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## **EMEDIA (PTY) LTD SUBMISSION ON ICASA'S REVIEW OF THE DIGITAL MIGRATION REGULATIONS 2012.**

1. eMedia Investments (Pty) Ltd (“eMedia”) hereby makes its submission on the Independent Communication Authority of South Africa (“ICASA” or “the Authority”) Discussion Document on the Review of the Digital Migration Regulations (“the Discussion Document”).
2. The Authority published its notice of intention to conduct an inquiry on the Review of The Digital Migration Regulations, 2012 (“the Regulations”) in terms of section 4B of the ICASA Act 13 of 2000, under Notice 2385 of 22024 in Government Gazette No. 50329 on 22 March 2024.
3. eMedia is the holding company in respect of a wide range of broadcasting interests. These interests include:
  - 3.1. e.tv (Pty) Ltd – the first private free-to-air broadcaster in South Africa which operates in terms of an Individual Broadcasting Licence;
  - 3.2. e.sat (Pty) Ltd – which is the holder of a Subscription Broadcasting Licence and currently broadcasts to pay channels on the platform known as Openview;

3.3. Platco Digital (Pty) Ltd – which broadcasts Openview as a free-to-air satellite service;

3.4. YFM (Pty) Ltd – which has a Radio Broadcasting Licence and broadcasts on the FM frequency.

3.5. eVOD a video on demand service.

4. eMedia hereby requests an opportunity to make oral representations should the Authority decide to hold public hearings.

### **Preliminary Remarks and General Comments**

5. eMedia fully supports the Authority issuing the Discussion Document but does not support any amendment to the Regulations before the analogue television switch of (ASO) currently planned for 31 December 2024<sup>1</sup>. The reason for this is that the question as to when or whether ASO happens is uncertain given the various issues in relation to the implementation of ASO as set out more fully below. eMedia is nevertheless making this submission to assist the Authority in addressing certain important issues that must form part of any future regulatory framework for digital broadcasting. Some of the issues include questions about whether this new multi-platform, multi-channel digital television environment will be regulated with specific license conditions which are applicable for each channel or whether license conditions will apply and be measured across the television broadcasters' total channel offering?

6. eMedia is concerned that the envisaged review focuses on Digital Terrestrial Television (DTT) and not on digital television in a multi-platform, multi-channel environment. At present television broadcasters, including e.tv, have channels licensed with specific license conditions and other incentive channels which are authorized by the Authority. Further, the reference to a specific technology platform,

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<sup>1</sup> As announced by the minister of Communications and Digital Technology in GG No48793 dated 15 June 2023.

DTT, offends against the objectives of the EC Act which is to create a technologically neutral licensing framework.

7. eMedia notes that some of the questions and issues raised in the Discussion Document relate to purely policy, rather than regulatory matters. Several paragraphs in the Discussion Document refer to the draft Audio Visual White Paper as if it is already government policy although the authors of the Discussion Document recognize that they are still in draft form.
8. The Broadcasting Digital Migration Policy of 8 September 2008 and its subsequent amendments made provision for DTT as well as DTH satellite. The policy recognised that a combination of these two means of signal distribution are complimentary, and that, from a technical point of view, DTT networks are fed by the same signal (data stream) carried on the DTH platform. For those areas in the country with low population density, that are either difficult to reach by terrestrial broadcasting, or where constructing the necessary infrastructure to enable the transmission of terrestrial broadcasting to those areas is not economically viable, satellite DTH is the only means to achieve universal population coverage.
9. Since the footprint of the DTH platform covers almost 100% of total South African population regardless of where they reside, DTH will reach even those areas which are unable to receive terrestrial signals. Many viewers or potential viewers of television have also come to recognise that the DTH platform offers more Free-to-Air (FTA) television channels when compared to DTT (albeit that the DTH FTA channels provided by Openview require an initial financial outlay).
10. The digital migration policy stipulates an 84% population coverage for the SABC, on DTT Mux1. For the other 16% of the population that reside outside of the Mux 1 coverage, the only way to receive the SABC television channels would be via DTH. Furthermore, those that reside within the Mux 1 coverage area but outside the smaller Mux 2 coverage area would not be able to receive the eMedia television channels on the DTT platform; they would only be able to receive them via DTH.

