Signal distribution services for digital broadcasting must be provided to each of the broadcasting service licensees by an ECNS licensee or licensees appointed in terms of Regulation 6.

eMedia advises the Authority that Regulation 6 will need to coincide with the Final Signal Distribution Services Regulations when they are promulgated following the upcoming hearings.

According to **SOS**, it is puzzling that the Authority intervenes in the commercial operation of a licensee where that licensee has not secured the services of a licensed ECNS licensee and to "publish an Invitation to Apply to ECNS licensees…". SOS is hard-pressed to understand the logic and motivation behind such a move.

The Authority's reason

The requirement that digital broadcasting signal distribution services be provided by an ECNS licensee appointed in terms of regulation 6 does not constitute undue intervention in commercial operations. This reflects the Authority's statutory mandate to ensure orderly, efficient and non-discriminatory use of spectrum. Broadcasting services rely on electronic communications networks for transmission and it is therefore both lawful and necessary that such services be provided by appropriately licensed ECNS operators.

10.2. Regulation 6(3)

A television broadcasting service licensee that cannot self-provide in terms of section 63 of the ECA must seek to conclude a commercial agreement with an ECNS licensee to provide signal distribution services.

10.2.1. Written and oral representations

MMA submits that the draft Regulations relating to the licensing of new ECNS licensees to provide signal distribution services lack clarity in circumstances where a DTT

licensee either does not wish, or is unable, to self-provide signal distribution services as contemplated in draft regulation 6(3), and where no ECNS licensee responds to a published Invitation to Apply (ITA). MMA further proposes that, in such instances, Sentech should be obliged to provide signal distribution services on a common carrier basis.

The Authority's reason

In terms of section 63(1) of the ECA, broadcasting service licensees are permitted to self-provide their broadcasting signal distribution only upon obtaining an electronic communications network services licence. In the absence of self-provision, a television broadcasting service licensee would be required to procure signal distribution services from a licensed ECNS licensee through a commercial arrangement. Imposing an automatic obligation on Sentech would amount to designating a default provider outside of the established licensing processes. Where no ECNS licensee responds to an Invitation to Apply, the Authority retains the discretion to assess appropriate regulatory interventions consistent with the ECA and the public interest however, this does not justify creating a blanket obligation in the Regulations.

10.3. Regulation 6(4)

The agreement in terms of sub-regulation (3) must be submitted to the Authority six (6) months after the commencement of these regulations, and must include:

(a) a roll-out plan in line with the coverage targets;
(b) a technical plan consistent with the broadcast frequency plan; and
(c) tariff structure for signal distribution.

The **DCDT** questions the inclusion of coverage targets and rollout obligations, regulation 6(4)(a). Further, the DCDT has questioned the purpose of the tariff structure, considering that the common carrier is no longer the only ECNS Licensee that can carry out signal distribution; an ordinary ECNS Licensee has no obligation to submit tariffs to ICASA without a regulatory obligation regulation 6(4)(c).

The Authority's reason

Signal distribution is not merely a private commercial arrangement, it directly impacts universal access, service continuity and spectrum efficiency. Accordingly, the Authority

must be satisfied that any appointed ECNS licensee has a credible and technically compliant deployment plan.

10.4. Regulation 6(5)

Where a terrestrial television broadcasting service licensee fails to comply with sub-regulation (4) or where the Authority is not satisfied that the ECNS licensee selected by an broadcasting service licensee will achieve the roll-out targets specified in its licence or the broadcasting signal distribution objectives specified in section 62 of the Act, the Authority may publish an Invitation to Apply to ECNS licensees, to apply for the provision of signal distribution services to the terrestrial television broadcasting service licensee.

DCDT has proposed the deletion of this regulation on the basis that it is unnecessary, given that this will be a commercial arrangement, no longer limited to Sentech. If so, why would ICASA want to determine which ECNS Licensee a broadcaster can use to carry out BSD if this a commercial arrangement.

DCDT adds that if it is not likely that any ECNS except Sentech is going to provide Signal Distribution, then there should be two sets of provisions in the regs, one dealing with Sentech and the other dealing with the other ECNS Licensees that might enter the market for BSD.

