



A Public Consultation Document

on

Draft Rules

under Section 218 of the National ICT Act

setting out the

standard and special terms and conditions

for Individual Licences

Issued by NICTA, Port Moresby on 25 February 2011

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1 Executive summary

The National Information and Communications Technology Authority (NICTA) has prepared a draft rule setting out the standard and special terms and conditions that it proposes to attach to Network Licences, Applications Licences, and Content Licences. This public consultation paper invites feedback on the content of that draft Rule, a copy of which is provided at Annex A.

In preparation for the migration of Existing Licences to new ICT Licences, NICTA has reviewed all of the terms and conditions of the Existing Licences to determine which, if any, conditions need to be maintained in the new licensing regime established by the Act. Most of the conditions of the Existing Licences were found to duplicate legal obligations in the Act or to be inappropriate in the new regulatory framework established under the Act. NICTA does not propose to maintain such terms and conditions into the new licensing regime and has not included them in the draft Rule at Annex A. This will improve the simplicity of the licensing regime and minimise direct intervention by the regulator in the operations of the licensees.

NICTA does intend to maintain a number of important licence obligations that are not otherwise explicitly provided for in the Act. In most cases, such obligations have been standardised and extended so that they apply consistently across a category of licence rather than just to one or two particular licensees. For example, all Applications Licensees that supply a voice telephony service to the public will be required to provide access to emergency call services. However, some operator-specific licence obligations, such as the obligation on Telkom to publish a telephone number directory and the obligation on Digicel to pay a special annual licence charge, will need to be maintained unchanged.

The draft Rule does not carry-over some of the obligations of the existing Broadcast Service Licences, such as the obligation to broadcast continuously between 6am and midnight each day and the obligation to broadcast program content that includes news, entertainment, education and current affairs. NICTA believes that content-related obligations such as these (where necessary) would be more appropriately applied by way of a Content Regulation made by the Head of State, which is specially provided for such purposes under section 217 of the Act.

Some of the existing Broadcast Service Licences include an obligation to expand the licensee's broadcast coverage areas after December 2012, but do not specify the particular areas that should be covered. NICTA intends to correct this and clarify the scope of those particular obligations by specifying the geographic areas that must be included in the mandatory coverage area. NICTA invites comments from relevant stakeholders on how that objective could best be achieved in the draft Rule.

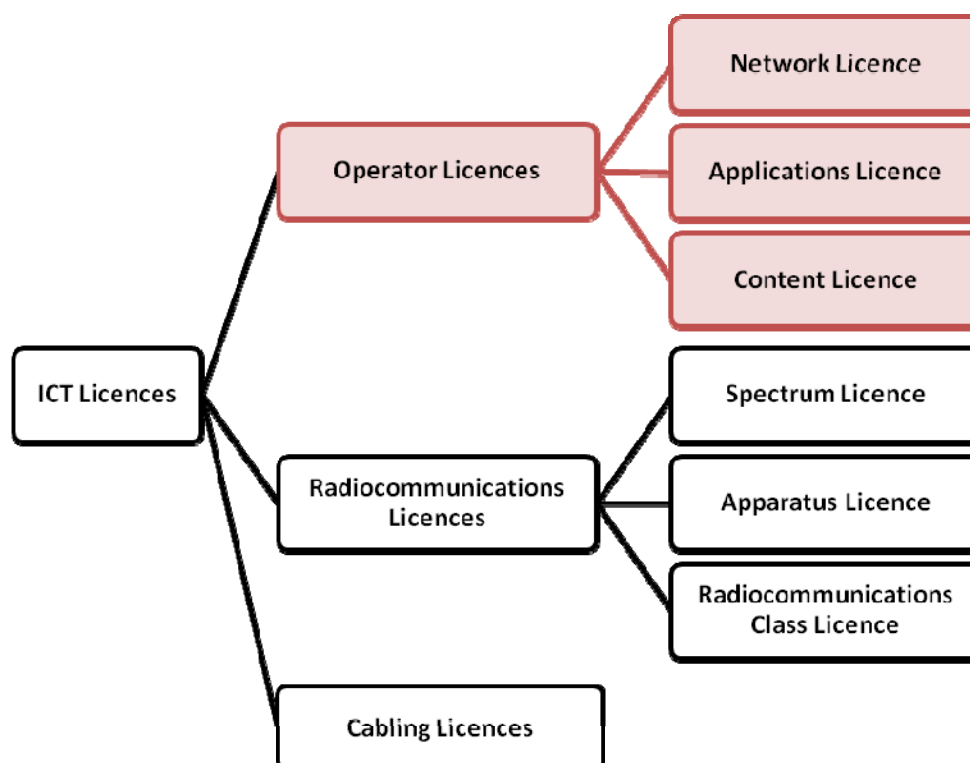
NICTA seeks feedback and comments on these and other issues raised by the draft Rule at Annex A and NICTA's proposed treatment of the various conditions of the Existing Licences. Any party wishing to respond is invited to submit written comments before 25 March 2011.

Copies of the draft template for Operator Licences are provided at Annex B for reference and comment.