11. eMedia holds the view that this, amongst other reasons, goes towards explaining why the DTT uptake has been so low compared to the DTH uptake in South Africa. Coupled with the ongoing, numerous problems associated with the government subsidised Set-Top-Box registration and installation project, low levels of awareness among many households and the continued non-availability of STBs in retail stores, the future of DTT in South Africa appears to be precarious at best or doomed to failure. This means that analogue television is here to stay alongside DTT for the foreseeable future. The fact that, by 31 December 2024, it is likely that more than four million households will still be reliant on analogue television to receive FTA channels, means that the announcement of 31 December 2024 as the ASO date is premature as it will deny these millions access to television. The continued existence of analogue terrestrial television needs to be taken into account in both the policy and regulatory environment. To the extent that migration continues, even if it co-exists with terrestrial television, eMedia maintains that the Authority undertakes this inquiry focusing on enabling the smooth migration
12. Finally, eMedia wishes to emphasise that what is required is enabling not restrictive regulation to encourage further investment in digital technology, promote innovation and to allow broadcasters to best meet the diverse needs of audiences throughout the country.
13. Several of the questions raised in the Discussion Document relate to policy issues rather than purely regulatory matters. To this extent, eMedia limits its responses primarily to those questions that it believes are relevant to the issues faced by broadcasters in the lead up to a ASO as and when it happens – if it can happen at all!
14. What follows are eMedia's responses to those questions it believes will assist the Authority in reaching its findings relating to the Discussion Document.

**Question 1.**

**In considering international practices such as the UK's competitive bidding for Multiplex allocation and Australia's mix of competitive allocation and licensing processes, what insights and recommendation do stakeholders offer for the assignment of Multiplexes in South Africa's DTT framework, aiming to ensure fairness, competition and sustainability within the three-tier system?**

**Response.**

The Authority states that individual licenses encompass those of national scope competing for limited frequency resources. Class licenses are categorized to make use of spectrum on a regional or local basis. The Authority's 7 Mux DTT frequency plan is based on province wide single frequency networks (SFN). For DTT this changes the coverage of class licensees from regional or local to provincial. This means that each community television broadcaster now competes for scarce frequency resources in major towns and metros. This will directly impact individual licensees such as e.tv. It is recommended that spectrum for class licenses needs to be updated in line with the present reality.

The ICASA digital migration regulations of 2012 made no provision for a Multiplex license as is the case in the UK and Australia. It only made provision for the three-tier broadcast system, Electronic Communications Service (ECS), and Electronic Communications Network Service (ECNS) licences. In South Africa multiplexing is done by the television broadcaster as well as Sentech, which multiplexes the multiplexed signal received from the broadcasters that share a Mux. The spectrum is co-assigned to the broadcaster and Sentech. In the analogue environment the spectrum was assigned to the broadcaster. Broadcasters were not prepared to have the spectrum assigned solely to Sentech. Broadcasters' main concern was that if the spectrum was assigned to Sentech, broadcasters would never have the opportunity to change to another broadcast signal distributor in the event that the Authority licenses a competitor to Sentech.

eMedia maintains that, at this stage, the current regime remain as it is and neither the UK or Australian models are adopted.

## **Question 2.**

**How do stakeholders perceive the current capacity allocations within the DTT Multiplexes, especially in Multiplex 1 where the SABC holds 85% and community broadcasting services have been allocated 15%?**

### Response.

eMedia does not have a strong view on the percentage allocation of Mux 1 to the SABC and community television broadcasters. The problem lies in the fact that the SABC is licensed as a national broadcaster and community broadcasters are licensed to cater for the needs of their respective local communities. For Sentech to operate large SFN's, each DTT transmitter must be exactly timed. To achieve this timing, the DTT transmitter network is fed via C-band satellite as a primary feed and Ku-band as a secondary feed. Delays have been built into the DTT transmitter network to ensure that a switch from C-band to Ku-band in the event of a C-band failure. As each Mux is satellite fed, the spectrum used by a community broadcaster in one province cannot be utilized in by another community broadcaster in another province. This situation is not spectrum efficient.

