



CONSULTATION PAPER

Draft Rule establishing an Annual ICT Data Collection Regime

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Contents

1	INTRODUCTION	1
1.1	PUBLIC CONSULTATION	1
1.2	PUBLICATION INTENTIONS.....	2
	ATTACHMENT A: DRAFT RULE	5

1 INTRODUCTION

Appropriately detailed time-series data is essential for evidence-based regulation and decision-making. It is also necessary for NICTA to fulfil many of its statutory functions, such as:

- to provide advice to the Minister in the formulation of Government Policy in respect of any aspect of the National ICT Act or that otherwise promotes the objectives of that Act (s.9(b));
- to exercise all the licensing and regulatory functions in relation to the ICT industry as are contemplated in the National ICT Act (s.9(c));
- to oversee the performance of ICT licensees and their compliance with the National ICT Act and the mandatory instruments (s.9(d));
- to assist the ICCC to investigate complaints regarding market conduct for the purposes of the ICCC enforcing compliance with laws relating to market conduct in the ICT industry (s.9(e));
- to conduct research in relation to matters affecting the interests of consumers of ICT services (s.9(k)); and
- to make available to the public general information in relation to matters affecting the interests of retail customers of ICT services.

Given the importance of information and data to the fulfilment of so many of NICTA's statutory functions, the *National Information and Communications Technology Act 2009* (the Act) provides an assurance that NICTA will be able to obtain information that is necessary for the fulfilment of its functions or the exercise of its powers by giving NICTA strong information-gathering powers (Div.5 of Part XII). However, those information-gathering powers are appropriate primarily for use in specific individual instances where information is required from a particular licensee in the context of an inquiry or investigation. These information gathering powers are not particularly suitable for ensuring that licensees generally provide NICTA with key data on an ongoing basis or in the absence of a related inquiry or investigation.

NICTA therefore, intends to make a rule under section 218 of the Act to establish a framework for the regular collection of key ICT data from licensees. A draft of that rule is provided in Attachment A. The draft rule is accompanied by a draft Microsoft Excel workbook (available separately) that will form a schedule to the proposed rule and which defines the specific data that licensees will be required to provide to NICTA and sets out including the manner in which that data is to be reported to NICTA.

A range of metrics are intended to be collected to provide a sufficiently disaggregated indication of the state of competition in various markets, insight into industry and consumers trends, and measures of the growth and development of the ICT sector. In developing the proposed data collection regime, NICTA has sought to minimise the reporting burden on licensees. The proposed regime will only seek data that can be disaggregated where, and to the minimum level, necessary to provide useful analytical insights, and requires the submission of data only once (instead on multiple times) each calendar year. As a consequence of seeking to reduce the reporting burden on licensees, the proposed rule will not completely obviate the need for NICTA to collect, from time to time as a special need arises, additional information from licensees or a more disaggregated or special breakdown of some of the data collected under the proposed regime (e.g. in order to consider a specific complaint or inquiry into a particular matter).

1.1 Public consultation

NICTA invites interested parties to consider and comment on the draft rule and the accompanying Excel workbook in particular. Written submissions should be submitted via email to consultation.submission@nicta.gov.pg and must be received by noon Tuesday 6th May 2014

Copies of all submissions received will be published on NICTA's Public Register consistent with the requirements on NICTA under subsection 229(3) of the Act. Additional procedural information is set out in

the *Guidelines on the submission of written comments to public consultations and public inquiries*, which are available on NICTA's Public Register.

1.2 Publication intentions

NICTA's publication intentions regarding the data covered by the proposed regime is an entirely separate matter from the establishment of the data collection regime which, first and foremost, is to inform NICTA's exercise of its functions and responsibilities. However, NICTA notes that some licensees have in the past expressed concern about the potential publication by NICTA of market data that they consider to be confidential. Accordingly, NICTA considers it appropriate to indicate its publication intentions in relation to the data collected through the proposed regime.

