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# GENERAL NOTICE

## NOTICE 987 OF 2008

usaasa
Universal Service and Access Agency of South Africa

NOTICE IN TERMS OF SECTION 82(3) AND SECTIONS 88(2), (3) AND (4) OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005) INVITING WRITTEN REPRESENTATIONS IN RESPECT OF THE DEFINITIONS OF UNIVERSAL SERVICE, UNIVERSAL ACCESS, AND UNDERSERVICED AREAS AND DETERMINATIONS IN RESPECT OF NEEDY PERSONS

The Universal Service and Access Agency of South Africa (the "Agency") hereby gives notice of its intention to make recommendations to the Minister of Communications (the "Minister") in respect of the definitions of "universal service" and "universal access" in terms of section 82(3) of the Electronic Communications Act, 36 of 2005 (ECA). The Agency also, in terms of section 88(2) of the ECA, intends to make recommendations to the Independent Communications Authority of South Africa (the "Authority") in respect of "underserviced areas" from time to time. The Agency further, in terms of section 88(4) of the ECA, intends to advise the Minister in respect of "needy persons".

All interested and affected parties including the general public are hereby invited to submit written representations on the proposed determinations to the Agency. The closing date for submissions is the **12 September 2008** by no later than **16H00**. Kindly note that no extensions will be granted.

Written representations may be couriered, hand delivered or faxed, and directed to the attention of:

Mr. Trevor Nivi
Building 21 Thornhill Office Park
94 Bekker Street
Vorna Valley, Midrand
1686
Fax: 011 564 1629

Where possible, written representations (in Microsoft Word or Acrobat pdf format) should also be emailed to Trevor@usaasa.org.za and copied to smngqibisa@usaasa.org.za.

Copies of the Discussion Document will be made available at the Agency's offices during office hours from 08H00 to 16H30 and on the Agency's website which is www.usaasa.org.za. Copies of the written representations will be made available to the public for inspection during the normal business hours of the Agency. Interested parties, organizations and individuals that do not wish their submissions to be made public should request this explicitly, giving reasons. The Agency will determine whether the request should be granted and if not, will return the written representations to their author without considering the content thereof in this proceeding.

USAASA would like to thank all the organizations that have participated and contributed towards the completion of this discussion document.

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## 1. THE PURPOSE OF THE DISCUSSION DOCUMENT

"Universal service" is defined in the Electronic Communications Act, 36 of 2005 (ECA) as "the universal provision of electronic communications services and broadcasting services as determined from time to time in terms of Chapter 14".

"Universal access" is defined as "universal access to electronic communications network services, electronic communications services and broadcasting services, as determined from time to time in terms of Chapter 14".

Chapter 14, section 82(3) of the ECA, enjoins the Universal Service and Access Agency of South Africa (the "Agency") to make recommendations that would enable the Minister of Communications to determine what constitutes:

- universal access by all areas and communities in the Republic to electronic communications services and electronic communications network services
- universal provision for all persons in the Republic of electronic communications services and access to electronic communications networks, including any elements or attributes thereof

Section 82(3)(a) of the ECA imposes an obligation on the Agency to engage in a process of public participation to the greatest degree practicable when soliciting input from interested and affected parties including the general public. This document is intended to further that mandate.

In terms of section 88(1) of the ECA, subsidies may be paid out of the Universal Service and Access Fund for the assistance of needy persons and for the construction of infrastructure in "underserviced areas", inter alia.

Section 88(2) of the ECA requires the Independent Communications Authority of South Africa (the "Authority") to determine underserviced areas.

The Minister is required in terms of Section 88(4) to determine:

- types of needy persons to whom assistance may be given
- the persons who may apply for assistance and the manner in which such applications must be made
- the manner in which and persons to whom subsidies may be paid

This document solicits public participation on these concepts as well, so that the Agency is able to advise the Authority and the Minister in terms of section 82(4) of the ECA.

A parallel process (which is not part of this document) is also being conducted by USAASA and ICASA on the following:

- Universal service obligations
- Quantification of the universal access and universal service gaps to inform section 89(2)(i)
- Standard operation procedures and fund manual
- Competitive tender process for universal service and access projects to inform section 90(1)

## 2. HISTORICAL OVERVIEW OF UNIVERSAL ACCESS AND UNIVERSAL SERVICE IN SOUTH AFRICA

### 2.1 THE CONSTITUTION

The right to communicate is a fundamental right enshrined in the Constitution of the Republic of South Africa (Constitution), the supreme law of the land. The Constitution, passed in 1996, establishes the right to freedom of expression, including the "freedom to receive and impart information or ideas". The freedom of expression has been interpreted to mean not only the right to speak and to be heard, but also the right to access the means to speak and to be heard.

The nation's information infrastructure will not be complete until it reaches all locations and people throughout the country, and provides reasonable and affordable access to the full range of traditional and emerging information and communications technologies and services, taking into account the different needs among the user populations, including considerations of gender, age, ethnic and linguistic distinctions, and disabilities.

### 2.2 INTERNATIONAL OBLIGATIONS

In 1998, South Africa adopted the World Trade Organization's (WTO) Basic Agreement on Telecommunications (GATS 4th Protocol) and the Reference Paper on basic telecommunications services. The General Agreement on Trade in Services (GATS) and the General Agreement on Tariffs and Trade (GATT) deals mainly with member state's international trade law obligations vis-à-vis their international trading partners, and South Africa is a partner to that agreement.

The Telecommunications Reference Paper is a negotiated text containing a compilation of definitions and principles that certain WTO Member countries have integrated into their GATS commitments for telecommunications. The broader significance of this paper is that it is regarded as a model for regulatory disciplines in the telecommunications sector.

With respect to universal service the Reference Paper states that: "Any member country has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a transparent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the Member."

South Africa's international commitment also thus requires it to achieve universal service and universal access in a transparent manner and without hampering competition or discriminating against any class of licensee. Furthermore, measures must not be unduly burdensome to the service providers who provide such universal service obligations.

## 2.3 UNIVERSAL SERVICE POLICY

### 2.3.1 TELECOMMUNICATIONS

The policy of universal service and universal access in most countries including South Africa is defined within the context of the country's social and economic conditions and market maturity. The concept of universal service in South Africa was included in the Reconstruction and Development Program (RDP) Base Document (1994). This document states that "*a basic and affordable telephone service should be available to all South Africans who reasonably request it regardless of where they live*". It further states that "*a modern and integrated telecommunications and information technology system capable of enhancing, cheapening and facilitating education, health care, business information, public administration and rural development needs to be developed as rapidly as possible*".