## **Question 3.**

**Similarly, in Multiplex 2, where e.tv initially had 50% and M-Net had 40%, with the remaining 10% used by temporary license holders and later divided equally between e.tv and M-Net, are there suggestions for improving the allocation in Multiplex 2?**

### Response.

From an eMedia perspective the percentage allocation remains an issue, although it is not the only issue. Another issue is sharing a Mux between a FTA television broadcaster and a subscription television broadcaster. In most other countries a full Mux is allocated to a particular broadcaster. There is no reason why, certainly insofar as FTA broadcasters such as e.tv are concerned, they should not be allocated a full

Mux. This is so especially when South Africa has the possibility of licensing and utilising all 7 Multiplexers.

Additionally, Mnet is a subscription broadcasters reliant almost exclusively on a decreasing number of legacy subscribers. New subscribers subscribe to one of the Dstv bouquets. It therefore appears that there is decreasing reliance within the Multichoice group on terrestrial television. There is no good reason why, in these circumstances, Mnet should have 45% of a MUX and e.tv 55% bearing in mind that e.tv is a FTA broadcaster in respect of which millions of viewers rely exclusively. e.tv also has coverage obligations in terms of its licence. Allocating 45% of a MUX to the elite where the option of Dstv exists, and little reliance is placed on Mnet as a subscription broadcaster, not only makes no sense, but prejudices e.tv and hence those reliant on FTA television, by limiting the number of possible incentive channels. This needs to be reassessed and catered for going forward.

A further issue that broadcasters would have to deal with would be the signal distribution tariffs charged by Sentech for additional Mux capacity. See our response to questions 13 and 14 below in this regard.

#### **Question 4.**

**For Multiplex 3, where 55% is assigned to commercial free-to-air television broadcasting services and 45% to commercial subscription broadcasting services, and considering the specific license awarded to Kweze Tv for 55% of MUX 3 capacity, what are stakeholders' perspectives on the balance between free-to-air and subscription services?**

#### Response.

Mnet is a subscription broadcasters reliant almost exclusively on a decreasing number of legacy subscribers. New subscribers subscribe to one of the Dstv bouquets. It therefore appears that there is decreasing reliance within the Multichoice group on terrestrial television. There is no good reason why, in these circumstances, Mnet should have 45% of a MUX and e.tv 55% particularly as e.tv is a FTA broadcaster in respect of which millions of viewers rely. e.tv also has coverage obligations in terms of its licence. Allocating 45% of a MUX to the elite where the option of Dstv exists and little reliance is placed on Mnet as a subscription broadcaster not only makes no

senser, but prejudices e.tv and hence those reliant on FTA television as it limits the number of possible incentive channels. This needs to be reassessed and catered for going forward. Mux 3 is now available for subscription broadcasters but percentages of a MUX to be allocated should be based on viewership.

#### **Question 4.1.**

#### **Are there recommendations for ensuring diversity and competition within this Multiplex?**

##### Response.

Regarding diversity and competition matters eMedia wishes to draw the attention of the Authority to the 2014 Promotion of Diversity and Competition on DTT Regulations. Those regulations are meant to be read together with the 2012 DTT regulations, and these have not been referenced in any way in the Discussion Document. eMedia recommends that terrestrial subscription television broadcasters share a Mux and that free- to- air broadcasters are accommodated on separate Muxes with greater capacity than subscription broadcasters given the continued role of FTA broadcasting which will continue to service the millions who will remain unable to afford to subscribe to any broadcasting service. There should be no mixing of free-to-air and subscription broadcasters on any Mux.

