



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

CORPORATE SERVICES AND COMPLIANCE DIRECTORATE
LEGAL SERVICES

Susan Mosdell

Principal Professional Officer: Corporate Advisory Services

T: +27 21 400 3918

E: susan.mosdell@capetown.gov.za

6 November 2015

Link Africa (Pty) Ltd
via email to craig@linkafrica.co.za

Dear Sirs

CURRENT PROCESS REGARDING YOUR APPLICATION TO UTILISE CITY INFRASTRUCTURE FOR THE INSTALLATION OF FIBRE OPTIC CABLES

Please be advised that the current status of your application to utilise the City's stormwater and sewer infrastructure for the installation of fibre optic cables for telecommunications purposes is as follows.

- 1 A report served before all subcouncils in the last two weeks of October. Their feedback and comments are currently being received and collated.
- 2 A report was prepared for Council for 28 October, requesting authority to embark on the public participation process required in terms of Chapter 4 of the Municipal Asset Transfer Regulations, and for in principle approval of the granting of the right. Unfortunately the matter was withdrawn from the agenda because many of the councillors had questions regarding the process.
- 3 A further report will have to serve before Council at its next meeting of 9 December 2015. If the recommendations are accepted the public participation process will be able to commence immediately after this meeting.

- 4 In terms of Regulation 35 of the Asset Transfer Regulations Council may only make the final decision regarding the granting of the right 60 days after the commencement of the public participation process. Accordingly, assuming the initial report passes scrutiny by Council on 9 December, it will only be possible to request a final decision by Council from 8 February 2016 onwards. **The dates of the 2016 Council meetings are not yet known.** The first date after 8 February would apply.

- 5 It is noted that you have been giving undertakings to your clients in Constantia (as far as the City is aware, but possibly in other areas as well) as to when you will be able to install your services to their homes and businesses, as per your email correspondence. In this regard you and your clients should note, and you should communicate to them if they are not aware, that the decision whether or not to grant rights to you to install your fibre-optic cables in the City's stormwater and sewer pipes is subject to due process, specifically a decision by Council, informed by the subcouncil and public comments. The City expressly disassociates itself from undertakings you may give to your clients with regard to any guaranteed installation date that you may have offered, represented or sold to your clients.

We will keep you apprised of further developments as they occur.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Susan Mosdell', with a long horizontal stroke extending to the left.

Susan Mosdell
Principal Professional Officer
Legal Services Department.