The White Paper on Telecommunications Policy that was adopted in 1996 by the South African government stated that: "*The State recognizes the central importance of access to telecommunications to the achievement of its economic and social goals. Affordable communications for all, citizens and businesses alike, throughout South Africa, is at the core of its vision and is the goal of its policy. The challenge is to articulate a vision that balances the provision of basic universal service to disadvantaged rural and urban communities with the delivery of high-level services capable of meeting the needs of the growing South African economy. The vision must therefore reconcile these two seeming opposites within an integrated framework, which allows for a dynamic definition of universal service and facilitates the co-ordination of all available infrastructures behind this goal.*"

The White Paper on Telecommunications Policy formed the basis of the Telecommunications Act of 1996. A public process to define universal service and universal access commenced in 1998[1], and The Agency, in collaboration with what was then the South African Telecommunications Regulatory Authority (SATRA), did publish "A Paper on Definition of Universal Service and Universal Access in Telecommunications in South Africa "in Mei 1999 that called for the revision of US and UA definitions, but the process was never completed[2].

The Telecommunications Act enshrined the principles of universal service and universal access and has as one of its objectives the promotion of the universal and affordable provision of telecommunication services. Other objectives of the Telecommunications Act supporting universal service and access are:

- promoting the provision of a wide range of telecommunication services in the interests of economic growth and development
- making progress towards the universal provision of telecommunication services

- promoting the development of telecommunication services that are responsive to the needs of users and consumers
- ensuring that the needs of the local communities and areas are duly taken into account
- ensuring that the needs of disabled persons are taken into account in the provision of telecommunication services

Although the Telecommunications Act was repealed by the ECA, the ECA has continued to uphold the principles of universal service and universal access, and has as one of its objectives the promotion of the universal provision of electronic communications networks, electronic communications services, broadcasting services and connectivity for all.

As part of advancing universal service and access, the regulator has imposed various universal service obligations (USO's) on telecommunication operators in order to address the access gaps. As a result, the licensed operators as well as government and the Agency have come up with innovative ways to address the digital divide especially from a public access point of view. These include, amongst others, the concepts of community service telephones, public pay telephones, telecentres, school cyberlabs, Public Information Terminals and Thusong Centres (former MPCC's). These interventions have helped to bridge the digital divide with the access to voice services s increasing dramatically, and to a lesser extent access to other advanced ICT services like internet and e-mail.

Despite the achievements of the Telecommunications Act, there has been general consensus in the country's ICT industry that universal access and universal service in South Africa has been addressed in an uncoordinated manner. For example, there has never been a complete process to define universal service and universal access. Secondly, each telecommunications operators has a separate definition of an under-serviced area, as well as different roll out targets and community service obligations. Third, there is no formal definition of needy persons and no set criteria which can be used to disburse funds to serve these needy people. All these factors, as well as others not mentioned in this document, make it difficult to assess if the objectives of the Telecommunications Act of 1996, especially those relating to universal service and access, have been achieved.

South Africa's approach to universal service and access has, in the past, relied on the imposition and monitoring of license conditions that emphasize network expansion (whether geographical or by number of lines) rather than tariff control or consumer subsidies. The issue of affordable access has not been adequately addressed.

The Under-Serviced Area Licenses were introduced by the government for the specific purpose of advancing universal access in geographical areas with a teledensity of up to 5% from 07 May 2002. As a result of the Ministerial Policy Directives, the Telecommunications Act was subsequently amended to include Section 40(A) that empowered the Authority to issue under-serviced area licenses (USALs) to small businesses, giving preference to businesses that include persons from historically disadvantaged communities. The purpose of this licensing model was to address the concern that, due to the high cost of infrastructure rollout, new entrants and incumbents would not roll out networks in rural areas with low population densities.

Due to the exponential growth of mobile communications in South Africa since 1996, many of the underserviced areas now enjoy access to mobile telecommunication services. The areas in which USALs were granted licenses already had mobile coverage of 66% to 98% by 2003. The definition of underserviced areas used to demarcate the area of USALs is no longer appropriate due to growth in the economy and changes within the electronic communications sector.

2.3.2 BROADCASTING

Prior to the advent of constitutional democracy in the Republic of South Africa, the broadcasting sector was primarily regulated in terms of the Broadcasting Act, 1976. This legislation had given the government exclusive control over the formulation of broadcasting policy and regulation, meaning that government was referee and a player. Government also had exclusive rights over broadcasting services through the South African Broadcasting Corporation (SABC). As a result of this control the majority of South Africans did not have access to broadcasting services. Shortly after the country's first democratic elections, the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993) ("IBA Act") came into being. The IBA Act brought about the establishment of the Independent Broadcasting Authority, which it was tasked with regulating the country's broadcasting industry, which had previously fallen under the direct control of the Department of Home Affairs.

When the Constitution became law, it provided for the independence of the broadcasting regulator and gave it a duty to act in the public interest and to ensure fairness and a diversity of views broadly representing the South African society.

Media diversity is currently provided through community radio and public service broadcasting. Community media contributes to the realization of the goal of media diversity through the provision of localized services, involving communities in programming and other governance matters pertaining to community radio. The SABC through its public service, radio and television has also played a pivotal role in the promotion of media diversity in many instances as the only provider of information to rural communities. With the introduction of digital migration and regional public television services, the public broadcaster will be expected to improve the quality of services to all South Africans including increased programming in marginalized languages across the country.

The concepts of universal access and universal service were not applied to broadcasting as they were in the telecommunications sector. In this sector as explored elsewhere in this document, it was defined as the provision, on demand, of a telephone to any citizen. These concepts could be likened in the broadcasting sector to the public broadcasting mandate to reach 100% coverage of the entire population, and to provide full spectrum programming catering for the tastes of differing audiences. Developments such as convergence, internet broadcasting and broadcasters also offering Internet and telephone services (e.g. cable TV operators) have brought the two sectors closer together. Broadcasting policies and regulations typically have specific coverage requirements, without specifics about actual access, whether by public means or private subscription.

The Broadcasting Act, 1999 (Act No. 4 of 1999) enshrined the principles of universal access and has recognized that the South African broadcasting sector comprises public, commercial and community elements which make use of radio frequencies that are public property and provides, through its programming, a public service necessary for the maintenance of South African identity, universal access, equality, unity, and diversity.

In the future, the concept of "universal service" applied to broadcasting could mean ensuring that 100% coverage is provided for the whole population. USO's for broadcasters could also relate to the diverse programming needs of the South African population. Different segments of the South African population require different programmes because of how these segments live, work and enjoy themselves. Cultural and language diversity feature in discussions on universal service as in a multi-cultural society universal service could contribute to the preservation of the constituent parts of the cultural mix.

In this regard, universal access and service in broadcasting could therefore mean the following:

- *In terms of technical coverage, "universal access" means that the programme service should be capable of being received by every household in the service area*
- *As far as programming is concerned, "universal access" means that all groups and sections of society are served, equitably, by public service programming.*

## 3. UNIVERSAL SERVICE AND ACCESS

### 3.1 INTERNATIONAL REVIEW FOR THE CONCEPT OF UNIVERSAL SERVICE AND ACCESS

The concepts of universal service and universal access were extensively canvassed at the International Telecommunication Union's (ITU) Second Colloquium in December 1993, with a consensus that "there is no fixed and uniform definition of these concepts". These concepts may mean different things in different countries and regions, and different things in different contexts within each country. The concepts change over time as technology develops and expectations consequently change. In one of its conference documents, the ITU defines "access" as "a percentage of the population covered by either fixed telephone lines, mobile telephony or the percentage of localities with public internet access centres by number of inhabitants"[3].