The proposal for the Regulator to invite other ECNS licensees to apply for the provision of services to broadcasters due to the failure to comply with signal distribution stipulations is viewed as interference with the operations of broadcasters and an illegal act. The SABC has reservations about this proposed action being followed in its entirety. Broadcasters should be independent to run their operations without interference from the Regulator.

SASFED recommends that the Authority open signal distribution to multiple ECNS licensees, regulated for fairness, non-discrimination, and capped pricing, to break the current market dominance held by a single provider (e.g., by Sentech). This would promote competition, reduce transmission costs, foster innovation, and support broadcaster diversity.

SASFED further recommends that all signal distribution agreements and tariffs be made public and audited for fairness and compliance. Transparent reporting would prevent anti-competitive behaviour—such as discriminatory pricing or preferential carriage—and ensure equitable access for smaller, independent, and public-interest broadcasters.

SOS is against the decision of the Authority in regulation 6(5) to intervene in the commercial operation of a licensee where that licensee has not secured the services of a licenced ECNS licensee and to "publish an Invitation to Apply to ECNS licensees, to apply for the provision of signal distribution services to the terrestrial television broadcasting service licensee". SOS seeks clarity to understand the logic and motivation behind such a move.

The Authority's reason

The sub regulation is a safeguard provision, triggered only where a broadcaster fails to comply with regulation 6(4) or where the selected ECNS licensee is unlikely to meet coverage and roll-out targets. In such cases, the Authority may publish an Invitation to Apply to ensure continuity of service, prevent spectrum underutilisation, and protect the public interest. This does not constitute unlawful interference or the designation of a preferred provider, but rather ensures a transparent and competitive mechanism where commercial arrangements fail to meet statutory requirements.

10.5. Regulation 6(8)

The Authority may, after considering the application(s) submitted in response to an Invitation to Apply published in terms of sub-regulation (5), and any other relevant information submitted, appoint an ECNS licensee to provide signal distribution services to the terrestrial television broadcasting service licensee in question subject to the applicable terms and conditions contained in the issued licence.

10.5.1. Written and oral representations

DCDT proposes the deletion of the provision and substitution with the following:
"A decision about an application shall be made within a period of ninety (90) days from date of submission, provided that this period may be extended by thirty (30) days if the number of applications warrants further time."

The Authority's reason

Regulation 6 prescribes the process for broadcasters to acquire agreements with a Signal Distributor if they are not able to self-provide for their broadcasting services and do not introduce any competition in the signal distribution market. The wording used in the draft regulations referring to the ITA process in regulation 6(5) was to give the Authority space to appoint a relevant signal distributor that will carry out the objectives outlined in regulation 6(4).

The appointment of a relevant Signal Distributor might not necessarily follow the competitive process of an ITA.

11. REGULATION 7: MULTIPLEX OPERATOR FOR THE DIGITAL TERRESTRIAL TELEVISION

11.1. Regulation 7(1) and (2)

A Multiplex Operator must provide the technical infrastructure for the terrestrial dissemination and bundling of digital programs and additional services contained in a digital data stream contributed by a Television and or Sound Broadcaster.
A Multiplex Operator must provide Digital Terrestrial Broadcasting, in particular DVB-T2, as well as mobile television.

DCDT has recommended the deletion of sub-regulations (1) to (4) on the basis that:

- The purpose of a mux operator is to provide the services specified in sub regulation 1, therefore, there is no need to list those obligations of Mux operator in the regulations;
- The term of mobile television is introduced for the first time in sub regulation 2, and it would be useful to consider placing that obligation mentioned in sub regulation 2 under regulation 3(1); and
- There is no need for sub-regulation 4 because it is already provided for in terms of the ECA.

SASFED raises concerns about the legal basis for licensing a DTT multiplex operator and requests clarity on the statutory framework for licensing a DTT multiplex operator, separate from existing IECNS/ECS frameworks, to ensure the preservation of open access and competition.

