

ANNEX A. DRAFT DECLARATIONS OF VARIOUS WHOLESALE SERVICES

DECLARATION INSTRUMENT

[DRAFT] WHOLESALE SERVICE DECLARATION No. 1 of 2025

National Information and Communications Technology Act 2009

The MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY makes this declaration under section 130 of the National Information and Communications Technology Act 2009.

Dated [xxx, 2025]

Honorable Timothy Masiu
Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No.1 of 2025*.

2 Commencement and Expiration

- (1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (*the Commencement Date*).
- (2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.

3 Definitions

- (1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.
- (2) In this Declaration, unless the context otherwise requires:
 - (a) “**Act**” means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;
 - (b) “**cable landing station**” is-
 - (i) A site at which an international fibre-optic submarine cable is available on shore for the purpose of accessing transmission capacity on the cables; and
 - (ii) Includes buildings housing the line terminal equipment, and other necessary equipment and space to interconnect networks and collocate equipment.

For the avoidance of doubt this includes the cable landing stations located at Kila Kila Police Barracks in Port Moresby (Coral Sea Cable System), Madang (PPC-1 Cable), and any future submarine cable landing station connected to an international submarine cable.
 - (c) “**dedicated capacity**” means capacity assigned solely to the access seeker’s point-to-point link; not shared with others;
 - (d) “**end point**” means a nominal point at a cable landing station or international gateway switching centre in a foreign jurisdiction that is used to demarcate an end of a service,;
 - (e) “**international gateway**” means the network equipment at a cable landing station, or at another location on the PNG’s end of an international connection or link;
 - (f) “**point of interconnection**” means a location in Papua New Guinea which is a physical point of demarcation between the access seeker's network and the access provider's network;
 - (g) “**Switching centre**” means a central node where voice and data traffic is routed within a network or exchanged between two or more networks in PNG.

Note: The following terms are defined in the Act:

- Access
- Access provider
- Access seeker
- Facilities access service
- Network
- Network service
- Operator licensee
- RIO
- Site

PART II – WHOLESALE INTERNATIONAL DEDICATED SUBMARINE CABLE CAPACITY SERVICE

4 Declaration of service

The wholesale international dedicated submarine cable capacity service is hereby declared.

5 Service description

- (1) The wholesale international dedicated submarine cable capacity service is a Network Service:
 - (a) for the carriage of any combination of voice communications and/or data via dedicated capacity in an international fibre-optic submarine cable between -
 - (i) any of the following points of interconnection:
 - (A) a point of interconnection located at the access provider's cable landing station; or
 - (B) a point of interconnection located in the access provider's switching centre the use of which for this purpose is mutually agreed to by the access provider and the access seeker; and
 - (ii) an end point; and
 - (b) with any unit of transmission capacity.
- (2) For the avoidance of doubt -
 - (a) the wholesale international dedicated submarine cable capacity service includes the supply of backhaul transmission capacity by the access provider to the extent that such is necessary to connect an access seeker's facilities at a virtual colocation site in the relevant switching centre to the access provider's facilities in a cable landing station;

- (b) if an access provider supplies a wholesale international dedicated submarine cable capacity service with a particular transmission capacity from –
 - (i) a cable landing station that is under its control; or
 - (ii) a switching centre that is under its control;

then, subject to the constraints of the relevant submarine cable capacity available through contract or ownership to the access provider, the access provider shall be deemed to be able to supply wholesale international dedicated submarine cable capacity services with different transmission capacities to access seekers with different international capacity requirements.

PART III – INTERNATIONAL SUBMARINE CABLE FACILITIES ACCESS SERVICE

6 Declaration of service

The international submarine cable facilities access service is hereby declared.

7 Service description

- (1) The international submarine cable facilities access service is a facilities access service that provides an access seeker with such access to, or use of, the facility or facilities designated by an access provider at the access provider's -

- (a) cable landing station; or
- (b) switching centre that is nearest to the relevant cable landing station and which contains a point of interconnection between the access provider and an operator licensee; or
- (c) switching centre the use of which for this purpose is mutually agreed by the access provider and the access seeker;

as is necessary to enable the access seeker to interconnect its facilities to an international fibre-optic submarine cable.