The literature review below confirms the different meanings of the same concepts depending on the circumstances of those particular countries.

- "Universalisation aims to ensure the access by every person or institution, regardless of location and socioeconomic condition, to telecommunications services." (Brazil)[4]
- "Access to telecommunications is of utmost importance for achievement of the country's social and economic goals. Availability of affordable and effective communications for the citizens is at the core of the vision and goal of the telecom policy." (India)[5]
- "The Minister may direct the Commission to determine a system to promote the widespread availability and usage of network services and/or applications services throughout Malaysia by

encouraging the installation of network facilities and the provision for network services and/or applications services in underserviced areas or for underserviced groups within the community." (Malaysia)[6]

- "Universal service refers to a minimum service consisting of a telecommunications service of which a telephone service of a specified quality and an affordable price." (Morocco)[7]
- "The goals of universal service, as mandated by the 1996 Act, are to promote the availability of quality services at just, reasonable, and affordable rates; increase access to advanced telecommunications services throughout the nation; advance the availability of such services to all consumers, including those in low income, rural, insular, and high cost areas at rates that are reasonably comparable to those charged in urban areas." (USA)[8]

There is general consensus that universal service has three dimensions:

- **Geographic Dimension** – geographic availability of services.
- **Distribution Equity Dimension** – accessibility and affordability of electronic communications and broadcasting services to low income users.
- **Disability Dimension** – accessibility, usability and affordability of both electronic communications and broadcasting services to disabled people.

The ITU offers a definition of universal service and universal access which includes the concepts of availability, accessibility and affordability:

- **Availability:** the service is available to inhabited parts of the country.
- **Accessibility:** all citizens can use the service, regardless of location, gender, disability and other personal characteristics.
- **Affordability:** the service is affordable to all citizens.

These three hallmarks are relevant to both universal access and universal service, but in different ways and to varying degrees. The table below illustrates universal access and universal service similarities and differences: the essential characteristics are in italics, while desirable characteristics are not.

**Table 1: Characteristics of universal access and universal service according to the ITU**

| | Universal access | Universal service |
|---|---|---|
| Availability | *Focused coverage* | *Blanket coverage* |
| | *Public access (e.g. at a payphone or telecentre)* | *Private service on demand* |
| | *Free emergency calls* | *Free emergency calls* |
| Accessibility | *Convenient locations and hours* | *Simple and speedy subscription* |
| | Inclusively designed premises (e.g. for wheelchair users) | Inclusively designed terminals and services (e.g. for blind or deaf people) |
| | Assistance from an attendant | Assistance through the terminal (e.g. by making calls or viewing "help" web pages) |
| | Adequate quality of service (e.g. having few failed call attempts) | Reasonable quality of service (e.g. having few dropped calls) |
| Affordability | Options of cash and card payment | Options of cash, card and electronic payment |
| | Modest payment per use (e.g. for a call or message) | Low or zero regular payment |

Source: ITU-infoDev ICT Regulation Toolkit – UA Module. Note: For SA prepayment is also a relevant concept that should be included.

3.2 REVIEW OF DEFINITIONS IN SOUTH AFRICA

Universal service and universal access are evolving concepts. The services that were deemed fundamental for social inclusion in 1996 when the Telecommunications Act was passed are not the same as those services that are deemed essential today in terms of the ECA, which addresses issues of competition, consumer protection, and access within the context of convergence.

The concept of "underserviced areas" in terms of the ECA is completely different than it was under the Telecommunications Act. However, the concept of needy persons, on the other hand, was never given attention under the Telecommunications Act.

Convergence is bringing about new and better services and increased competition in terms of the ECA and should bring about lower costs. However, access still remains elusive to many people in South Africa. The following sections discuss the recommendations that will be made to the Minister and the Authority in respect of universal service, universal access, underserviced areas and needy persons, within the context of the South African current reality.

3.2.1 UNIVERSAL SERVICE IN A SOUTH AFRICAN CONTEXT

Universal service was previously defined as "making telecommunications services, including advanced telecommunications services, available throughout South Africa at affordable prices so that they are available to anyone whenever they are needed, regardless of geographical or physical locations, with due regard to people with special needs"[9].

Convergence and the introduction of new services are challenging traditional universal service policies and the means by which universal service objectives are currently met. There are many services such as email, VoIP, instant messaging, broadband internet access, that increasingly need to be included in the discussion. The availability at reasonable costs of both access to multimedia information services, as well as networks that transport these services also needs to be considered. Although there has generally been good ICT growth in SA, the country is still a long way from universal service for all.

**Table 2: Trends and key ICT indicators**

| Indicator | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|---|---|---|---|---|---|---|---|---|
| % of fixed telephone lines per 100 inhabitants | 11.00 | 10.73 | 10.48 | 10.14 | 10.05 | 10.08 | 9.93 | 9.70 |
| % of mobile cellular subscribers per 100 inhabitants | 12.10 | 18.57 | 24.05 | 29.72 | 39.19 | 49.68 | 67.63 | 81.27 |
| %of internet access per 100 inhabitants | 1.63 | 2.09 | 2.20 | 6.76 | 7.65 | 9.13 | 9.57 | 10.00 |
| % of Broadband Internet Subscribers per 100 inhabitants | 0.00 | 0.00 | 0.01 | 0.04 | 0.09 | 0.34 | 0.77 | 1.63 |
| % of households with a TV | 51.00 | 52.60 | 56.30 | 57.90 | 59.20 | 60.00 | 64.42 | 65.60 |
| % of households with a fixed line telephone | 23.95 | 23.88 | 23.80 | 22.90 | 21.60 | 21.00 | 18.69 | 18.60 |
| % of households with a mobile cellular telephone | 22.54 | 31.93 | 35.00 | 40.20 | 49.60 | 59.70 | 67.53 | 72.90 |
| % of households with a computer | 7.56 | 8.47 | 9.55 | 10.56 | 11.27 | 11.91 | 13.00 | 15.70 |
| % of households with internet access at home | 2.00 | 2.20 | 3.00 | 3.40 | 4.20 | 5.00 | 5.70 | 7.30 |

Source: Operator results and presentations, Census 2001, Stats SA Household Surveys. SA Community Survey 2007

Whilst the number of fixed line subscribers increased up to year 2000, as seen in the table above, since 2001 there has been a steady decrease and fixed line penetration was less than 10% by 2007. By contrast, the mobile sector has seen a dramatic increase in the number of cellular subscribers and has far surpassed fixed line telephony and was over 80% in 2007. Internet penetration reached 10% by 2007 and broadband only 1.63%. The table below further elaborates on the key ICT trends from 2000-2007.

Having regard for the existing access statistics recorded above, and bearing in mind that there is a move towards providing advanced ICT services like multimedia and broadband services, and that government has indicated that it wishes to provide e-government services to the citizens of the country especially those living in previously disadvantaged communities, the criteria included in the concept of universal service have to be constantly re-evaluated.