#### **Question 5.**

#### **Overall, what considerations and recommendations do stakeholders propose to enhance the effectiveness and fairness of the DTT Multiplex capacity allocations?**

##### Response.

The initial allocation of Mux capacity by the Authority was based on standard definition (SD). SD is no longer relevant anywhere in the world, and high definition (HD) has become the entry level offering to viewers. Many viewers now own a HD flat screen television set, and view content of their choice in HD. If television broadcasters offer viewers SD they will not be able to attract viewers, which will directly impact their business. To make the DTT platform as attractive as DTH, broadcasters will have to offer their channels in HD and to compete with the wider multi-channel offering on



available via DTH. Many countries around the world now also offer services in Ultra-High definition (UHD). Accordingly, given the role that FTA broadcasting has in South Africa as detailed above, and given that private FTA broadcasters are solely reliant on advertising (unlike subscription broadcasters where the bulk of earnings arise from subscriptions), an effective and fair allocation of DTT Multiplex capacity is that as set out in response to questions 3 and 4 above.

#### **Question 6.**

**Stakeholders are requested to provide insights and recommendations on ensuring efficient spectrum use, including considerations for frequency reuse where appropriate.**

#### Response.

As a result of the release of two digital dividends, DTT has been limited to the band 470 MHz to 694 MHz. Annexure J of the ICASA terrestrial broadcasting frequency plan makes provision for 7 national DTT multiplexes. It is estimated that each mux can accommodate 20 SD channels, or four to five HD channels based on the DVB-T2 transmission parameters in South Africa. The carrying capacity of the 7 mux's is 140 channels based on SD or 28 to 35 channels based on HD. As mentioned previously the entry level for digital television has become HD. This is one of the major limiting factors of the current DTT scenario in South Africa. If the Authority were to license Mux 4 to 7, the offering that each potential new broadcaster can offer on each Mux is 5 HD channels. This is not a very compelling offering for each new television broadcaster, and, as mentioned in the response to questions 3, 4 and 5 above, this is not a major incentive for consumers to invest in buying a DTT STB (if they can find one) albeit that they still rely on FTA television as their main sources of news and information.

#### **Question 7.**

**How should the Authority allocate the remaining Muxes?**

#### Response.

eMedia would like to bring to the attention of the Authority that the future viability of DTT is threatened, due to the low number of DTT decoders that have been installed in qualifying low-income households in South Africa. The number that we have been

able to ascertain is approximately 1.2 million since the government started the registrations and installations several years ago. This problem is exacerbated as those who do not qualify for the government subsidised STBs are unable to purchase DTT decoders in retail, as they have been unavailable and will likely never be available. The only option they have is to purchase one of the DTH satellite decoders sold by retail. In our opinion this, amongst other market related reasons, would make it very difficult for a new DTT entrant to succeed. Accordingly, at this stage, additional Muxes should be allocated to the existing broadcasters allowing for a greater number of HD channels being made available which is in the public interest given the continued reliance on FTA broadcasting.

eMedia encourages the Authority to undertake a more comprehensive regulatory review, rather than just a review of the Regulations (which will in any event have little impact after ASO) to determine consumer demand for digital television services. Currently, there is no room left in the FTA market for a new broadcaster given the shrinking advertising pie. Any new FTA broadcaster is unlikely to survive. Attention should therefore be focused on supporting and bolstering existing FTA broadcasters to ensure their ongoing viability.

#### **Question 8.**

**How can the lessons learnt from Multiplex sharing during the transition from analogue to digital be applied in the future?**

#### Response.

If one only focuses on the two free-to-air broadcasters, namely the SABC and e.tv, the differing coverage areas of Mux 1 and Mux 2 are problematic. There are different television channels available in many areas of the coverage of the two Muxes. Those residing within the larger coverage area of Mux 1, and outside the coverage of the smaller Mux 2, are only able to receive the SABC channels on DTT. This clearly prejudices e.tv and an attempt should be made to remedy this in the further allocation of Muxes to e.tv enabling its channel to be available in the same areas as the SABC channels.

The other issue mentioned previously is the issue arising from the sharing that occurs between free-to-air and subscription broadcasters on a single Mux. Reference is made to what is set out above in this regard.