- (2) For the avoidance of doubt:

- (a) the international submarine cable facilities access service enables an access seeker to -
 - (a) access the international gateway facilities of an access provider including, but not limited to, physical network infrastructure; and/or

- (b) physically collocate its facilities if technically feasible in any available space within the access provider's cable landing station; and/or
- (c) virtually or physically collocate its facilities if technically feasible in any available space within the access provider's relevant switching centre.

PART IV – GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICES

8 General Terms and Conditions

- (1) The price of the abovementioned declared services: (1) wholesale international dedicated submarine cable capacity service and (2) international submarine cable facilities access service (the “Declared Services”), should be set;
 - (a) in accordance with the General Pricing Principles under Section 134 of the Act; or
 - (b) in accordance with the Service-Specific Pricing Principles under Section 135 of the Act, when NICTA makes such determination; and
- (2) The Declared Services shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
- (3) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with the current price list of the Declared Services. At the same time, the price list shall also be published on the access provider’s website; and
- (4) The above-mentioned price list shall be updated quarterly. An access provider of the Declared Services shall supply NICTA with the updated price list and publish it on its website; and
- (5) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with a Reference Interconnection Offer (RIO) in accordance with Section 141 of the Act.

PART V – REPORTING OBLIGATIONS

9 Reporting Obligations

- (1) An access provider of the Declared Services shall provide NICTA with monthly sales information of the Declared Services in a format to be specified by NICTA. Such

format may include but not be limited to, monthly sales revenue by operator licensee disaggregated by link capacity, and by type of service.

- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each point-to-point link of the Declared Service supplied to each access seeker.
- (3) The above-mentioned reporting shall be supplied to NICTA quarterly no later than ten days after the end of each quarter.

DECLARATION INSTRUMENT

[DRAFT] WHOLESALE SERVICE DECLARATION No. 2 of 2025

National Information and Communications Technology Act 2009

The MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY makes this declaration under section 130 of the National Information and Communications Technology Act 2009.

Dated [xxx, 2025]

Honorable Timothy Masiu
Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No.2 of 2025*.

2 Commencement and Expiration

- (1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (*the Commencement Date*).
- (2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.

3 Definitions

- (1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.
- (2) In this Declaration, unless the context otherwise requires:
 - (a) “*Act*” means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;
 - (b) “*dedicated capacity*” means capacity assigned solely to the access seeker’s point-to-point link and not shared with others;
 - (c) “*international gateway*” means the network equipment at a cable landing station, or at another location on the PNG’s end of an international connection or link;
 - (d) “*point of interconnection*” means a location in Papua New Guinea which is a physical point of demarcation between the access seeker's network and the access provider's network;
 - (e) “*premises*” means the location or locations occupied by a retail customer or end-users where retail service is delivered.

Note: The following terms are defined in the Act:

- Access
- Access provider
- Access seeker
- Facility
- Interconnection
- Network
- Network service
- Operator licensee
- Retail customer
- RIO

PART II – WHOLESALE LONG-HAUL DEDICATED CAPACITY SERVICE

4 Declaration of service

The wholesale long-haul dedicated capacity service is hereby declared.

5 Service description

- (1) The wholesale long-haul dedicated capacity service is a Network Service:
 - (a) for the carriage of traffic between two points of the access provider's fibre optic network within the national territory of PNG; and
 - (b) it involves the provision of domestic dedicated capacity from a point of interconnection to a second point of interconnection.
- (2) For the avoidance of doubt:
 - (a) this point-to-point service could have one end at an international gateway within the national territory of PNG; and
 - (b) it includes access to, or use of, the facility or facilities of an access provider to collocate an access seeker's equipment physically or virtually, at the access provider's facilities in order to interconnect the two networks.

PART III – WHOLESALE LOCAL DEDICATED CAPACITY SERVICE

6 Declaration of service

The wholesale local dedicated capacity service is hereby declared.

7 Service description

- (1) The wholesale local dedicated capacity service is a network service:
 - (a) for the carriage of traffic between two points over the access provider's fibre optic network, and within the limits of a city, or a metropolitan area in the national territory of PNG; and
 - (b) it involves the provision of domestic dedicated capacity from a point of interconnection to a second point at either:
 - (i) a retail customer premises; or
 - (ii) at an access seeker's point of interconnection.
- (2) For the avoidance of doubt:
 - (a) this wholesale service includes access to, or use of, the facility or facilities of an access provider to collocate an access seeker's equipment physically or virtually, at the access provider's facilities in order to interconnect the two networks.