Targets, timelines and milestones also need to be set, monitored and reviewed from time to time so as to be able to evaluate progress and readjust targets appropriately.

In the South African context it is proposed that the criteria for universal service provision shall be availability, accessibility, and affordability.

**Availability:** There should be nationwide coverage of electronic communication network services, electronic communication services, and broadcasting services for use by everyone – including those in underserviced areas and by disabled persons.

**Accessibility:** Every person should have reasonable means of gaining access to electronic communication network services, electronic communications services and broadcasting services, with no unfair discrimination in terms of price, service, and quality, irrespective of location or other factors.

**Affordability:** Electronic communications network services, electronic communications services and broadcasting services within a minimum basket should be priced such that purchasing them is within the means of the public, including low income populations.

Universal service is defined in the ECA as:
"the universal provision of ECS and BS as determined from time to time in terms of Chapter 14."
Section 82(3)(a)(ii) of the ECA provides that the USAASA must make recommendation to enable the Minister to determine what constitutes universal provision for all persons of ECS and access to ECNS.

3.2.2 PROPOSED DEFINITION FOR UNIVERSAL SERVICE:

"A reliable connection, from any part of the country, to a defined minimum set of electronic communications services and broadcasting services, at an affordable rate regardless of geographic location including no less than voice, data and broadcasting services."

The proposed universal service definition targets a minimum set of services, according to the type of service listed below:

- in respect of broadcasting, that "every household and public access point with a television should be able to receive the service of a sound and television news station in at least English and one other relevant SA local language"
- in terms of voice services, that every household has access to a reliable connection in the household
- in terms of data services, that every household that demands it has access to reliable internet services.

3.2.3 QUESTIONS

1. Do you agree with the proposed definition? If not, what should it be replaced by?
2. Do you agree with the targets? If not, what do you suggest they should be?
3. What constitutes universal service, with reference to the definition of universal service and section 82(3)(a) (ii) of the ECA?
4. What would be considered a "minimum set" of services in relation to ECS?
5. What would be considered a "minimum set" of services in relation to broadcasting services?
6. Does universal service still mean the provision of only voice telephones? There are a wide range of other services now, such as digital lines, tone dialing, broadband, fax/modem capacity, operator services, directory enquiries, call line identification, emergency services, itemised billing, call forwarding, multi-party lines and voice mail. Does the scope of all the services need to be defined in this process?
7. How can the concept of universal service be defined in a converged environment that would be ideal for the local context?
8. How should the concept of affordability be measured and addressed?
9. What is the significance, if any, of no mention of ECNS in the definition of universal service in the ECA?
10. What is the significance, if any, of no mention of BS in section 82(3)(a)(ii) of the ECA?
11. How should the Authority from time to time determine the minimum set in order to give effect to the definition through regulation?

12. What are innovative methods and mechanisms to deliver affordable universal service that can be considered by the Agency?

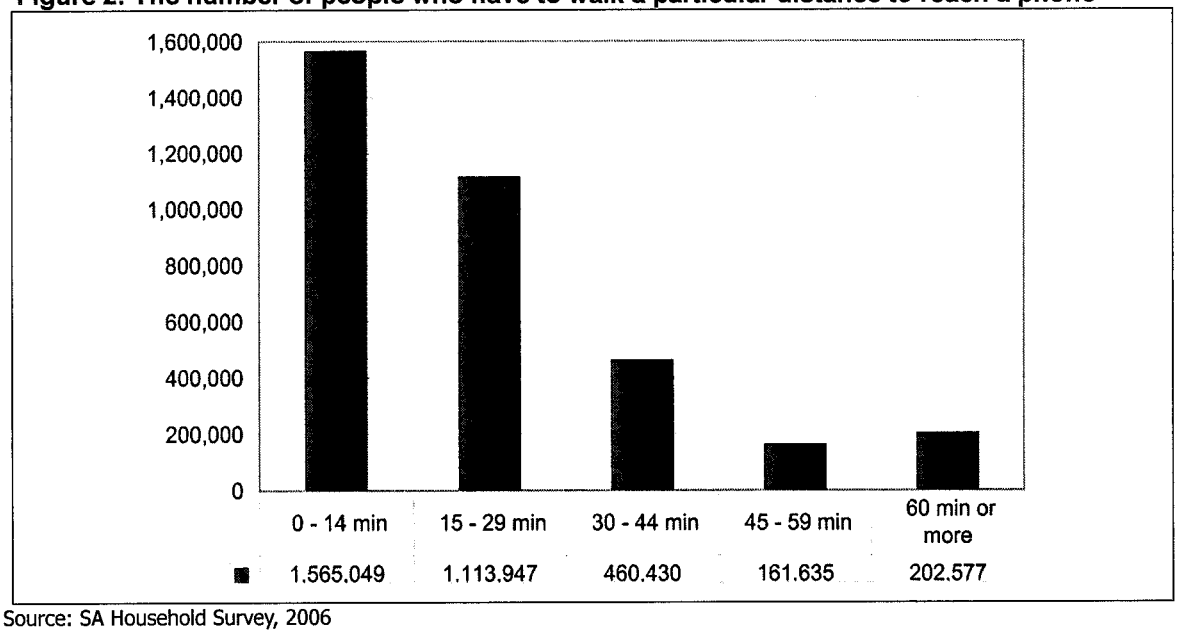
3.3 UNIVERSAL ACCESS IN A SOUTH AFRICAN CONTEXT

Traditionally, the intention of universal access policy has been to increase access to services and especially voice telephony services at a community level as opposed to individual level (which is the focus of universal service). The universal access policy sought to promote the installation of public payphones or community call centres in rural villages or low-income urban areas, with the goal of providing a basic and initial connection to a network. The overall objective was to ensure that even the most remote or sparsely populated areas have some sort of access to communication services.

In South Africa the time parameter of a 30 minute walk has unofficially been the goal. It was suggested that this be changed to the more generally accepted practice of a distance of 500 metres during the local October 2005 Telecommunications Pricing Colloquium.

According to the 2006 Household Survey, over 3.5 million households did not have access to a household telephone and about 2 million of them had to walk for longer than 15 minutes to the nearest phone, and 824,000 people were 30 minutes away from a public telephone.

**Figure 2: The number of people who have to walk a particular distance to reach a phone**




Source: SA Household Survey, 2006

Although telephone penetration has increased rapidly in the past few years, there is still a need for a universal access policy in relation to voice telephony.

To address community access to ICTs, there have been a number of initiatives that have been undertaken to deploy ICT infrastructure and access to services. The table below illustrates the growth of public and community telephones as well as the growth in service centres like, Telecentres, and Thusong Service Centres.