NICTA will not publish (individually) the data it receives per licensee however, parts of the data collected (from all licensees) will be taken as representative of the industry and thus, published in an aggregate manner (using graphs etc) in an annual public report to the Minister. The published report will henceforth, present a general view of the state of the sector where market developments can be tracked over time or on an annual basis. At most, the publications will show of specific result (i.e. proportion etc) attributable to individual licensees—the exceptions are principally the metrics related to licensees' network coverage areas, number of services in operation, and the quality of service measures that are licence conditions. The metrics that NICTA plans to include in its annual reports for the Minister are shown in Figure 1, together with an indication of whether the planned presentation will show data that relates to individual licensees or not. NICTA is very sensitive to the fact that the publication of some individual licensee data may have commercial consequences thus, NICTA will seek to avoid such consequences wherever possible and consistent with providing meaningful information to the Minister and collecting such data to assist in the discharge of its own functions.

Figure 1: Planned contents of NICTA's annual report to the Minister

Ref.	Metric	Published as an aggregated total for the industry as a whole (in a way that does not indicate each individual licensee's contribution to, or proportion of, the whole)	Published in a way that shows each individual licensee's result or contribution to the aggregated total to the industry as a whole
Tot1	Total number of staff employed in the industry	✓	X
Tot2	Total investment in the ICT sector	✓	X
Tot3	Total international internet bandwidth	✓	X
Tot4	Total domestic internet bandwidth	✓	X
Mob1	Pre-paid mobile services in operation (nationally)	X	✓
Mob2	Post-paid mobile services in operation (nationally)	X	✓
Mob3	Estimated number of mobile services in operation in particular provinces or regions	✓	X
Mob4	Active mobile broadband subscriptions (nationally)	✓	X
Mob5	Network coverage of population (national/regional)	X	✓
Mob6	Network coverage by land area (national/regional)	X	✓
Mob7	Pre-paid mobile-originated minutes of use (mobile-to-mobile, mobile-to-fixed, mobile-to-international)	✓	X

Key: ✓=yes; X=no; (✓)=yes but only because there is likely one relevant operator

Mob8	Post-paid mobile-originated minutes of use (mobile-to-mobile, mobile-to-fixed, mobile-to-international)	✓	X
Mob9	Number of national SMS/MMS messages sent by pre-paid users	X	✓
Mob10	Number of national SMS/MMS messages sent by post-paid users	✓	X
Mob11	Proportions of total mobile-originated national call minutes and SMS/MMS that are on-net and off-net	✓	X
Mob12	Amount of pre-paid mobile data traffic	✓	X
Mob13	Amount of post-paid mobile data traffic	✓	X
Mob14	Total revenue earned from all mobile telecommunications services	X	✓
Mob15	Mobile call drop-out rate	X	✓
Mob16	Proportion of mobile call failure due to network congestion	X	✓
Mob17	Rate of mobile network availability	X	✓
Mob18	Average duration of different pre-paid calls (mobile-to-mobile, mobile-to-fixed, mobile-to-international)	✓	X
Mob19	Average duration of different post-paid calls (mobile-to-mobile, mobile-to-fixed, mobile-to-international)	✓	X
Mob20	Average price of different pre-paid calls (mobile-to-mobile, mobile-to-fixed, mobile-to-international)	✓	X
Mob21	Average price of different post-paid calls (mobile-to-mobile, mobile-to-fixed, mobile-to-international)	✓	X
Mob22	Average price per MB of pre-paid mobile data	✓	X
Mob23	Average price per MB of pre-paid mobile data	✓	X
Fix1	Number of fixed services in operation (split by residential/business and wireline/wireless)	X	(✓)
Fix2	Number of fixed broadband services in operation in particular regions or provinces	X	(✓)
Fix3	Pre-paid fixed-originated minutes of use (fixed-to-mobile, fixed-to-fixed, fixed-to-international)	X	(✓)
Fix4	Post-paid fixed-originated minutes of use (fixed-to-mobile, fixed-to-fixed, fixed-to-international)	X	(✓)
Fix5	Amount of pre-paid fixed data traffic	X	(✓)
Fix6	Amount of post-paid fixed data traffic	X	(✓)
Fix7	Total revenue earned from all fixed telecommunications services	X	(✓)
Fix8	Rate of fixed network availability	X	(✓)
Fix9	Proportion of total requests for service reconnection fulfilled with required timeframes	X	(✓)
Fix10	Proportion of total requests for new service connections fulfilled with required timeframes	X	(✓)
Fix11	Proportion of total requests for service connections fulfilled with required timeframes	X	(✓)
Fix12	Average duration of different pre-paid calls (fixed-to-mobile, fixed-to-fixed, fixed-to-international)	X	(✓)
Fix13	Average duration of different post-paid calls (fixed-to-mobile, fixed-to-fixed, fixed-to-international)	X	(✓)
Fix14	Average price of different pre-paid calls (fixed-to-mobile, fixed-to-fixed, fixed-to-international)	X	(✓)
Fix15	Average price of different post-paid calls (fixed-to-mobile, fixed-to-fixed, fixed-to-international)	X	(✓)
Fix16	Average price per MB of fixed data	X	(✓)

