



BACKGROUND

The installation of electronic communication facilities, such as fibre networks, which may affect the Municipality's own infrastructure, is regulated in terms of a by-law which was promulgated in 2019. The by-law intends to establish an **open access fibre network** that can accommodate as many as possible internet service providers. This open network also aims at restricting ongoing excavations, damage to infrastructure and disruptions in towns.

Applications by service providers for a wayleave permit are considered in terms of the by-law against various *objective* factors, such as –

- whether the physical space the operator intends to occupy is available and suitable for the purpose;
- whether similar infrastructure owned by other electronic communications operators already occupies the same physical space.

Generally, wayleave permits are issued to the first operator that successfully comply with all conditions as stipulated in the by-law.

In the case of MALMESBURY, the first wayleave permit was issued to *West Coast Access CC* in September 2019, in respect of a part of Malmesbury only.

RESPONSE TO ALLEGATIONS BY TRUSC

As regards TRUSC's posts on social media over the weekend regarding its alleged 'blocking' by the Municipality, the following is placed on record:

- TRUSC communicated with the Municipality via their consultants (DKC Consulting Engineers) for the first time on 3 August 2020, and not '*since early in 2020*' as alleged. Enquiries by TRUSC were only in respect of MALMESBURY and not any of the other towns in the Swartland;
- TRUSC was informed in writing and in a contact meeting of the by-law requirements and application procedures, and was furnished with the detail of *West Coast Access CC* to discuss the possibility of trench sharing with the latter;
- As applied for by TRUSC, the latter was granted a wayleave on 12 March 2021 for the remainder of Malmesbury, including Westbank (south of Darling Road), Ilinge Lethu and the industrial area. **To date TRUSC has not accepted the wayleave conditions;**
- **Only on 21 May 2021** did TRUSC apply for a wayleave permit for the whole of Darling, Moorreesburg, Riebeek Kasteel and Riebeek West. The Civil Services Department is in the process of evaluating this application;
- In response to their latest application, TRUSC was advised that wayleave permits have already been issued to two other fibre installers for Moorreesburg and one other fibre installer for Darling, and that TRUSC was to submit its application as far as electrical infrastructure is concerned to Eskom in respect of Riebeek Kasteel and Riebeek West. For Moorreesburg and Darling TRUSC was advised to approach the fibre installers to whom wayleave permits have already been issued to share fibre infrastructure.

FIBRE FOR EDUCATIONAL PURPOSES

The Western Cape Provincial Government awarded a tender approximately three years ago to LIQUID TELECOM to link schools and other government buildings. This project has been completed in Darling and is presently underway in Malmesbury.

TRUSC was invited to a meeting on 8 March 2021 to join the project by trench sharing in Malmesbury. TRUSC delayed this project for more than six weeks, since they could not come to an agreement with the other stakeholders about the sharing of costs. At the aforesaid meeting TRUSC indicated that that they will share this route with fibre, but will thereafter continue with wireless networks.

Other fibre service providers have advised that they also can provide fibre services to schools on a free of charge basis.

As indicated, Swartland Municipality granted a wayleave permit to TRUSC for Westbank (south of Darling Road) and Ilinge Lethu on 12 March 2021. Therefore, upon acceptance of the wayleave conditions, TRUSC may proceed forthwith with the installation of fibre infrastructure in these areas to facilitate free fibre services for educational purposes as promised by them.

TRUSC's inference that the Municipality is protecting a single provider, or may have *'other ties that are not public knowledge'* is rejected with the contempt it deserves and is considered slanderous.

25 May 2021