**Table 3 : Public and community access points**

| Community and Public Telephones | 2002 | 2007 |
|---|---|---|
| Telkom Public telephones | 195,000 | 158,000 |
| Number of Community Service Telephones (CST) | 31,000 | 220,000 |
| **Community Centres** | | |
| Number of Thusong Service Centres (previously called MPCC's) | 38 | 100 |
| Number of Telecentres | 72 | 154 |
| Number of Cyberlabs | 0 | 245 |

Source: Operator reports and consultation, USAASA

As can be seen from the table above the number of mobile CST's has grown dramatically, and this has assisted in providing universal access to voice services through community and public telephones. In contrast the public internet access through community centres is still very low. The problem is that there is no structured mechanism in place that enables proper coordination of these initiatives and ensure that these community initiatives are geographically dispersed in a manner that addresses areas where access is needed. In case of the CSTs, the operator roll out obligations did not specify this clearly enough either to achieve the desired outcome.

Having regard to the number of people without access to both basic and advanced ICT services including broadcasting; and to the government's desire to provide e-government services to the citizens of the country, universal access needs to be defined more clearly.

Universal access is defined in the ECA as:

*"universal access to ECNS, ECS and BS, as determined from time to time in terms of Chapter 14."*

3.3.1 PROPOSED DEFINITION FOR UNIVERSAL ACCESS

"Universal access means that every person, within their area, has reasonable (in terms of distance) and affordable access to publicly available electronic communications network services, electronic communications services, and broadcasting services on a non-discriminatory basis."

The suggested universal access targets according to the type of access are:

- For broadcasting, the target is that each district municipality has:
    - a community radio in their preferred language
    - a public sound broadcasting service in the preferred language
    - public broadcasting television channel of their preference

- For voice services, the target is:
    - 100% quality geographical coverage
    - the access to telephony should be within 1km in rural areas and 500 metres in urban areas.
- For data access, a public broadband internet access point should be available per municipal ward, or per population of greater than 20,000. Broadband (in the context of universal access and hence relating to public access nodes) needs to be defined and regularly reviewed by:
    - Download and upload peak speeds
    - Download and upload average throughputs (per user terminal connected to the node)
    - Bit caps
    - Bandwidth and bit cap shaping (local vs international bandwidth, local vs international bit cap, and application shaping)
    - Distance from the access network or switch to the extent that this has other implications than those already covered above
    - Price as related to the above service levels

3.3.2 QUESTIONS

13. Do you agree with the proposed definition? If not, what should it be replaced by?

14. Do you agree with the targets? If not, what do you suggest they should be?

15. Are "areas" synonymous with "communities" as that term is used in section 82(3)(a)(i) or is there some other meaning to be attached to communities?

16. How should access to broadcasting services be defined in relation to the concept of universal access?

17. Should access to broadcasting services include access in a language of choice?

18. Does the proposed definition provide adequate measures to be able to monitor and evaluate universal access?

## 4. UNDERSERVICED AREAS

### 4.1 INTERNATIONAL REVIEW FOR THE CONCEPT OF UNDERSERVICED AREAS

None of the developing countries surveyed defined "underserviced areas" under this name except Malaysia. Many of the countries reviewed dealt with these areas in their general policies and definitions of universal service and access. Some of them focused on rural areas or villages for special measures. For example Chile states that its policy is "...to promote the increase of coverage of telecommunications services in rural and urban areas of low income, especially with respect to localities located in extreme or isolated geographic zones."

The Malaysian Communication and Multimedia Commission (MCMC) has issued three Determinations on Universal Service Provision which address the provision of service to particular universal service "targets" and funding contributions to be made to the universal service provision fund.

In this regard:

an "underserviced area" is defined as "(a) an area where the penetration rates for PSTN subscribers in Malaysia is 20% below the national penetration rate; or (b) any locality where, in the opinion of the Commission, applications services are not sufficiently available to the community at large"

an "underserviced group within the community" is "a group of people, linked by similar characteristics from a socio-cultural or economic perspective, within a served area, who do not have collective and/or individual access ["collective access" being defined separately as "access to applications by members of the community in a universal service target and for which the members of the community do not pay any rental or other charges (other than call charges for telephony and internet access charges)]"

a "universal service target" means an underserviced area and/or underserviced group within the community and in 2004, 86 areas were designated as "targets"

The factors taken into account by the MCMC to indicate whether an area is underserviced are:

- number of households in a district (as defined in the National Land Code in Malaysia)
- current levels of telephone subscribers
- penetration rates and existing installed capacities of network infrastructure

### 4.2 UNDERSERVICED AREAS IN A SOUTH AFRICAN CONTEXT

Section 40A (1) of the Telecommunications Amendment Act No. 64 of 2001 stipulated that "The Minister shall by notice in the Gazette determine those geographic areas where there is teledensity of

less than 5% and in respect of which small businesses may apply to the Authority for underserviced area licenses to provide such services or facilities."

On 18 December 2001, the Minister of Communications gazetted 27 districts that qualified as underserviced areas. These 27 districts comprised cross border district councils and district councils with boundaries determined by the Municipal Demarcation Board established in terms of the Local Government Act (South Africa, 1993a) based on fixed line teledensity figures from the 1996 Population Census (South Africa, 1996d).

The designations made by the Minster, even if appropriate at the time, have been overtaken by technological advances and universal service and universal access trends, which now include mobile access as well as access to the internet and other advanced multimedia applications.

Excluding these provisions of the Telecommunications Act, there are additional definitions of underserviced areas that have been used in the South African telecommunications context.

The first resides in Telkom's license, which defines underserviced areas as:

(a) Any Township

(b) each Local Exchange Area, listed in Schedule F and represented on the accompanying maps, where as of June 1996 the number of residential Exchange Lines as a percentage of households was less than or equal to fifty percent (50%)

(c) any Local Exchange Area created after June 1996 where the number of residential Exchange Lines as a percentage of households was less than or equal to fifty percent (50%) as of June 1996; provided, however, the Authority may, subject to condition 13.5, reasonably object in writing to the classification of any such Local Exchange Area as an Underserviced Area within thirty (30) days after receiving written notification from the Licensee of the creation of any such Local Exchange Area, such notification to be provided by the Licensee at least thirty (30) days prior to the creation of a new Local Exchange Area

The second is found in the MCTS licenses of Vodacom and MTN. Underserviced area is defined as: a city, town, shantytown, location, village or human settlement or any part thereof as prescribed by the Authority from time to time, but in any event the areas listed in the Implementation Timetable.

A third definition is found in the Cell C MCTS License. Underserviced area is defined as: any city, town, shantytown, location, village or human settlement or any part thereof where less than 10 (ten) percent of the inhabitants of the area have access to PSTS exchange lines at the date of issue of this License and where it is necessary to roll out community service.

4.2.2 THE ELECTRONIC COMMUNICATIONS ACT

The ECA provides that subsidies may be paid, in terms of section 88(1) of the ECA, to BS and ECNS licensees for the construction of infrastructure in underserviced areas. In terms of section 90(4) of the ECA, monies may be paid out of the USAF for project grants awarded by competitive tender to incentivize ECNS licensees to construct, operate and maintain electronic communications networks in underserviced areas. There is no mention of ECS licensees in section 88(1) (although there is mention of BS).
In terms of section 88(2) of the ECA, underserviced areas are to be defined by regulation by ICASA. In terms of section 88(3), ICASA must at least biannually review and update the definition and the list of designated underserviced areas. It is unclear whether the designated underserviced areas mentioned in section 88(3) are the ones that were made by the Minister in terms of the then Telecommunications Act, or new ones that must also be made by ICASA.