PART IV – GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICES

8 General Terms and Conditions

- (1) The price of the abovementioned declared services: (1) wholesale long-haul dedicated capacity service and (2) wholesale local dedicated capacity service (the “Declared Services”), shall be set;
 - (a) in accordance with the General Pricing Principles under Section 134 of the Act; or
 - (b) in accordance with the Service-Specific Pricing Principles under Section 135 of the Act, when NICTA makes such determination; and
- (2) The Declared Services shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
- (3) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with the current price list of the Declared Services. At the same time, the price list shall also be published on the access provider’s website; and
- (4) The above-mentioned price list shall be updated quarterly. An access provider of the Declared Services shall supply NICTA with the updated price list and publish it on its website; and
- (5) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with a Reference Interconnection Offer (RIO) in accordance with Section 141 of the Act.

PART V – REPORTING OBLIGATIONS

9 Reporting Obligations

- (1) An access provider of the Declared Services shall provide NICTA with monthly sales information of the Declared Services in a format to be specified by NICTA. Such format may include but not be limited to, monthly sales revenue by operator licensee disaggregated by link capacity, and by type of service.
- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each point-to-point link of the Declared Services supplied to each access seeker.
- (3) The above-mentioned reporting shall be supplied to NICTA quarterly, no later than ten days after the end of every quarter.

DECLARATION INSTRUMENT

[DRAFT] WHOLESALE SERVICE DECLARATION No. 3 of 2025

National Information and Communications Technology Act 2009

The MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY makes this declaration under section 130 of the National Information and Communications Technology Act 2009.

Dated [xxx, 2025]

Honorable Timothy Masiu
Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No.3 of 2025*.

2 Commencement and Expiration

- (1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (*the Commencement Date*).
- (2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.

3 Definitions

- (1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.
- (2) In this Declaration, unless the context otherwise requires:
 - (a) “**Act**” means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;
 - (b) “**Internet**” means a global system of interconnected computer networks that use the standard Internet protocol suite TCP/IP;
 - (c) “**Internet transit**” means a service that allows an operator licensee to send and receive traffic to and from the Global Internet;
 - (d) “**point of presence**” means a location where an access seeker connects to the access provider’s network;
 - (e) “**port**” means a switch or connection to the global Internet.

Note: The following terms are defined in the Act:

- Access
- Access provider
- Access seeker
- Facility
- Network
- Network service
- Operator licensee
- RIO
- Wholesale service

PART II – WHOLESALE INTERNET ACCESS SERVICE

4 Declaration of service

The wholesale Internet access service is hereby declared.

5 Service description

- (1) The wholesale Internet access service is a Network Service for:
 - (a) accessing the global Internet using a high-capacity port from any location where the access provider has a point of presence in PNG; and

- (b) provides Internet transmission capacity over the access provider's fibre-optic network including Internet transit to the global Internet.
- (2) For the avoidance of doubt:
 - (a) the wholesale Internet access service includes access to, or use of, the facility or facilities of an access provider to collocate an access seeker's equipment physically or virtually, at the access provider's facilities in order to interconnect the two networks.

PART III – GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICE

6 General Terms and Conditions

- (1) The price of wholesale Internet access service (the “Declared Service”) shall be set;
 - (a) in accordance with the General Pricing Principles under Section 134 of the Act; or
 - (b) in accordance with the Service-Specific Pricing Principles under Section 135 of the Act, when NICTA makes such determination; and
- (2) The Declared Service shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
- (3) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Service shall supply NICTA with the current price list of the Declared Service. At the same time, the price list shall also be published on the access provider's website; and
- (4) The above-mentioned price list shall be updated quarterly. An access provider of the Declared Service shall supply NICTA with the updated price list and publish it on its website; and
- (5) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Service shall supply NICTA with a Reference Interconnection Offer (RIO) in accordance with Section 141 of the Act.

PART IV – REPORTING OBLIGATIONS

7 Reporting Obligations

- (1) An access provider of the Declared Service shall provide NICTA with monthly sales information of the Declared Service in a format to be specified by NICTA. Such format may include but not be limited to, monthly sales revenue by operator licensee disaggregated by link capacity, and by type of service.
- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each port or access point of the Declared Service supplied to each access seeker.
- (3) The above-mentioned reporting shall be supplied to NICTA quarterly and no later than ten days after the end of every quarter.