#### **Question 9.**

**From a broadcaster's perspective, how does the length of the license renewal period influence long-term investment decisions in infrastructure and content production?**

#### Response.

The capital investment required for specialized studio and broadcast infrastructure and the growth of the number of channels (and hence programming costs) means that a longer licence period is a necessity. There is no reason why or prejudice which will arise if broadcasting licences are renewed for the maximum permissible period provided for in the ECA – i.e., 20 years. This will allow for the transition to a multichannel environment ensuring flexibility and adaptability to emerging technologies.

#### **Question 10.**

**What are stakeholders' perspectives on the consequences of assigning digital incentive channels to broadcasters?**

#### Response.

Internationally it has been found that to ensure that viewers make the additional investment to migrate from analogue to digital transmission, they need to be made aware of the benefits of doing so. Other than the improvement in the picture and sound quality, additional channels are a major benefit for viewers to migrate which would encourage broadcasters to make this additional investment. For many consumers DTT and DTH free-to-air television is the first taste of multi-channel offerings they have experienced. From a broadcaster's point-of-view, these incentive channels require new compelling content to attract audiences, which increases broadcaster's content budgets substantially. Further, the additional channels benefit the millions reliant on FTA television as their only source of news, entertainment and public service announcements. These viewers should not be denied what those who can afford

subscription broadcasting services are able to access. The access in a multichannel environment to additional channels by FTA broadcasters, increases their competitiveness as against subscription broadcasters who have increasingly been able to eat into the broadcasting advertising pie (notwithstanding that this still remains secondary to subscription income) due to their multichannel offerings. It is a matter of record that eMedia has been trying to get the Authority to regulate subscription broadcasters and complete the subscription broadcasting inquiry which, for unknown reasons, it has declined to do over many years. Increased content in a multichannel environment translates into increased advertising potential.

**Question 10,1.**

**Do stakeholders believe this allocation is essential in the Digital Terrestrial Television (DTT) environment?**

Response.

As mentioned previously there is very little incentive for viewers to make an additional investment in a DTT decoder and installation of a dish if they receive the same content that they were able to receive on analogue television without any additional channels. It is therefore our opinion that it is essential to give viewers additional channels to get them to migrate to digital.

**Question 11.**

**What factors should be considered to maintain a diverse and competitive broadcasting landscape in the post-ASO period in relation to channel authorization?**

Response.

To level the playing fields between subscription television broadcasters and FTA television broadcasters the process to obtain authorization of a new channel should be the same. In a multi-channel environment non-performing channels are regularly removed and replaced by new channels should there be a commercial rationale for doing so. The process should be quick and simple and, save where content may be objectionable, should be authorised as a matter of course given that broadcasters will be in touch with the demand, need and support by their audiences for such channels.

**Question 12.**

**Do stakeholders believe there is a need for specific coverage targets in the DTT landscape post-ASO? (Yes/No).**

**What considerations or criteria do stakeholders propose for establishing and evaluating these coverage targets to ensure an effective and inclusive DTT environment?**

Response.

No. Television broadcasters that utilize multiple transmission platforms should have the ability to determine the extent of their DTT coverage. Post ASO broadcasters such as e.tv will aim to make their content accessible to every South African citizen. How they achieve this should be left to each television broadcaster to decide. The low household penetration of DTT in South Africa and the high tariffs charged by Sentech, make the cost per viewer very high compared to alternate broadcast platforms, such as DTH satellite.

**Question 13.**

**Are there any foreseeable issues or concerns that should be considered regarding the appointment of a signal distributor to provide signals within a multiplex post-ASO?**

Response.

Free-to-air television broadcasters have no choice other than Sentech to provide terrestrial television signal distribution. The issue of Sentech's dominance was raised during the Inquiry into Signal Distribution Services. The Authority is well aware of eMedia's position in this regard relating to the fact that Sentech has significant market power and can impose non-negotiable terms on its customers who have to accept these terms given that there are no alternatives. eMedia views Sentech's signal distribution tariffs as high. .