2 Introduction

The *National Information and Communications Technology Act 2009* (the Act) has created a new licensing regime for ICT services. The structure of this new licensing framework is shown in **FIGURE 1**. NICTA's focus in this consultation process is on the terms and conditions attached to Operator Licences. Each of the three types of Operator Licence may be issued as either an Individual Licence or a Class Licence. This consultation process is focused on Individual Licences (i.e. Operator Licences that are issued as Individual Licences). Copies of the draft templates for the different types of Operator Licences are provided at Annex B for reference and feedback. The intent in the new licensing regime is that licence documents will be relatively simple documents, with any detailed licence conditions or obligations set out in a separate rule.

Figure 1: The structure of the new ICT licensing regime under the National ICT Act



In accordance with section 55 of the Act, NICTA must make rules under section 218 of the Act setting out the standard terms and conditions, and any special terms and conditions, of Individual Licences. A standard licence condition is a condition that applies to all Individual Licences. A special licence condition is one that applies to certain specified Individual Licensees. The Act also requires NICTA to engage in a public consultation process before making any such rules (§219).

NICTA has reviewed all of the terms and conditions of the Existing Licences with a view to identifying which conditions, if any, need to be maintained in the new licensing regime. This has been necessary in preparation for the migration of the Existing Licences to new ICT Licences. Once a licence has been migrated, the Existing Licence and any terms and conditions attached to it will

cease to have any effect unless NICTA specifically recreates those terms and conditions via a rulemaking (§304(6)).

NICTA has therefore prepared the Draft Rule at **Annex A** to carry over into the new ICT licensing regime some of the conditions of the Existing Licences. The majority of the terms and conditions of the Existing Licences are not being maintained because they relate to obligations that are either imposed elsewhere under the Act or inappropriate in the new regulatory regime created by the Act. Those licence conditions that have been maintained have generally been extended to apply consistently to all licences of a particular type instead of applying just to one or two particular licensees.

NICTA's development of the Draft Rule and its intention to specify the terms and conditions of Individual Licences is consistent with the licence migration requirements specified in the Act, including section 304 of the Act. Subsection 304(4) requires, among other things, any new ICT licences issued by NICTA as part of the migration of an Existing Licence to be:

- ‘...issued on terms that [unless otherwise agreed between NICTA and the licensee] confer on the existing licensee—
- (i) the right to offer ICT services to at least the same extent as permitted by the existing licence but shall not confer any monopoly or exclusive rights in relation to any ICT services...
 - (ii) the same rights in relation to the use of spectrum and the duration of those rights as the existing licensee was entitled to use under an existing licence.’

With the exception of the mandatory coverage obligations, which clause 304(4)(c) of the Act specifically requires be maintained, the draft Rule does not affect a licensee's rights to offer ICT services. The draft Rule simply impose some (in most cases pre-existing) obligations on licensees as is provided for under sections 218 and 55 of the Act and acknowledged in clause 304(4)(d).

2.1 PUBLIC CONSULTATION PROCESS

The objective of this Public Consultation is to provide stakeholders with the opportunity to make comments to NICTA on the content and implications of the Draft Rule and the licence conditions it would impose. Comments on the appropriateness of maintaining, or not maintaining, particular terms and conditions of the Existing Licences are also welcome.

NICTA invites all members of the public, including Existing Licensees, private individuals, public organisations and commercial entities (together, the “Respondents”) to participate in this Public Consultation process. Respondents are invited to submit written comments in response to this consultation document no later than close of business on **Friday 25 March 2011**. Comments may be submitted to one or more of the following addresses:

- a) E-mail to: kgulovui@nicta.gov.pg
- b) Post to: Director Regulatory and External Affairs
Public consultation on operator licensing conditions
National ICT Authority
PO BOX 8444
BOROKO NCD

NICTA welcomes all comments on the Public Consultation Document. In addition NICTA would welcome opportunities to discuss the Draft Rule and the related issues with Existing Licensees who wish to do so.

Copies of all written comments submitted by Respondents in relation to this consultation will be published on NICTA's Public Register on the NICTA website consistent with the requirements on NICTA under subsection 229(3) of the Act. Any claims of confidentiality made by Respondents will be determined by NICTA on a case by case basis. Generally speaking, statements of opinion will not be regarded as confidential by NICTA.

3 Licence conditions under the Operator Licensing Regulation

3.1 NOTIFICATION OF CHANGES IN OWNERSHIP

Section 6 of the *National Information and Communications Technology (Operator Licensing) Regulation 2010* (the Regulation) sets out standard terms and conditions for all Individual Licences. However, section 6 applies only until such time as NICTA makes rules for the purpose of section 55 of the Act. After that time, section 6 of the Regulation ceases to have effect and the licence terms and conditions specified in section 6 would be annulled. It is therefore necessary for NICTA to include in the Draft Rule some of the licence terms and conditions that are specified in the Regulation.