SOS submit that the revised DTT Regulations seem to introduce a new license category not explicitly supported by the Electronic Communications Act (ECA), unless it is intended to fall under an Individual Electronic Communications Network Service (IECNS) license; either way, this would still require a ministerial policy directive to proceed. SOS requests that the Authority provide further clarity on the rationale for establishing a distinct license category for the Multiplex Operator, if different from the Signal Distributor. We note that the introduction of a Multiplex Operator would need careful justification to ensure it adds value, promotes competition, and does not burden the sector with redundant licensing requirements.

Sentech suggests that the Authority must include provisions in the DTT Regulations to ensure that network integrity and service continuity are maintained. The DTT Regulations must require licensees to form a Technical Coordination Group to ensure ongoing operational oversight, interoperability enforcement, and sector-wide stability, making it easier and safer to evolve the DTT ecosystem. The current network was designed and implemented without considering multivendor multiplex operations for the ease of the plan. Operationally, a signal distributor is responsible for maintaining SFN, and with a multi-vendor system coupled with large SFNs, there is a risk of a technical scenario where transmission will not be achieved. SFN transmission operates in a bit-by-bit mechanism where all participating transmitters in an SFN cell must transmit the same data information on a data bit level. This mechanism will fail in a case where multiple off-site MUXs are targeting the same SFN cell. Timestamps originating from the MUX are very critical in achieving a good functioning SFN cell.
The following technical factors are recommended by Sentech:

- The multiplex equipment and the Programme Input Equipment (PIE) processing, including transmitter modulators, must be compatible.
- DVB-T2 Timestamps and Markers must be distributed and maintained for all broadcaster services occupying a multiplex.
- A multiplex must provide a scrambling functionality for cross-border Satellite Services. SENTECH uses the same encryption platform for both DTH and DTT distributions.
- SENTECH uses the encryption system for both DTH Gap-filler services (KU-Band) and Conventional DVB-T2 Modulator Interface (T2-MI) multiplexes (C-Band).

- It is crucial to note how services are decrypted at transmitter sites which plays a significant factor in SFN and Service availability.

Sentech submits that the proposed change in Regulation 7 brings about a challenge in operating a DTH-compatible network.

MMA requests clarity on the provincial DTT Multiplexer and licence terms, especially since broadcasters have different licence durations.

The Authority's reason

The Authority has revised regulation 7(1) to clarify that a Multiplex Operator is not a new or separate licence category, but an ECNS licensee assigned radio frequency spectrum for a designated DTT multiplex in terms of the ECA. This addresses concerns about the legal basis for the role and confirms that multiplex operations fall within the existing ECNS framework, without creating an additional layer of licensing. The regulation simply defines the responsibilities of the ECNS licensee operating the multiplex.

11.2. Regulation 7(4)

A spectrum license is required to operate a National DTT Multiplexer and/or a Provincial DTT Multiplexer (or part thereof).

MMA requests clarity with reference to draft regulation 7(4), to a "Provincial DTT Multiplexer" because the provisions of Draft regulation 4 of the Draft DTT Regulations make no reference to a Provincial DTT Multiplexer, and it is unclear what services would be provided for thereon as community television broadcasting services are to be carried on Multiplex 2 in terms of draft regulation 4(3) of the Draft DTT Regs which multiplex must, of necessity, be national in scope given that 85% of the capacity thereon is for etv.

11.3. Regulation 7(6)

Where an ECNS licensee is providing services referred to in sub-regulation 5 during the Broadcasting Migration Dual illumination period, the licensee may apply for an

amendment of their license in accordance with the Radio Frequency Spectrum Regulations.

DCDT suggests deletion of this sub-regulation as proposed on the basis that the Regulations do not deal with dual illumination, as it is only intended to come into force after ASO.

11.4. Regulation 7(8)

The Authority may determine, on good cause shown, that the frequency "Standard Application Procedure" process in accordance with regulation 5 of the Radio Frequency Spectrum Regulations.

DCDT sought clarification on the meaning of the provision as it suggests that any person may make an application for frequencies comprising a mux, but this does not read well with the requirement to authorise use of capacity.