Sentech due to their dominance and exclusivity are well aware that television broadcasters presently have no choice but to appoint Sentech as their broadcast

signal distributor. As stated, the authority has been dealing with the inquiry into broadcast signal distribution for many years and eMedia does not foresee that this inquiry will be concluded any time soon notwithstanding that hearings were finalised on 6 June 2024. The Authority has taken numerous steps dating back to 2010 to regulate the signal distribution market. Most recently, in 2021, the Authority once again commenced a process to assess the need to regulate this market. To date, this inquiry has not been finalised and it is unlikely that it will be finalised for some years to come. During these inquiries and in its various discussion and findings documents issued by the Authority, the Authority has found that Sentech holds significant market power and that this dominance places its FTA customers in an unfair bargaining position. Despite this, the Authority has, for reasons only known to it, avoided having to regulate the signal distribution market.

#### **Question 14.**

#### **How can “data services” be defined to mitigate regulatory uncertainty?**

##### Response.

The DTT transmitters are high power transmitters located at high sites several kilometres outside of the towns they provide coverage to. The DTT signals that are broadcast from these transmitters are received by a DTT decoder or directly by a digital television set with an inbuilt DTT decoder. These transmitters are not comparable to a typical low power mobile telecommunication base station and provide totally different services. A DTT transmitter provides mainly a television video and audio signal and can also broadcast purely radio audio signals. The additional data that these transmitters provide is for engineering purposes. This engineering data is used for over the air updates for the DTT decoders.

#### **Question 15.**

#### **What specific services should be considered as “data services” within the context of DTT?**

##### Response

In the early planning days of DTT in South Africa it was envisaged that added data services such as games and e-Government services would enhance the DTT

television offering. Broadcasters tested these services but found that the negatives outweighed the positives and halted any further development. Other than the engineering data the only other data services that could be considered are programme related services.

#### **Question 16.**

**Should the Authority continue to put a cap on data services ?If not, what practical measurement will be deemed adequate by stakeholders?**

#### Response

Due to the high cost of DTT transmission in South Africa and the limited bandwidth allocated to each television broadcaster licensed during digital migration, it is highly unlikely that any of these broadcasters would allocate excessive amounts of bandwidth to data at the expense of limiting the number of television channels they are able to offer their viewers. Therefore, eMedia sees no compelling reason for the Authority to continue setting a cap on data. Broadcasters should be able to determine how to use their capacity based on their commercial rationale.

#### **Question 17.**

**How can the regulations adapt to or leverage emerging technologies that may impact the provision and measurement of data services on DTT multiplex?**

#### Response

DVB-T2 as the latest standard for DTT transmission has reached physical limits of spectrum efficiency and we are not aware of any new emerging technologies within the DVB standard. However new competing standards such as 5G broadcasting are being trialled internationally. Early indications are that some of these new standards have the potential to replace the DVB standard in future. Any new regulations need to provide sufficient flexibility to accommodate future technological changes.

**Question 18.**

**What specific challenges have stakeholders encountered in the current implementation of the regulation regarding the engineering service channel?**

Response

Sentech as the digital television broadcasting signal distributor manages and controls the engineering channel on Mux 1 and Mux 2. Most of the engineering updates that are required from time to time are done on the Mux with the largest coverage footprint, being Mux 1. This is to ensure that when a DTT set top box software update is done (OTA), all the affected DTT set top box models are updated. The DTT rules of operation that were developed by broadcasters set out how this must happen.

**Question 19.**

**How can the definition and scope of “engineering service” be clarified within the regulatory framework to alleviate uncertainties?**

Response

eMedia proposes that the engineering data be managed by Sentech and removed from the bandwidth calculation allocated to broadcasters.

**Question 20.**

**Should the engineering service channel be excluded from the calculation of allocated capacity for broadcasting service licensees on DTT multiplexes? Please provide reasons for your proposal.**

Response.

Please see response to question 19.



**Question 21.**

**What do you propose as a fair and transparent method for allocating the required Mb/s for the engineering service within the broadcast transmission?**

Response.