Accordingly, the draft Rule replicates all but one of the licence conditions specified in section 6 of the Regulation. The draft Rule does not replicate the licence condition specified in clause 6(2)(d) of the Regulation because that clause is a word-for-word reproduction of subsection 52(2) of the Act and therefore unnecessary. Clause 6(2)(d) of the Regulation states that:

[The licensee must] notify NICTA before any:

- (i) Transfer of shares which would result in the direct or indirect ownership of more than one quarter of the issued voting share capital of the licensee changing hands;
- (ii) Change in ownership of the licensee's issued voting sharing capital that may result in a change to the composition of more than one quarter of the licensee's board of directors'.

Although this particular obligation would cease to be a licence condition under the draft Rule, it will remain a requirement of the Act that all licensees must fulfil. Failure to do so would itself contravene the Act (§69) and also the standard licence condition that requires all licensees to comply with the Act (refer Schedule 1 to the draft Rule).

3.2 NRS AND NMRSS

Section 9 of the Regulation also maintains two conditions of Telikom's General Carrier Licence until such time as Telikom migrates its General Carrier Licence to a new ICT Licence. Those conditions relate to Telikom's operation of the National Relay Service and the National Maritime Radio Safety Service. The draft Rule maintains these two obligations and would require Telikom to continue to provide those services on substantially the same basis as it did in 2009.

This matter is addressed in section 4 of Schedule 9 to the draft Rule.

4 Conditions of the Public Mobile Licences

The existing Public Mobile Licences issued to BeMobile and Digicel contain a number of terms and conditions. An overview of those licence conditions together with a short explanation of how NICTA is proposing to treat those licence conditions under the new ICT licensing regime is provided in **FIGURE 2**. Additional conditions are attached to the Public Mobile Licences under a declaration by the Independent Consumer and Competition Commission (ICCC) under section 63 of the (now repealed) *Telecommunications Act 1996*. A summary of those conditions and NICTA's proposed treatment of them under the new ICT licensing regime is provided in **FIGURE 3**. Additional explanation is provided further below in relation to the continuation of the licence conditions relating to network performance, network coverage, and network fault repair.

Figure 2: Proposed treatment of the conditions of the Public Mobile Licences

Clause (BeMob)	Clause (Digi)	Title of condition	Summary of obligation	Treatment
5	6	Obligation to supply	Prohibits licensees from denying service to a customer except in specific circumstances.	Maintained through a standard licence condition applicable to a class of network licences. Refer Schedule B.
6	7	Alternative technology	Obliges licensee to obtain permission before updating or changing technology (eg to 3G) or decommissioning an existing network technology	Maintained only to the extent of notification .
7	8	Statutory Conditions	States that compliance with various statutory provisions is a licence obligation	Maintained through a standard licence condition applicable to all operator licences
8	9	Information Requirements	Obliges the licensee to provide to NICTA certain technical, financial and other information, upon request. Section 8.5 of BeMobile's licence also requires it to keep updated its asset register and to provide a copy of it to the ICCC regularly.	Not maintained as unnecessary and superseded given section 246 and 251 of the Act, and subsection 14(4) of the Operation Licensing Regulations.
9	10	Records and plans of network	If necessary, NICTA can use its information gathering powers under section 246 of the Act to require the licensee to create, maintain or provide such information or otherwise make a rule under section 218 of the Act.	Not maintained as unnecessary. If a need for such information arises, NICTA may use its information gathering powers under s.246 of the Act. If a licensee fails to provide such information to facilitate interconnection with other operators, NICTA may make a rule under s.218 of the Act.
10	11	Changes to network	Obliges the licensee to inform the ICCC of all major changes to its network	Not maintained as this is unnecessary in the newly deregulated regime.
11	12	Accounting records	Requires licensee to prepare separate accounts for its different types of networks.	Not maintained as this is unnecessary in the newly deregulated regime. NICTA has powers under the Act to require such action if warranted.
12	13	Emergency call	Obliges licensee to provide access to	Maintained as a special licence

		service	the emergency call service	condition applicable to all applications licensees that supply voice telephony services to the public
13	14	Cooperation with law enforcement and national security agencies	Obliges licensee to provide assistance to law enforcement and national security agencies	Not maintained as unnecessary given sections 72–74 of the Act.
14	15	Inter-connection and access	Obliges the licensee to facilitate interconnection with other carriers and sets out the factors the ICCC must take into account if called up to resolve a dispute over interconnection or access.	Not maintained as superseded by Part 6 of the Act.
n/a	16	Inter-carrier roaming	Authorises inter-carrier roaming agreements to be established on commercial terms and conditions. Also requires Digicel to provide international roaming within its first year following launch.	Not maintained. The deadline for the international roaming obligation has passed and the obligation has been met. Roaming is listed in clause 131(7)(d) of the Act as a service that may be made a regulated wholesale service if necessary.
15	17	Confidentiality and privacy	Protects the confidentiality of communications.	Not maintained as superseded by section 267 of the Act. This area is also addressed by the <i>Protection of Private Communications Act 1973</i> . There is also scope for an industry developed code of practice given clause 223(2)(b)(viii) of the Act.
16	18	Operation and compliance audit	Requires the licensee to undertake annual audits of its compliance with <u>all</u> of its obligations.	Not maintained as unnecessarily onerous in the newly deregulated regime. If warranted, NICTA can request such activity at any time under section 249 of Act, make a record keeping rule under section s.251, or conduct searches under section 286.
17	19	Quality of Service	QOS obligations are specified in a schedule to the licence (Telikom also had a regulatory contract with performance metrics but that contract was terminated by subsection 302(4) of the Act)	Maintained through a special licence condition applicable to all network licensees that supply public mobile telecommunications services. Discussed below.
18	20	Suspension or revocation	Provides for the ICCC to suspend or revoke the licence pursuant to the Telecoms Act.	Not maintained as unnecessary given section 60 of the Act
19	21	Force Majeure	Excuses non-compliance with licence if due to a force majeure	Maintained through a force majeure clause in the new Rule.
20	22	Transfer	Requires the Commission’s consent prior to the assignment of licence rights to another party and certain related transactions.	Not maintained as superseded by section 52 of the Act.
n/a	23	Payment on commence-	Digicel must pay each anniversary for 9 years in addition to annual licence	Maintained through a special licence condition attached to Digicel’s network

