

3 December 2021

Mr Kila Gulo-Vui
Chief Executive Officer
National Information & Communications Technology Authority
Headquarters
Punaha ICT Haus
PO Box 8444
Frangipani Street
Hohola
National Capital District

By Email & By Hand Delivery

Dear Mr Gulo-Vui

WHOLESALE AND RETAIL SERVICES GUIDELINES

We refer to NICTA's proposed Wholesale and Retail Services Guidelines, issued on 5 November 2021 ("Proposed Guidelines").

Digicel welcomes the Proposed Guidelines and strongly supports their early introduction as a means to clarify NICTA's approach to issuing operator licences and to its consideration of pricing practices relating to declared wholesale services.

The only change that Digicel respectfully suggests should be made to the Proposed Guidelines is the inclusion of an additional provision in Part 4 (Licensee obligations when providing retail and wholesale services). Specifically, we propose the inclusion of a statement confirming that NICTA will take into account a Licensee's retail pricing practices for relevant resale services when considering whether or not to accept or reject a proposed Reference Interconnection Offer ("RIO") pursuant to its functions and powers under section 142 of that National Information and Communication Technology Act 2009 ("Act").

Digicel considers that such a provision is important so licensees are made aware that, in addition to any role the ICCC may play in determining whether or not an anti-competitive margin squeeze has occurred, NICTA also has a duty to ensure that such anti-competitive conduct is not implicitly sanctioned through the RIO approval process.

We look forward to your positive consideration of the change proposed above.

Yours faithfully
Digicel (PNG) Limited



Michael Henao
Head of Legal & Regulatory