11.5. Regulation 7(9)

The duration of the radio frequency spectrum licence for the Mux Operator shall run concurrently with the duration of the service license of the television broadcasting service licensee to whom it operates the multiplex.

MMA queries the provisions of draft regulation 7(9) of the draft DTT Regulations, which provides that the duration of the radio frequency spectrum licence for the Mux Operator shall run concurrently with the duration of the service licence of the television broadcasting service licensee to whom it operates the Multiplex. The obvious problem that may arise is that different broadcasters have different licence terms. The Multiplex operator, for example, provides services to both commercial and community television broadcasting service licensees. MMA respectfully requests that the Authority clarify this issue to avoid future confusion.

The Authority's reason

The Authority decided to retain the sub-regulations (4) to (9) on Multiplex Operator with the understanding that a Multiplex Operator has a different function from that of a Signal Distributor, which is responsible for the establishment, operation and maintenance of the transmission network associated with that multiplex, including the

aggregation and bundling of digital programs streams contributed by a licensed broadcasting service licensee (s).

12. REGULATION 8: GENERAL OBLIGATIONS

12.1. Regulation 8(1)

A terrestrial television broadcasting service licensee must ensure that an Electronic Programme Guide (a schedule of forthcoming available programmes broadcast by the licensee at defined intervals), and an Electronic Programme Information (information concerning the nature and content of programming) are made available to consumers for the programming broadcast on a particular channel.

12.1.1. Written and oral representations

ACT-SA states that practical implementation of the EPG is in the hands of the ECNS provider, in this case, Sentech. Currently not available for the community TV broadcasters on the DTT platform. They propose that there must be a corresponding obligation on the ECNS provider to implement the EPG service so that the information provided can be made available to the public.

SASFED recommends that the Authority establish clear Electronic Programme Guide (EPG) prominence rules that guarantee new, local, and independent content is easily accessible and not placed in obscure positions on digital guides. These rules should be developed with input from users, communities, and the independent sector. Additionally, SASFED calls for fair, transparent, and non-discriminatory access to all DTT data services, including EPG and service metadata for all broadcasters and channel providers.

SOS encourages the Authority to amend the regulations on the EPG, to promote the prominence and discoverability of public interest content.

The Authority's reason

The Authority retains this sub-regulation, as the obligation to provide accurate EPG and programme information properly rests with the broadcasting service licensee.

12.2. Regulation 8(2)

A terrestrial television broadcasting service licensee may provide data services and subject to agreement with the relevant channel provider, radio channels using the capacity allocated to it as per regulation (4), as the case may be, for the purpose of enhancing service to end-users.

ACT-SA submits that the regulations allow television broadcasters to transmit sound broadcasting services (radio stations) on their DTT signal. It is not clear how this affects the bandwidth capacity of the TV broadcaster's signal, and whether or not the ECNS provider would then charge an additional fee for this added service. The implications for both broadcasters and Sentech of providing this type of dual service should be clearly communicated.

MMA is of the view that the issue of the carriage of sound broadcasting services on DTT multiplexes is one of principle and cannot be left to the vagaries of the market, that is, to whether or not a commercial agreement between sound broadcaster and DTT broadcasting service licensee is reached as is provided for in draft regulation 8(2) and (3) of the draft DTT Regs.

MMA reiterates that the carriage of existing public, commercial and community sound broadcasting services be specifically provided for in the draft DTT Regulations, and that allocations therefor on appropriate multiplexes be specifically made in Regulation 4.

The Authority's reason

The Authority retains the provision permitting terrestrial television broadcasting service licensees to provide data services and, subject to agreement, radio channels using their allocated capacity. This enables efficient use of spectrum and allows broadcasters flexibility to enhance services to end-users within their assigned bandwidth. The inclusion of sound broadcasting services does not create additional spectrum entitlement; it remains subject to the capacity already allocated under these regulations and any associated transmission costs are a matter for commercial agreement with the ECNS provider.