		ment and subsequent payments	fees	licence
n/a	24	Collateral agreements	Notes that the ICCC may call upon Digicel's bank guarantee if network rollout obligations are not met	Maintained through a special licence condition attached to Digicel's network licence

Figure 3: Proposed treatment of the conditions attached to the Public Mobile Licences under the ICCC's declaration under section 63 of the *Telecommunications Act 1996*

Clause	Title of condition	Summary of obligation	Treatment
1	Network coverage and network rollout conditions	Obliges licensees to provide network coverage in specified areas within certain timeframes.	Maintained through a special licence condition applicable to all network licensees that supply public mobile telecommunications services. Discussed below.
2	Definitions	Defines 'network coverage' and 'network coverage area'	Maintained through a definitions clause in the new Rule.
3	Main Centres	Obliges licensee to provide network coverage in specified geographic areas by a specified timeframe.	Maintained through a special licence condition applicable to all network licensees that supply public mobile telecommunications services.
4	Mid-sized centres	Obliges licensee to provide network coverage in specified geographic areas by a specified timeframe.	Maintained through a special licence condition applicable to all network licensees that supply public mobile telecommunications services.
5	Administrative district centres	Obliges licensee to provide network coverage in specified geographic areas by a specified timeframe.	Maintained through a special licence condition applicable to all network licensees that supply public mobile telecommunications services.
6	Smaller population centres	Obliges licensee to provide network coverage in specified geographic areas by a specified timeframe.	Maintained through a special licence condition applicable to all network licensees that supply public mobile telecommunications services.
7	Modification to schedule 4 localities	Permits the licensee to nominate an alternative geographic location in which to provide network coverage in the event that it is not feasible to provide network coverage in one of the specified areas.	Maintained through a special licence condition applicable to all network licensees that supply public mobile telecommunications services.
8	Force majeure	Excuses non-compliance with the network coverage obligations if that non-compliance is due to a force majeure	Maintained through a force majeure clause in the new Rule.
9	Fair pricing principles	Prevents licensees from charging a retail tariff for a domestic call that is more than 50% higher than the retail price of a call between two locations within Port Moresby.	Not maintained. Superseded by the new regulatory regime for retail pricing set out in Part 7 of the Act.
10	Inter-carrier co-operation	Obliges the licensee to comply with its obligations under the <i>Telecommunications Act 1996</i> and the Telecommunications Interconnect Code of Practice. Also permits	Not maintained. Superseded by the new regulatory regimes for interconnection and wholesale access set out in Part 6 of the Act, in particular sections 137 and 138. Discussed

		licensees to share infrastructure on bilaterally-agreed terms and conditions to fulfil network coverage obligations.	below.
11	Facilities sharing and utilising another carrier's facilities	Obliges the licensee to inform the ICCC if it intends to share infrastructure with another licensee to fulfil the network coverage obligations in the specified Administrative District Centres or the Smaller Population Centres.	Maintained in a modified form through a special licence condition applicable to all network licensees that supply public mobile telecommunications services. Discussed below.
12	Fairness principles for co-operative arrangements	Requires infrastructure sharing agreements between licensees to be submitted to the ICCC for its approval and sets out the principles that the ICCC will assess those agreements against	Not maintained. Superseded by the new regulatory regimes for interconnection and wholesale access set out in Part 6 of the Act, in particular sections 126 and 131(7). Discussed below.
13	Sharing the burden fairly in providing network access in remote and low use locations	Specifies that any infrastructure sharing agreements for the purposes of providing network coverage to the specified Administrative District Centres or the Smaller Population Centres should share equally the costs of installing and maintaining that infrastructure.	Not maintained. Superseded by the new regulatory regimes for interconnection and wholesale access set out in Part 6 of the Act. Also relates to an aspect that is suitable for an industry code of practice (§223). Discussed below.
14	Review of Commission Decisions	Enables the licensee to appeals certain decisions made by the ICCC	Not maintained. Superseded by Part 13 of the Act.
15	Date of commencement	States that date when the above licence conditions come into effect	Not maintained. Will be superseded by the commencement date of the proposed new Rule.
Sch 1–4		Specify the geographic areas for which network coverage must be provided.	Maintained (as schedules) through a special licence condition applicable to all network licensees that supply public mobile telecommunications services.