Key: ✓=yes; X=no; (✓)=yes but only because there is likely one relevant operator

CONSULTATION PAPER: DRAFT RULE ESTABLISHING AN ANNUAL DATA COLLECTION REGIME

Sat1	Number of satellite broadband services in operation in particular regions or provinces	✓	X
Sat2	Amount of satellite broadband data traffic	✓	X
Sat3	Total revenue earned from satellite broadband services	✓	X
TV1	Districts with TV/radio broadcast coverage areas wholly or substantially covering the district	✓	X
TV2	Number of subscription television subscribers (nationally)	✓	X
TV3	Number of direct-to-home satellite television subscribers (nationally)	✓	X

Key: ✓=yes; X=no; (✓)=yes but only because there is likely one relevant operator

ATTACHMENT A: DRAFT RULE

Annual ICT Data Collection Rule, 2014

1. NAME OF RULE

- (1) This rule is the Annual ICT Data Collection Rule, 2014.

2. PRELIMINARY

- (1) This rule is made by NICTA pursuant to its powers under section 218 of the *National Information and Communications Technology Act 2009*.

3. COMMENCEMENT

- (1) This rule commences on the date on which it is notified in the National Gazette.

4. INTERPRETATION

- (1) In this rule, unless the contrary intention appears:
- (a) "Act" means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;
 - (b) "ICT data" means the information identified and defined in Schedule 1 to this Rule;
 - (c) "nominated email address" means the email address specified in Schedule 1 to this Rule;
 - (d) "rule" means this rule, the *Annual ICT Data Collection Rule, 2014*;
 - (e) "Schedule 1" means the Microsoft Excel workbook file on the Public Register titled "NICTA ICT industry data request", as updated by NICTA from time to time, and which forms a schedule to this Rule;
- (2) Each of the following terms used in this rule has the meaning given to it by the Act:
- (a) ICT;
 - (b) ICT service;
 - (c) Individual Licensee;
 - (d) NICTA; and
 - (e) Public Register.

5. ANNUAL SUBMISSION OF CERTAIN INFORMATION

- (1) All Individual Licensees shall submit to NICTA the ICT data specified in Schedule 1 to this Rule that relates to the ICT services that are supplied by the licensee.
- (2) Individual Licensees shall submit the ICT data to NICTA:
- (a) Electronically via email to ict.data@nicta.gov.pg the nominated email address;
 - (b) in the form of a Microsoft Excel workbook file using the format set out in the Microsoft Excel workbook file that constitutes Schedule 1 to this Rule; and
 - (c) by 31st January each year.

6. COLLECTION OF BASELINE DATA

- (1) Within the first six months of the commencement of this Rule, NICTA may request an Individual Licensee to submit, pursuant to section (5), ICT data that relates to the five calendar years between January 2008 and December 2013.
- (2) For the avoidance of doubt, NICTA may seek ICT data of the type described in subsection 6(1) after the expiry of six months but in that case the request would be pursuant to NICTA's information gathering powers under Part XII of the Act.