Sentech is better placed to determine the Mb/s required to manage the engineering service per multiplex.

**Question 22.**

**What are stakeholders opinions in licensing the engineering service capacity to a common carrier on the multiplex, designated by the Authority, to ensure transparency and non- discrimination?**

Please see response to question 19.

**Question 23.**

**How can such a licensing approach be structured to accommodate the interests of various stakeholders, including the common carrier and other potential service providers?**

Response.

eMedia proposes that the frequency spectrum remain co-assigned to the broadcaster and signal distributor.

**Question 24.**

**What factors should be considered when determining the optimal capacity for the engineering service in the evolving landscape of digital broadcasting?**

Response.

Sentech is better placed to determine the optimal capacity of the engineering service per multiplex. Typically, this should be approximately 1 to 1.5 Mb/s.

**Question 25.**

**How effectively has JSAG facilitated the coordination of frequency spectrum usage and management of interference during the digital migration performance period as outlined in regulation 13?**

Response.

eMedia's participation in the JSAG confirmed the importance of having such a platform for relevant stakeholders to address issues of mutual interest. The JSAG was specifically set up to deal with issues of interference during the dual illumination period leading to ASO, and, accordingly, eMedia believes it should remain until all viewers have transitioned to DTT but meet only as and when necessary. Post ASO, as and when this takes place, we propose that ICASA establish an expert group of relevant stakeholders to assist ICASA with all issues related to spectrum in a fully digital environment, and any other industry related matters.

**Question 26.**

**Are there specific challenges or successes experienced in spectrum coordination that stakeholders would like to highlight?**

Response.

See response to Question 25

**Question 27.**

**Is there a role that JSAG should continue play in the post-ASO era to ensure ongoing effective coordination of frequency spectrum usage for DTT?**

Response.

See response to Question 25.

**Question 28.**

**How can JSAG evolve to address emerging challenges or opportunities in spectrum management beyond the ASO phase?**

Response.

See response to Question 25

**Question 29.**

**To what extent has the DTCAG influenced the supply of digital television content as per its advisory role outlined in the 2012 regulations?**

Response.

Unlike the utility of JSAG the DTCAG did not achieve its stated objectives in the regulations, and it subsequently ceased to exist. While eMedia fully supports the need for advisory bodies, as stated above in relation to JSAG, there is no need for any additional bodies leading up to ASO. We have proposed the establishment of an expert group of relevant stakeholders to assist ICASA with any matters related to spectrum and related matters post ASO, as and when this is able to take place.

**Question 30.**

**Are there notable successes or challenges in encouraging end-users to acquire set-top boxes and initiating digital television service consumption?**

Response.

eMedia considers this question to be beyond the scope of a review of regulations. However, as stated above, the greater the number of channels available to viewers post DTT, the greater the likelihood of viewer uptake of DTT consumption- albeit that this will be subject to the availability of STBs. This ignores the well-publicised fact referred to above that the distribution of STBs by the government to the indigent has been unsuccessful and as no STBs are, or will be commercially available (other than DTH STBs) increasing DTT consumption will be difficult to achieve and hence analogue television will need to remain for the foreseeable future. The ASO date of 31 December 2024 remains premature.

**Question 31.**

**Do stakeholders perceive a continuing need for advisory groups like JSAG and DTCAG in the post-ASO landscape? Why or why not?**

Response.

See response to Questions 25 and 29

**Question 32.**

**What specific functions or roles should such advisory groups undertake to support the evolving needs of DTT stakeholders?**

Response.

See response to Questions 25 and 29.

**Question 33.**

**Are there identified gaps or challenges in the current regulatory framework that may necessitate the establishment of new advisory or coordination bodies post-ASO?**

Response.

See response to Questions 25 and 29 above.

**Question 34.**

**What functions or responsibilities could these potential new bodies fulfil to enhance the efficiency of DTT operations?**

Response.

See response to Questions 25 and 29.