4.1 NETWORK PERFORMANCE STANDARDS

Under the terms of BeMobile's Public Mobile Licence (§17), the maximum acceptable call drop-out rate to be achieved by the end of 2010 was 3%, decreasing to 2% from the end of 2011. The maximum acceptable rate of call failure due to network congestion was 2% to be achieved by the end of 2010, decreasing to 1% from the end of 2011. However, those network performance standards do not align with those imposed on Digicel under the terms of its Public Mobile Licence (§19). The maximum acceptable call dropout rate for Digicel's network is 3% and the maximum rate of call failure due to network congestion on Digicel's network is 2%.

NICTA believes that mandatory network performance standards such as these should be applied consistently to similar types of licensees. Accordingly, NICTA proposes to standardise the network performance standards for all mobile network operators. This includes the existing Public Mobile Licensees and any future mobile network operators. The proposed standard is the network performance parameters that currently apply to BeMobile (i.e. 2% call drop-out and 1% call failure). Those parameters are the lower of the two sets of parameters. By adopting this as the network

performance standard, NICTA seeks to ensure that consumers continue to be served by mobile networks that are highly reliable and provide a high grade of service.

Under the terms of Digicel's Public Mobile Licence (§19), Digicel is required to maintain a rate of network availability of 99.99%. There is no equivalent condition in BeMobile's Public Mobile Licence. The draft rule maintains this requirement and extends it to all mobile network operators.

The draft Rule also specifies that compliance with these network performance standards will be measured and assessed on the basis of a calendar year. This is important to clarify as reported performance against such targets can alter depending on the specific period, or the length of the period, in which the assessment is being made.

These network performance issues are addressed in section 2 of Schedule 3 to the draft Rule.

4.2 MANDATORY NETWORK COVERAGE

BeMobile's Public Mobile Licence includes an obligation to provide GSM coverage to 8% of the population (§17). That particular requirement has not been maintained as it is effectively superseded by the network coverage and network rollout conditions that the ICCC attached to all Public Mobile Licences under its declaration under section 63 of the *Telecommunications Act 1996*. Those network coverage conditions are more specific and better defined and (as required by section 304 of the Act) have been maintained in the draft Rule. [The dates from which the specified network coverage is to be available, together with certain provisions relating to the assessment of compliance by those dates, have not been maintained where those dates have passed].

The ICCC's declaration stated that the required network coverage in each of the specified areas was to be maintained until at least 17 October 2017. This provision has not been maintained as NICTA expects that mandatory network coverage, once established, will continue to be provided indefinitely, particular as the network coverage obligations in the less populated areas may be fulfilled through infrastructure sharing. There is provision under section 58 of the Act to vary or remove the mandatory network coverage obligations should it be necessary to do so in the future.

These mandatory network coverage issues are addressed in section 3 of Schedule 3 to the draft Rule.

4.3 NETWORK FAULT REPAIR

Under the terms of its Public Mobile Licence (§19), Digicel is required to repair network faults within the timeframes shown in **FIGURE 4**. There is no equivalent condition in BeMobile's Public Mobile Licence.

Figure 4: Digicel's network fault repair timeframes

Network fault repair times: main centres	6 hours
Network fault repair times: Mid-sized centres	24 hours
Network fault repair times: Administrative district centres	2 working days
Network fault repair times: small population centres	3 working days

The draft Rule maintains these network fault repair timeframes and extends them to all mobile network operators. Additionally, the draft Rule quantifies the proportion of network faults that must be repaired within the specified timeframes, proposing that 98% of network faults within the specified main centres and mid-sized centres, and 95% of network faults within the specified administrative district centres and small population centres, must be repaired within the specified timeframes. The scope of the obligation has been clarified in this way to acknowledge that some network faults, by their nature, may take longer to repair than the specified timeframe. Such instances should not automatically constitute a breach of the licence condition.

The draft Rule also specifies that compliance with these fault repair timeframes will be measured and assessed on the basis of a calendar year. This is important to clarify as reported performance against such targets can alter depending on the specific period, or the length of the period, in which the assessment is being made.

These mandatory network fault repair issues are addressed in section 4 of Schedule 3 to the draft Rule.

4.4 INFRASTRUCTURE SHARING

Sections 10–13 of the ICCC's declaration under section 63 of the *Telecommunications Act 1996* relate to the sharing of infrastructure and facilities for the purpose of fulfilling certain mandatory network coverage obligations. Those sections are reproduced below for reference. NICTA has not carried over those provisions into the draft Rule as it would prefer to provide individual licensees with greater freedom and flexibility to enter into infrastructure sharing agreements (for the purposes of meeting certain network coverage obligations) on whatever terms they consider appropriate. If licensees have a contrary view and consider it necessary to set out a regulatory framework for inter-carrier agreements such as these, NICTA would be included to do so by way of a specific rule under section 218 of the Act or an industry code of practice requested under section 226 of the Act instead of through a licence condition.