To determine which areas are underserviced in terms of the ECA, one needs to consider, inter alia, what level of access these areas have to voice, internet and broadcasting services. The table below assists in establishing this by reference to district municipality and ranks the district municipalities by averaging the penetration by service type of each of landline telephone; cellphone; television; computer; and internet access.

This segmentation can be done down to local municipal level as well. If broadcasting underserviced areas need to be determined separately these can be dealt with one their own and the ICT underserviced areas can be determined by including fixed line, cellphone, and internet access in the home.

**Table 4: SA Household ICT and broadcasting penetration, by service type, by district municipality**

| | Number of Households | Cellphone | Computer | Internet access | Television | Telephone | Radio | Average of 6 service types |
|---|---|---|---|---|---|---|---|---|
| DC15: O.R.Tambo | 356,085 | 60% | 2% | 1% | 32% | 2% | 58% | **25.7%** |
| DC44: Alfred Nzo | 102,011 | 58% | 2% | 0% | 32% | 1% | 68% | **26.9%** |
| DC14: Ukhahlamba | 90,310 | 59% | 5% | 1% | 37% | 5% | 67% | **29.1%** |
| DC43: Sisonke | 105,660 | 61% | 4% | 2% | 36% | 4% | 68% | **29.1%** |
| DC24: Umzinyathi | 104,534 | 65% | 4% | 2% | 32% | 6% | 69% | **29.5%** |
| DC13: Chris Hani | 203,041 | 59% | 3% | 1% | 46% | 6% | 65% | **29.9%** |
| DC27: Umkhanyakude | 114,974 | 72% | 2% | 1% | 36% | 2% | 74% | **31.1%** |
| DC47: Greater Sekhukhune | 217,171 | 69% | 5% | 1% | 48% | 3% | 69% | **32.5%** |
| DC26: Zululand | 155,884 | 73% | 3% | 2% | 42% | 4% | 74% | **33.0%** |
| DC33: Mopani | 265,290 | 68% | 6% | 2% | 52% | 4% | 69% | **33.3%** |
| DC29: iLembe | 124,526 | 64% | 5% | 3% | 48% | 11% | 68% | **33.3%** |
| DC12: Amatole | 458,581 | 63% | 7% | 3% | 54% | 9% | 69% | **34.1%** |
| DC39: Bophirima | 100,073 | 66% | 6% | 2% | 57% | 7% | 69% | **34.3%** |
| DC28: Uthungulu | 184,507 | 68% | 8% | 4% | 49% | 8% | 74% | **35.1%** |
| DC34: Vhembe | 287,190 | 71% | 7% | 1% | 58% | 3% | 75% | **35.9%** |
| DC23: Uthukela | 139,640 | 73% | 6% | 2% | 53% | 9% | 74% | **36.1%** |

| | Number of Households | Cellphone | Computer | Internet access | Television | Telephone | Radio | Average of 6 service types |
|---|---|---|---|---|---|---|---|---|
| DC21: Ugu | 151,622 | 65% | 7% | 5% | 55% | 13% | 73% | **36.2%** |
| DC45: Kgalagadi | 42,151 | 70% | 8% | 3% | 58% | 10% | 70% | **36.7%** |
| DC16: Xhariep | 37,245 | 57% | 9% | 3% | 59% | 17% | 78% | **36.9%** |
| DC35: Capricorn | 285,566 | 72% | 7% | 2% | 60% | 5% | 76% | **37.1%** |
| DC38: Central | 183,401 | 67% | 7% | 3% | 65% | 6% | 75% | **37.1%** |
| DC37: Bojanala | 357,199 | 74% | 9% | 2% | 62% | 6% | 71% | **37.4%** |
| DC32: Ehlanzeni | 387,318 | 76% | 9% | 3% | 61% | 6% | 73% | **37.8%** |
| DC8: Siyanda | 59,894 | 58% | 13% | 4% | 63% | 20% | 69% | **38.0%** |
| DC36: Waterberg | 160,720 | 73% | 10% | 4% | 59% | 10% | 73% | **38.2%** |
| DC18: Lejweleputswa | 202,391 | 66% | 8% | 3% | 64% | 11% | 77% | **38.3%** |
| DC40: Southern | 270,444 | 71% | 12% | 5% | 59% | 13% | 72% | **38.6%** |
| DC19: Thabo Mofutsanyane | 187,116 | 67% | 9% | 3% | 64% | 11% | 83% | **39.6%** |
| DC7: Pixley ka Seme | 43,285 | 56% | 11% | 5% | 69% | 22% | 76% | **39.6%** |
| DC20: Fezile Dabi | 149,094 | 69% | 11% | 5% | 63% | 15% | 74% | **39.7%** |
| DC25: Amajuba | 101,052 | 75% | 9% | 3% | 66% | 14% | 80% | **41.2%** |
| DC10: Cacadu | 99,832 | 56% | 14% | 8% | 72% | 22% | 78% | **41.5%** |
| DC30: Gert Sibande | 247,517 | 75% | 12% | 5% | 65% | 11% | 80% | **41.6%** |
| DC6: Namakwa | 36,439 | 57% | 14% | 5% | 72% | 31% | 76% | **42.5%** |
| DC31: Nkangala | 305,569 | 81% | 12% | 4% | 67% | 11% | 82% | **42.8%** |
| DC48: West Rand | 186,850 | 74% | 17% | 7% | 66% | 21% | 74% | **43.2%** |
| DC22: UMgungundlovu | 217,877 | 69% | 16% | 7% | 67% | 23% | 78% | **43.4%** |
| DC17: Motheo | 227,026 | 72% | 16% | 6% | 70% | 15% | 84% | **43.9%** |
| DC5: Central Karoo | 15,708 | 55% | 13% | 7% | 78% | 33% | 82% | **44.7%** |
| DC46: Metsweding | 46,503 | 82% | 20% | 7% | 68% | 15% | 78% | **44.8%** |
| DC42: Sedibeng | 241,223 | 73% | 16% | 5% | 78% | 16% | 82% | **45.2%** |
| DC9: Frances Baard | 82,889 | 66% | 17% | 8% | 77% | 26% | 78% | **45.3%** |
| NMA: Nelson Mandela Bay Metro | 276,881 | 65% | 20% | 8% | 80% | 29% | 79% | **46.8%** |
| EKU: Ekurhuleni | 849,350 | 80% | 22% | 10% | 72% | 22% | 78% | **47.4%** |
| ETH: eThekwini | 833,859 | 78% | 19% | 9% | 74% | 32% | 80% | **48.8%** |
| DC2: Cape Winelands | 173,345 | 69% | 22% | 10% | 81% | 31% | 82% | **49.2%** |
| DC4: Eden | 141,578 | 71% | 23% | 13% | 78% | 31% | 81% | **49.4%** |
| TSH: City of Tshwane | 686,639 | 83% | 29% | 13% | 74% | 25% | 81% | **50.7%** |
| DC1: West Coast | 76,215 | 72% | 22% | 10% | 83% | 35% | 84% | **51.1%** |
| DC3: Overberg | 60,057 | 69% | 23% | 13% | 82% | 37% | 83% | **51.2%** |
| JHB: City of Johannesburg | 1,165,014 | 82% | 26% | 14% | 78% | 29% | 82% | **51.7%** |
| CPT: City of Cape Town | **902,278** | 77% | 34% | 19% | 86% | 47% | 84% | **57.9%** |
| **Total** | **12,500,624** | **73%** | **16%** | **7%** | **66%** | **19%** | **77%** | **42.7%** |

Source: Community Survey, February 2007.

