

Icasa legal threat risks mobile TV promise to FIFA

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The Independent Communications Authority of SA (Icasa) could face legal action if it does not reconsider its decision to give companies just three weeks to apply for the new digital mobile television service licence.

Black-owned Mobile TV Consortium sent a lawyer's letter last week to Icasa chairman Paris Mashile, objecting to the May 7 deadline.

The letter said it was not reasonable to expect companies to meet the requirements of the mobile television regulations in the time given, and that the deadline was not only anticompetitive but unconstitutional as it was biased towards existing operators.

Icasa justified the three week response time in a media statement, saying the draft regulations were published last November for comment.

Icasa is under pressure to issue the mobile TV licences in time for the Soccer World Cup, starting on June 11, because the government has made a commitment to controlling body FIFA that there will be a mobile-TV service for the tournament.

Yesterday (25 April 2010), Mobile TV Consortium founding chairman Mothobi Mutloatse said it would consider legal action should its request for an extension not be granted.

"If mobile television was required for the World Cup, then why did Icasa not make the mobile television regulations available a year ago? The regulations are not asking for vague information, they want detailed business, technical and marketing plans."

He said the deadline was biased towards existing television broadcast service licence holders, excluding new entrants from the broadcast space and limiting the competition envisioned in the Electronic Communications Act, and the Media Development and Diversity Act.

Mutloatse said 14 days' turnaround time was unrealistic "unless a company was expecting the regulations as they appeared". He said the consortium needed at least two months to make a submission. "It would normally take three months to satisfy Icasa's requirements.

"We would need to talk to other stakeholders such as mobile operators, and signal distributor Sentech, as well as test the systems.

“Had we known the content of the regulations a reasonable time ago we could have met the deadline.”

He believes the consortium's technology is superior to the DVB-H at present being tested in the market.

Icasa spokesman Paseka Maleka said yesterday that it had not yet received a letter from Mobile TV Consortium's legal adviser. An extension was unlikely to be considered at this time.

Icasa initially invited companies to apply for the tender for two mobile TV licences in December 2008, but recalled the invitation two months later pending the finalisation of the terrestrial broadcast plan.

Icasa then decided it should get comment on the draft mobile broadcasting regulations and did so.

The comments, from among others MultiChoice, SABC, e.tv, Neotel and Telkom, were used to amend the regulations.

On April 15, Icasa issued the present invitation for applications, which are to be handed in by 4pm on May 7.

Icasa intends completing the licensing process by June in time for the World Cup but accepts that “prospective licensees might not be ready to begin broadcasting at that time”.

MultiChoice — which has been testing mobile-TV technology by streaming some of its existing pay-TV content to cellphones for the past three years — declined to comment about whether it could meet Icasa's deadline, or how it felt about another possible delay. Its parent company, Naspers, has already said it has set aside R98m for mobile TV, which it has already launched in Kenya, Nigeria, Ghana and Namibia.

Icasa plans to license broadcasters in one multiplex, made up of 12 TV channels, during the current financial year to March 2011.

The licences for the second multiplex will be issued only once Icasa has decided on “the opening of the pay-TV market to new entities”.

The Electronic Communication Act encourages investment and innovation in the communication sector, competition and the empowerment of disadvantaged persons.

Source: Business Day

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