10. **Inter-carrier co-operation:** Carriers are required to provide access and interconnection to each other's networks and facilities in accordance with the Telecommunications Act and the Telecommunications Interconnect Code of Practice. In addition, carriers may choose to satisfy their obligations under conditions 5 and 6 in providing network coverage in the locations specified in Schedules 3 and 4, through co-operative arrangements with other mobile carriers which would not require each mobile carrier to install and maintain its own facilities in all of the locations specified in Schedules 3 and 4. However, in those locations where a carrier did not operate its own facilities, that carrier

must ensure that its customers have network access to make or receive calls, either through inter-carrier roaming arrangements or otherwise.

11. **Facilities sharing and utilising another carrier's facilities:** Carriers must inform the Commission of proposals for co-operation in providing network access in locations specified in Schedules 3 and 4 including:
 - a. infrastructure sharing in particular locations or cost sharing for installation and operation of facilities;
 - b. access to another carrier's facilities or premises for installation or co-location of antennae, masts, base stations or other facilities;
 - c. use of another carrier's facilities in particular locations for access by the first carrier's customers to its network utilising the other carrier's facilities; and
 - d. any other co-operative arrangements between carriers to allow a carrier's customers network access in all locations in Schedules 3 and 4.
12. **Fairness principles for co-operative arrangements:** Inter-carrier co-operation arrangements to provide network access are subject to approval by the Commission, which will apply the following principles in deciding whether to approve those arrangements:
 - a. **No anticompetitive effects:** Inter-carrier arrangements must promote competition or be at worst competitive neutral.
 - b. **Consumer benefit:** Arrangements must consider the public benefits including the benefits for all customers of the parties to the arrangements.
 - c. **Fairness and equity:** Arrangements must not be unfair to any participating carrier and any access or interconnection charges must be reasonably cost based and in accordance with the requirements of Part XI of the Telecommunications Act.
13. **Sharing the burden fairly in providing network access in remote and low use locations:** The Commission recognises that providing network access in some locations in Schedules 3 and 4 may be costly for carriers and in some cases may not be profitable, even in the longer term. To minimise this cost, carriers may choose to agree among themselves, in accordance with condition 11, on reciprocal arrangements whereby one carrier only will install and operate facilities in nominated locations, with customers of the other carriers having network access through that first carrier's facilities, while in other locations, other carriers will install and operate facilities which similarly give network access to the other carriers' customers. **The overriding principle in any such arrangements will be that the financial burden of installing, maintaining and operating mobile networks in more remote locations where customer usage may not be high enough to otherwise be commercially justifiable, will be shared equally among all mobile licensees who participate in those arrangements and will not financially disadvantage any one licensee.** To this end, the Commission will approve such inter-carrier reciprocal arrangements on the principles that:
 - a. Each of the participating licensed mobile carriers would install and operate approximately the same number of facilities as the other party or parties to the arrangement and there would be a fair geographical spread of the

facilities installed and operated by each carrier, taking into account the varying costs in each location so that the capital and running costs for each carrier can be approximately equalised.

- b. The benefits of being the sole facility operator in particular locations will be shared equally among all participating operators.
- c. The ratio of solo sites to be operated by each carrier in Schedule 3 localities to Schedule 4 localities shall be approximately the same for all carriers involved in those arrangements.

The Commission would consider approving alternative commercial arrangements for providing network coverage in all Schedules 3 and 4 locations which did not comply with all of [the] principles a, b and c in this condition 13, but only where all of the participating licensed mobile carriers asked the Commission to approve the arrangement; where the overriding principle of equal sharing of the burden applied; and where the interests of customers or potential customers in those locations were protected and promoted.

5 Conditions of the General Carrier Licence

The majority of the licence conditions in the General Carrier Licence duplicate obligations and conditions that now exist in the Act and therefore do not need to be maintained. There are other conditions that are considered to be unnecessary or inappropriate in the new deregulated licensing regime. Among these are the express authorisation of the use of security deposits (§6) and the obligations not to refuse service to a person and not to stop supplying service to someone nor modify the network without the regulator's approval (§5).

There are a small number of licence conditions that NICTA believes need to be continued in the new licensing regime and which have been included in the draft Rule. These are obligations to:

- provide access to the emergency call services;
- provide a directory assistance service;
- provide a National Relay Service (NRS);
- provide a National Maritime Radio Safety Service (NMRSS);
- meet certain network performance measures; and

The proposed treatment of all of the General Carrier Licence conditions under the draft Rule is summarised in **FIGURE 5**. The obligation to provide access to emergency call services has been expanded to apply to all Applications Licensees that supply voice telephony services to the public. The obligations on Telikom to provide a directory assistance service, the NRS, and the NMSS, and to meet certain quality of service standards, have been maintained without significant change.

The obligation to publish telephone number directories has also been maintained. Although it has been restructured it remains consistent with the existing obligation.

It is also proposed that in the long run an entity may be designated to establish and maintain an integrated public number database of the type envisaged in section 187 of the Act.