As can be seen from the table in the beginning of 2007 the average penetration for all 6 parameters was 42.7% ranging from 73% for cellphone penetration to 7% who have an internet access. The variance of penetration between district municipalities ranged from City of Cape Town having the highest average penetration of 57.9% to OR Tambo that has the lowest average penetration of 25.7%. Thirty four of the 52 municipalities (65%) have an average penetration below that of the national average. Twelve of the municipalities (23%) have a penetration of 20% of the national average.

4.2.3 PROPOSED DEFINITION OF UNDERSERVICED AREAS

The following definition of "underserviced area" is proposed:

"An underserviced area is, as defined from time to time by the Agency, any municipal area or ward within a metropolitan municipality where the average electronic communication network service penetration rate of a particular service type is below the national average penetration rate."

The suggested target for the underserviced areas is that the yearly percentage growth rate of each of the service types grows by a greater magnitude than the national average's percentage growth of that service type.

4.2.4 QUESTIONS

19. Do you agree with the proposed definition? If not, what should it be replaced by?

20. Do you agree with the target as defined by growth rate? If not what do you suggest they should be? Is it correct that the focus in respect of underserviced areas must (and should) be with regard to ECNS, as opposed to ECS and BS?

21. Can an area be considered underserviced if it is completely covered by one ECNS, regardless of how many BS and ECS is being providing using that ECNS?

22. Can an area be an underserviced area for the purposes of providing BS, but not for providing ECS and vice versa?

23. Is ICASA required to designate underserviced areas as falling within its definition of underserviced areas, and if so, would this deny a licensee intending to provide service in an area not so designated the ability to access USAF funds?

24. Should the definition or designation of underserviced areas be different in respect of sections 88 and 90, respectively?

25. What is meant by the term areas in section 82(3)(a)(i) of the ECA – should the area be a district municipal geographic area, or should it be something smaller, such as a local municipality or ward as defined by StatsSA?

26. Can underserviced area be defined by something other than ICT penetration rates, such as average household income or the number of persons from historically disadvantaged backgrounds residing there?

27. Which service types should be considered when measuring penetration rates: cellphone; television; radio; telephone; computer; internet; or a different combination of the parameters?

28. Should an underserviced area definition be any area below the average penetration rate, or should it be certain percentage below the average (e.g. in Malaysia it is 20% below the average penetration)?

## 5. NEEDY PERSONS

### 5.1 INTERNATIONAL REVIEW OF NEEDY PERSONS

Internationally, the concept of needy people is generally defined as consisting of three broad categories: low income, geographical remoteness (underserved areas) and people with disabilities.

The ITU recommends that, as universal access aims to make a service available in poorly served areas, often the rural and remote areas, these areas can be identified by examining coverage.

By contrast, subsidies focused on people are intended to make a service accessible and affordable, particularly to citizens who live in poorly served areas or who have low incomes. However, because the low income population is often large, it must be subdivided somehow to make subsidies practicable. When focusing subsidies on people, policy makers and regulators need to ask the question, "which group is likely to justify special assistance through subsidies?"

In many countries, elderly people or those with disabilities are thought to justify special assistance. Other population groups sometimes thought to justify special assistance include:

- women, who typically experience lower incomes and social obstacles to making full use of communications or who are poorly represented by local programming

- ethnic communities who have traditionally suffered from discrimination or neglect in the provision of a variety of services

- unemployed people, for whom the ability to have internet access may also enable them to learn new skills, gain networking capabilities, or gain knowledge leading to employment

- young people, who usually have low or no income, who are often early adopters of new technologies and can easily learn to make the most of them for the wider benefit of their families and eventually society

- war veterans or others felt to deserve recognition of assisted service

Although not specifically mentioning the term "needy people", an EU Ministerial Declaration in 2006 focuses on ICT issues that include certain groups that could be considered needy, such as those referred to in the EU Declaration as the "active aging". The EU Declaration also refers to groups that countries would consider "needy" in terms of their levels of internet usage, rather than their access to basic voice services.

Other developed countries, such as the United Kingdom and Australia, tend to regard needy people as the elderly and those with disabilities. Generally, the developing countries surveyed include concepts that allude to affordability for low income groups, the disabled and rural communities. For instance in Brazil, the broad definition of "universalisation" is: "ensuring the access by every person or institution, regardless of location and socioeconomic condition, to telecommunications services." Malaysia's Communications and Multimedia Act, 1998 specifically mentions "underserviced groups within the community" when it discusses universal service.

Each country must decide which (if any) groups justify assistance for which services, depending on its own particular characteristics and assessments of need. The decision needs to be guided by current service penetration, by financial resources necessary, and by financial sustainability.

5.2 NEEDY PERSONS IN A SOUTH AFRICAN CONTEXT

The ECA provides that subsidies may be paid for the assistance of needy persons in respect of the cost of the provision to, or the use by them of BS and ECS.

In terms of section 88(4), the Minister may (but does not necessarily have to) determine types of needy persons to whom assistance may be given, the persons who may apply for assistance, the application manner and the manner in which and the persons to whom subsidies may be paid.

Needy persons in South Africa could include those with low or even medium incomes, given the high costs of communications, people with disabilities, the aged, people in low density areas where the costs of providing services is quite high, amongst others.

In respect of disability, ICASA published draft regulations in Notice 1613 of 2007 in Government Gazette 30441 dated 7 November 2007. Some of the issues raised in that proceeding are also relevant to this one, although the proceedings are not directly related.

Although other factors are implicated, income, or the lack thereof, is the overarching factor that denies many persons access to communications.

On the other side of the coin, whilst communications cannot solely reduce the socioeconomic divide in South Africa, it is widely recognised that it has an important role to play in enabling categories of needy persons to benefit from ICT.

There has been a clear policy aim, from the publication of the White Paper on Telecommunications through the promulgation of the ECA, to address the inequalities of the past. The White Paper states:

"Besides referring to those who were disadvantaged by the apartheid system in the past, the term "disadvantaged" also applies to those South Africans who have been historically disadvantaged through discrimination on the grounds of gender and/or disability. In the context of telecommunications, the severe disadvantage experienced by the members of rural communities under apartheid should receive special attention."