The Authority believes that the framework allows, but does not compel, sound broadcasting arrangements, thereby preserving flexibility and market-driven

innovation while ensuring that spectrum allocations remain consistent with licensing conditions.

13. REGULATION 9: PENALTIES

13.1. Regulation 9(1)

A television broadcasting service licensee that contravenes regulations 4(2) to (5) and (9); 5 (3); 7 (1) to (9); and 8(1) to (3) is liable for a fine not exceeding five hundred thousand rand (R500 000) for each day that it is in contravention of such provision.

The **DCDT** has questioned the supporting precedent for the penalties reflected under this clause, as they are the same penal provisions in the 2012 and 2014 Regulations.

eMedia submits that imposition of a penalty on a broadcasting service licensee contravening Regulation 4(2) to (5) and (9) makes no sense. This is because Regulation 4 deals with Mux allocation. In the draft Regulations, Regulation 10 as it stands, contains a mechanism which penalises a broadcaster who does not utilise any Mux capacity allocated to it. The contemplation of a further penalty cannot be intended. There can be no plausible reason for a double penalty being imposed for a failure to utilise certain capacity.

Additionally, eMedia believes that lumping together for purposes of a contravention and penalty of all the Regulations under draft Regulation 7 is equally non-sensical. Further, draft Regulation 8(2) merely provides that a terrestrial broadcasting service licensee may provide data and radio services. There is no positive obligation in this draft Regulation and accordingly, it cannot be contravened. Its inclusion in this section is therefore erroneous.

SABC argues that penalties proposed for contravening the regulations are viewed as being too steep and propose that a proportionate fining mechanism should be employed for specific contraventions instead of a blanket fine being imposed. The nature of the offence should be proportionate to the penalty, e.g. a R500 000 penalty for not applying for channel authorisation might be deemed unreasonable.

The Authority's reason

In consideration of the comments received, the Authority decided to review the penalties as follows:

(1) A television broadcasting service licensee that contravenes regulations 5 (3) and 8(1) is liable for a fine not exceeding five hundred thousand rand (R500 000) for each day that is in contravention of such provision.

(2) An ECNS licensee that contravenes regulations 6 (2) and (9) is liable to a fine not exceeding five hundred thousand rand (R500 000) for each day that an ECNS licensee is in contravention of such provision.

Furthermore, the Authority has removed penalties relating to mux allocation in Regulation 4 (2), (5) and (9).

Penalties are decided by the CCC, and the amount stipulated is the maximum amount the Licensee can be fined. The CCC may recommend differently or lesser penalties

14. REGULATION 10: REPEAL OF REGULATIONS

The Digital Migration Regulations, 2012, and the Promotion of Diversity and Competition on Digital Terrestrial Television Regulations, 2014 will be repealed upon the publication of the Notice in the Government Gazette pronouncing the end of the dual illumination in terms of the Broadcasting Digital Migration Policy as amended.

The regulatory framework governing the transitional digital migration environment will no longer be applicable once the migration process has been completed and analogue broadcasting has been switched off.

15. INSERTION OF SCHEDULE 3 TO THE REGULATIONS AND DELETION OF SOME DEFINITIONS

The Authority has taken a decision to remove the names of the Broadcasting Services in the body of the Regulations. This is done to avoid a situation where the Authority would need to amend the Regulations each time a Broadcasting Service changes its name; goes into liquidation and/or losses its service license. To this end, the Authority

has adopted Schedule 3 to list the Broadcasting Services that will be allocated capacity in the various muxes. The Authority verily believes that this table in Schedule 3 will be less cumbersome to update each time there is a change in the status of a Broadcasting Service.

16. CONCLUSION

The Authority wishes to thank all stakeholders for their considered written and oral submissions, as well as their constructive engagement throughout this consultative process. The depth of the inputs received reflects the sector's commitment to strengthening South Africa's digital terrestrial television framework.

The Authority has carefully considered all representations in finalising these Regulations and appreciates the collaborative spirit in which many of the proposals were advanced. The Authority looks forward to ongoing cooperation in the implementation of this regulatory framework.