Figure 5: Proposed treatment of the conditions in the existing General Carrier Licence

Clause	Title of licence condition	Summary of obligation	Proposed treatment
5	Obligation to supply	Obliges Telikom to supply certain services within the designated operations area 'during such period as Telikom remains the only general carrier...'. Also requires Telikom to obtain NICTA's permission to cease supplying services or modifying its network in certain areas.	Not maintained as not appropriate in newly deregulated regulatory regime and superseded by the Universal Access and Service Regime established under Part 5 of the Act.
6	Security deposits	Permits Telikom to require a customer to provide a security deposit.	Not maintained as not appropriate in the newly deregulated regulatory regime.
7	Statutory conditions	States that compliance with various statutory provisions is a licence obligation	Not maintained as unnecessary given section 69 of the Act
8	Information requirements	Obliges Telikom to provide NICTA with certain types of information upon request. Also requires Telikom to keep updated its	Not maintained as unnecessary given section 246 of the Act. NICTA also has power to make record keeping rules under section 251

		asset register and to provide a copy of it to the ICCC regularly. This condition has not been carried over in the proposed licences.	of the Act.
9	Designated operations area	This provision is for the purposes of the Regulatory Contract, which was terminated by subsection 302(4) of the Act.	Not maintained
10	Records and plans of the network	If necessary, NICTA can using its information gathering powers under section 246 of the Act to require the licensee to create, maintain or provide such information	Not maintained as superseded by section 346 of the Act.
11	Changes to the network	Obliges Telikom to inform the ICCC of all major changes to its network	Not maintained as inappropriate under the newly deregulated licensing regime
12	Accounting records	Requires Telikom to prepare separate accounts for its different types of networks.	Not maintained as inappropriate under the newly deregulated and technology neutral licensing regime. Also superseded by the interconnection and wholesale access regime established under Part 6 of the Act
13	Directories	Obliges Telikom to maintain a database of customer information for use by producers of telephone directories. Telikom must also publish annually a hardcopy directory	Maintained through a special licence condition applicable to Telikom
14	Emergency call service	Obliges Telikom to provide access to the emergency call service	Maintained (and extended more broadly) through a special licence condition applicable to all applications licensees that supply a voice telephony service to the public
15	National relay service	Obliges Telikom to operate the National relay service	Maintained through a special licence condition applicable to Telikom (which also maintains s.9 of the Operator Licensing Regulation)
16	National maritime radio safety service	Obliges Telikom to operate a national maritime radio safety service	Maintained through a special licence condition applicable to Telikom (which also maintains s.9 of the Operator Licensing Regulation)
17	Cooperation with law enforcement and security forces	Obliges Telikom to provide assistance upon request to law enforcement and national security agencies	Not maintained as superseded by section 72–74 of the Act
18	Confidentiality and privacy	Prohibits the interception of communications or the disclosure of customer information except as authorised under law	Not maintained as superseded by section 267 of the Act. Also addressed by <i>Protection of Private Communications Act 1973</i> . Also scope for an industry developed code of practice (clause 223(2)(b)(viii) of the Act).
19	Interconnection and access	Obliges Telikom to interconnect with other carriers of certain terms and conditions	Not maintained as superseded by Part 6 of the Act
20	Billing and metering	A redundant provision that provides that Telikom need not configure its billing services in a particular way before 1 January 2004	Not maintained
21	Operation and compliance audits	Requires Telikom to undertake annual audits of its compliance with <u>all</u> of its obligations.	Not maintained as unnecessarily onerous in the newly deregulated regulatory regime. If necessary, NICTA can request such at any time under section 249 of Act or make a record keeping rule (s.251) or conduct

			searches under section 286
22	Quality of service	Obliges Telikom to achieve the network performance standards set out in Schedule 1 to its General Carrier Licence	Maintained through a special licence condition applicable to Telikom
23	Suspension or revocation	States that the licence may only be suspended or revoked in accordance with the Telecommunications Act.	Not maintained as superseded by section 60 of the Act
24	Force majeure	Excuses non-compliance with licence conditions if due to a force majeure	Maintained via a standard licence condition
25	Transfer	Prohibits the transfer of rights under the licence except with the consent of NICTA	Not maintained as superseded by section 52 of the Act

6 Conditions of the Broadcast Service Licences

The existing Broadcast Service Licences contain a number of terms and conditions. An overview of those licence conditions together with a short explanation of how NICTA is proposing to treat those licence conditions under the new ICT licensing regime is provided in **FIGURE 6**.