A study commissioned by SATRA, called the DRA Development Report (Aki Stavrou 1997) provides useful insight into understanding the categories of needy people within the context of the South African telecommunications sector. The study proposes that categories of needy people can be placed into four distinct groupings namely:

- Individuals – are defined individual people and could be the aged, the poor and those with disabilities.
- Households – are defined as groupings of individuals.
- Communities – are defined as groups of households.
- Institutions – are defined as specific groups within communities such as schools, hospitals and other mechanisms that are critical to society.

The ECA addresses the provision of USAF funds to institutions (in s88 (1)(c) and (d)) as well as to disadvantaged communities in underserved areas (s88 (1) (b)). Therefore the definition of needy persons is focused on individuals and households.

Section 66(1)(a) of the Telecommunications Act stated that the money in the Universal Service Fund "shall be utilised exclusively for the payment of subsidies for the assistance of needy persons towards the cost of the provision to or the use by them of telecommunication services". The Act made reference to needy people by indicating that needy people should be defined by the Authority. Despite these clear policy initiatives, the term 'needy persons' has not been defined.

5.2.1 THE ELECTRONIC COMMUNICATIONS ACT

Section 88(1) of the ECA provides that subsidies may be paid for the assistance of needy persons in respect of the cost of the provision to, or the use by, them of BS and ECS.

In terms of section 88(4), the Minister may determine:

- types of needy persons to whom assistance may be given
- the persons who may apply for assistance
- the application manner
- the manner in which and the persons to whom subsidies may be paid

There are several things to be noted about these provisions.

- First, unlike in respect of underserviced areas, the focus in respect of needy persons is ECS and BS, not ECNS.

- Second, USAASA may pay out subsidies for the cost of providing, or use of ECS and BS services. The focus of needy in this context therefore is financial.

- Third, the Minister does not necessarily have to make the determinations set out in section 88(4), but failure to do so, will not necessarily deny access to USAF funds in terms of section 88(1) of the ECA.

- Finally, the Minister may determine that only certain types of needy persons may access USAF funds, while denying access to other types of needy persons. This may be required, for example, by a lack of funds to assist every needy person.

In terms of the needy category the disabled and the elderly are a priority when considering the accessibility and availability of broadcasting and other electronic communications services. The term "disabled" includes specifically hearing and sight-impaired people. The elderly are generally regarded as those of pensionable age or older than 65.

"Needy" could be defined by looking at the income of the person or household and the cost of the ECS or BS and determining whether the cost of the ECS or BS is less than a certain percentage of the income or expenditure, and if it is, then such person is a needy person for the purposes of that service.

According to a USAASA study published on the 13th February 2006, entitled 'Affordability of telecommunications services and categories of the needy people in South Africa', determining a low income usage basket should be considered as a way of determining who constitute needy persons.
In order to define a low user basket one should first understand the basic costs involved in providing service in South Africa. This mechanism can be used to determine the composition of the low user basket and the subsequent minimum household income levels that would fall into this category.

To assist in assessing what constitutes a needy person, data from the StatsSA Community Survey of 2007 and the Expenditure and Income Survey of 2005/2006 has been analyzed. The first parameter looked at the number of individuals between the ages of 15-65 and in what income brackets they fell into. As seen in the table below, 49% of people between the ages of 16-65 have no income and 59% have an income of less than R800 per month. The ability of low income groups to afford communication services is obviously compromised as it is still unaffordable to many of them.

**Table 5: Individual income of people between 15 and 65 in SA**

| Income Bracket | Total | Average |
|---|---|---|
| No income | 15,121,196 | 49% |
| R1 - R400 | 1,218,878 | 4% |
| R401 - R800 | 1,849,586 | 6% |
| R801 - R1,600 | 4,008,253 | 13% |
| R1,601 - R3,200 | 2,208,864 | 7% |
| R3,201 - R6,400 | 1,737,098 | 6% |
| R6,401 - R12,800 | 1,332,116 | 4% |
| R12,801 - R25,600 | 622,782 | 2% |
| R25,601 - R51,200 | 270,020 | 1% |
| R51,201 - R102,400 | 82,154 | 0% |
| R102,401 – R204,800 | 40,488 | 0% |
| R204,801 or more | 22,471 | 0% |
| Response not given | 2,020,325 | 7% |
| NA/Institutions | 501,928 | 2% |
| **Total population of 15-65** | **31,036,159** | **100%** |

Source: Community Survey, February 2007

Other important categories of people that need to be considered when defining a needy person are the aged and the disabled. The table below summarizes the number of people in all the categories that could be considered as needy people.

**Table 6: Different categories of needy persons**

| Indicator | Number of people | % of population |
|---|---|---|
| Poor: Receiving social grant | 11,802,175 | 24.3% |
| Low income: Earning less than R800 per month | 18,189,660 | 37.5% |
| Aged: Over the age of 65 | 2,612,259 | 5.4% |
| Disabled | 2,567,980 | 5.3% |

Source: Community Survey, February 2007. Note: Total population: 48,502,075

Due to the great number of people who fall into one or more of these categories, it is highly improbable that all these individuals can receive individual assistance. The number of people who would require such a subsidy could overwhelm a system of delivering and administering such a subsidy.

In South Africa it has been estimated that the administration of such a subsidy scheme for disadvantaged individuals could easily cost twice the level of subsidy given out, especially where prevention of fraud needs to be considered. Whilst the major disadvantage of high administration costs can somewhat be mitigated by innovative solutions from operators, the challenges remain significant.

A more appropriate way to determine needy persons may be to have a 'means test' that combines certain factors with appropriate weighting to come up with people who could qualify for assistance and what type of assistance would be appropriate.

5.2.2 PROPOSED DEFINITION OF NEEDY PERSONS

"Needy persons" is defined as persons, who qualify through the application of an agreed 'means test', who cannot afford to obtain electronic communications services or broadcasting services at commercial rates – for reasons of income, and other factors in relation to income, including geography, age, disability, or other similar factors.

5.2.3 QUESTIONS

29. Do you agree with the proposed definition? If not, what should it be replaced by?

30. Do you agree with needy persons being defined through the application of an agreed 'means test'? If not, what do you suggest should be used to define needy persons?

31. What criteria can the Agency consider in determining the 'means test' - , LSM, income or expenditure only, or also age, disability, or other criteria?

32. How should USAASA determine whether certain criteria have been met, e.g. use of an income test, household expenditure, LSM, social grant recipients?

33. Who should be able to apply (needy individuals and/or other persons on behalf of needy persons such as licensees or representative entities and/or needy communities) for subsidies?

34. What should the process be for awarding subsidies to or on behalf of needy persons?

35. Should subsidies be once off for equipment or monthly for access to services?

36. Should USAASA consider handset subsidies for persons with disability now or be considered on the next review of the definition for needy persons?

37. In what manner should the subsidies be paid?

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