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GOVERNMENT NOTICE

MINISTER FOR POSTS, TELECOMMUNICATIONS AND BROADCASTING

In terms of section 96(6) of the Telecommunications Act, 1996 (Act No. 103 of 1996), I, Jay Naidoo, Minister for Posts, Telecommunications and Broadcasting, hereby approve and publish the following regulations made by the South African Telecommunications Regulatory Authority in terms of section 34 read with section 96(1) and 96(5)(b) of the Act.

J. Naidoo

Minister for Post, Telecommunications and Broadcasting

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REGULATIONS IN TERMS OF SECTION 34 READ WITH SECTIONS 96(1) AND 96(5)(b) OF THE TELECOMMUNICATIONS ACT, 1996 (ACT NO. 103 OF 1996) REGARDING CERTAIN MATTERS IN THE LICENSING PROCESS IN RESPECT OF ONE MOBILE CELLULAR TELECOMMUNICATION SERVICE LICENCE FOR WHICH APPLICATIONS HAVE BEEN INVITED IN TERMS OF SECTION 34(2)(a)(ii) OF THE ACT, PUBLISHED IN NOTICE 314 IN GOVERNMENT GAZETTE 19806 DATED 26 FEBRUARY 1999

1. Definitions

1.1. "*ex parte* contact" includes, without limitation, any approach made to the Authority other than in accordance with a prescribed procedure.

1.1. "normal office hours" means 08h30 to 16h30, Mondays to Fridays excluding South African public holidays.

1.1. "offices of the Authority" means the offices of the Authority situate at Block B. Pinmill Farm, 164 Katherine Street, Sandton.

1.1. "the Act" means the Telecommunications Act, 1996 (Act No. 103 of 1996).

1.1. "the Authority" means the South African Telecommunications Regulatory Authority.

1.1. "the Invitation" means the "Invitation to Apply for One Mobile Cellular Telecommunication Service Licence in terms of section 34(2)(a)(ii) of the Telecommunications Act, 1996" issued by the Minister for Posts, Telecommunications and Broadcasting and published in Notice 314 in Government Gazette 19806 dated 26 February 1999 and the "Document Detailing the Form in which Applications for One Mobile Cellular Telecommunication Service Licence shall be Submitted and the Manner in which it is Contemplated that the Service shall be Provided in terms of section 34(2)(b)(ii) of the Telecommunications Act, 1996 (Act No. 103 of 1996)" made available by the Minister dated 5 March 1996.

2. Confidentiality

2.1 An applicant or interested person who has submitted an application, written representations or other written information to the Authority in terms of the Act or regulations prescribed in terms of the Act, may request that any document or information relating to the financial capacity or business plans of any person or relating to any other matter reasonably justifying confidentiality, shall not be open to public inspection. Such request shall be in writing, shall contain detailed reasons for the request, shall be accompanied by a bundle containing a copy of the relevant document or information and shall accompany the relevant application' written representations or other written information, as the case may be. The application, written representations or other

written information submitted to the Authority shall clearly indicate where any document or information has been excluded therefrom, and the nature of such excluded document or information.

2.2 The Authority may grant the request referred to in regulation if such document or information reasonably justifies confidentiality and is able to be separated from the relevant application, written representations or other written information. Otherwise, the Authority shall refuse such request. The Authority shall give notice of its grant or refusal in the Government Gazette and in writing to the applicant or interested person within 14 (fourteen) days after the request is made to the Authority.

2.3 If the Authority refuses the request referred to in regulation, the applicant or interested person may withdraw the relevant document or information within 3 (three) days of the notice referred to in regulation. If the relevant document or information is withdrawn, the application, written representations or other written information, as the case may be, shall be considered by the Authority as if such withdrawn information had not existed.

2.4 If the Authority refuses the request referred to in regulation and the relevant document or information is not withdrawn in terms of regulation by the applicant or interested person, as the case may be, the Authority shall give notice in the Government Gazette within 7 (seven) days of its decision to refuse the request referred to in regulation, that additional information is open to public inspection and copying at the offices of the Authority during normal office hours. The notice shall specify the relevant application, written representations or other written information.

3. Questions to the Authority in respect of the Licensing Process

3.1 An applicant or interested person may submit written questions in respect of the licensing process for one mobile cellular telecommunication service licence, other than in respect of the Invitation, to the Authority to be delivered at the offices of the Authority during normal office hours marked for the attention of The Project Manager, Third Mobile Cellular Telecommunication Service Licence.

3.2 Within 14 (fourteen) days of receipt of written questions referred to in regulation 3.1, the Authority shall give notice in the Government Gazette of those questions which, in its opinion, are necessary to answer, together with answers thereto.

4. Prohibition of *Ex Parte* Contact with the Authority

4.1 No person shall engage in or attempt to engage in *ex parte* contact with the Authority in respect of any matter related to the licensing process initiated by the Invitation.