**Questions 35 – 41, 44 – 47, and 49-52**

Response.

eMedia considers these question to be outside the scope of a review of regulations. However, this does not mean that the issues raised in these questions should be

ignored in their entirety. This is so due to the role both 5G and 6G broadcasting will assume in the future. These issues need to be dealt with in a separate process. Sentech would be in the best position to deal with certain of the issues, particularly insofar as they relate to signal distribution.

## **Question 42**

**Are there individuals who may face challenges in adopting DTT and how can these challenges be addressed?**

### Response

Certain of the challenges which would allow for the entire population to adopt DTT resulting in ASO, have been dealt with above. Those individuals who cannot afford a STBs and necessary antenna to receive DTT, or those who are unable to source a terrestrial STB commercially, will be unable to access DTT and will need to continue being reliant on analogue television. Should ASO proceed, this sector of the population will have no access to television.

Attempts have been made by the government to address the challenges faced by those members of the population earning below a threshold who cannot afford a STB and antenna. These attempts have been dismal failures as is evidenced by the litigation which ensued between the Department and, amongst others, e.tv, resulting in the Department having to introduce further attempts to distribute STBs to this sector of the population. However, even these further attempts have been unsuccessful given a variety of factors relating to the registration and installation processes as well as the availability of STBs for purposes of installing such subsidised boxes to those members of the population requiring them. These challenges remain and eMedia holds the view that they will never be resolved. The fact that numerous SABC transmitters were switched off in various areas denying SABC viewers access to its channels bears testimony to the above. What is worse is that even those who are not covered by the government subsidy, have been and will continue being unable to purchase the necessary STBs and dishes to view DTT channels. This problem will also not go away.

The alternative is the installation of a DTH STB and dish which comes at a cost. The government ought to consider this as a viable option to installing the existing terrestrial STBs and should keep open the registration even after ASO whenever this occurs.

Additionally, given the rate of inflation and rising costs, the threshold for subsidised STBs needs to be re-looked at to ensure universal access to television.

#### **Question 43**

**How can DTT services be made more accessible for diverse user groups, including those in rural areas with limited technological access?**

#### Response

DTT services are FTA and are, by their very nature, more accessible to diverse user groups. The inclusion of incentive channels will mean greater accessibility and diversity for these groups. Those in rural areas with limited technological access are, and have been, the forgotten few. The only way to deal with these issues is to ensure the installation of DTH STBs.

#### **Question 48**

**How has the adoption of STB's facilitated the reception of DTT services on existing television sets, especially in terms of accessibility and affordability for consumers, particularly those in poor households?**

#### Response

Certain of these matters have already been dealt with above.

The installation of STBs is only necessary when the television, in itself, is incapable of receiving a DTT signal (such as a smart television). Accordingly, the installation of STBs where it has occurred, has enabled those without televisions capable of receiving the DTT channels to continue receiving these channels on their existing, non-smart, television sets.

However, it bears repeating that there are problems with STB distribution. This is so not only in relation to that portion of the population which would qualify for a subsidised STB but also to those above the threshold who cannot commercially source a DTT STB. Of course, this also ignores the imaginary cut-off line regarding those who can and cannot afford to purchase their own STB. It is abundantly clear that, given the cost of a STB is such that those earning above the threshold – say R4,000 – will be unable

to afford a STB and its installation. These viewers will be denied access to television post-ASO. This is yet another reason that ASO is premature.

The purpose of the transition to DTT (which may eventually result in ASO), should be to make television more accessible with more channels rather than less accessible. In the sense that there is a real likelihood that should ASO proceed as planned, there will be millions left without access to FTA television and hence television will be less accessible. This will defeat the very purpose of DTT. This will clearly prejudice FTA broadcasters who are solely reliant on advertising with advertisers more likely to advertise the larger the number of eyeballs watching television. This will render the transition to DTT a failure, particularly for those in poor households.

## Conclusion

eMedia looks forward to participating in any oral hearings and embellishing on the matters contained herein.

Yours Sincerely



Philippa Rafferty

eMedia Investments: Legal and Regulatory