Figure 6: Proposed treatment of the conditions of the Broadcast Service Licences

Clause	Title of licence condition	Summary of obligation	Proposed treatment
3	Spectrum licence	Obliges licensee to obtain and comply with the relevant spectrum licences.	Not maintained as it is unnecessary given s.69) of the Act and the new Radio Spectrum Regulation.
4	Broadcast service licence fee	Obliges licensee to ensure that it pays the annual service licence fee.	Not maintained as it is unnecessary given s.69 of the Act and s.14 of the Operator Licensing Regulation.
5	Operating hours	Obliges the licensee to broadcast its service, at a minimum, continuously between 0600 hours and 2400 hours.	Not maintained as it would be more appropriately addressed through a content regulation under section 217 of the Act.
6.1	Coverage area	Obliges the licensee to extend its service to a specific extent by a particular date, and then thereafter to extend it to other major populated areas. Different coverage obligations apply to different licensees.	Maintained via special licence conditions applicable to specific licensees
6.2	Coverage area	Obliges the licensee to seek NICTA's approval before closing down any existing broadcast station or ceasing to provide coverage in a particular area.	Not maintained as this is unnecessary in the newly deregulated regime.
7	Inspections of broadcast stations and facilities	Authorises NICTA to inspect the licensees facilities to ensure compliance with various obligations.	Not maintained as superseded by Division 5 of Part XIV of the Act
8	Program content	Obliges the licensee to broadcast news, entertainment, education and current affairs and certain local content	Not maintained as it would be more appropriately addressed through a content regulation under section 217 of the Act
9	Copyright obligations	States that the licensee is responsible for all obligations and liabilities to any third party associated with copyright or other rights that may arise from the broadcast of copyrighted material.	Not maintained as this is unnecessary given the <i>Copyright and Neighbouring Rights Act 2000</i>
10	Provision of information to PANGTEL	Obliges the licensee to provide certain types of information to NICTA upon request	Not maintained as superseded by Division 5 of Part XII of the Act
11	Suspension and revocation	States that the licence may only be suspended or revoked in accordance with the <i>Telecommunications Act 1996</i> .	Not maintained as unnecessary given the Act.
12	Variation and amendments to terms and conditions	Provides for PANGTEL to vary the terms and conditions of the licence.	Not maintained as it is superseded by section 58 of the Act

13.1	Transferability of licence and ownership	Obliges the licensee to seek PNAGTEL's consent prior to transferring any rights under the licence.	Not maintained as it is superseded by section 52 of the Act
13.2	Transferability of licence and ownership	Effectively requires any change in the original ownership of the licensee (i.e. the ownership at the time of the grant of the licence) to be approved by PANGTEL.	Already provided for via the licence condition carried over from the Operator Licensing Regulations
14	Compliance with laws, regulations and policies	States that compliance with various statutory provisions is a licence obligation	Already provided for via a standard licence condition
15	Station identification	Obliges the licensee to identify itself by its authorised name at least once every 30 minutes	Maintained via a standard licence condition
16.1–16.2	Sanctions for breaches of licence terms and conditions	States that PANGTEL may apply the sanctions provided for in the Act in the event of the licensee non-compliance with its licence conditions.	Not maintained as unnecessary given the Act
16.3	Sanctions for breaches of licence terms and conditions	States that frequent or prolonged interruptions in the licensee's broadcast will result in PANGTEL reviewing the licence award and possibly lead to its revocation.	Not maintained as unnecessary given the re-phrased broadcast coverage obligation
17	Force majeure	States that licensee not liable for a licence breach due to a force majeure	Maintained via a standard licence condition
18	Renewal of licence	Obliges the licensee to apply for renewal six months before expiry.	Not maintained as superseded by section 57 of the Act.
19	Governing laws	States that the governing law and legal jurisdiction is that of PNG.	Not maintained as unnecessary.

6.1 BROADCAST COVERAGE

PNG FM and Kalang Advertising each have licence conditions that required them to extend their 'service to all provincial capitals or headquarters by 31 December 2012 and then progressively to other major populated areas'. The draft Rule proposes to clarify the scope of this obligation by specifying the provincial capitals that must receive broadcast service by 31 December 2012. NICTA also wishes to clarify the scope of the second part of these obligations by specifying the 'other major populated areas' to which PNG FM and Kalang Advertising must extend their broadcast service progressively after 31 December 2012. NICTA invites stakeholders to propose how the 'other major populated areas' could be better defined, and the specific areas that might constitute such areas.

The scope of the coverage obligations on Hiram, InTouch Media, and Pacific Musik Haus have not changed, although the obligations themselves have been rephrased. The draft Rule also proposes a definition of 'broadcast coverage' to clarify the expected outcome of the coverage obligations.

6.2 POTENTIAL CONTENT REGULATIONS

There are some conditions in the existing Broadcast Service Licences that NICTA has not carried over into the draft Rule because they relate to the content of broadcasts and, as such, would be more appropriately addressed in Content Regulations under section 217 of the Act (if it is necessary to maintain such obligations). The relevant obligations are those that require the licensee to:

- (a) Provide the content service continuously between 0600 hours and 2400 hours (as a minimum);
- (b) Broadcast the following types of program content:
 - news;
 - entertainment;
 - education; and
 - current affairs; and
- (c) Identify itself clearly and consistently by its name at least once in every 30 minutes.

Under section 217 of the Act, the Head of State may make content regulations that prescribe the following matters (among others) in relation to content services:

- the representation of the culture and national identity of Papua New Guinea;
- requirements in relation to advertising content;
- requirements in relation to the provision of educational, political or other types of content;
- national emergencies;
- the procedures for handling public complaints and for reporting information about complaints to NICTA; and
- any other matter of concern to the community.

7 Conditions of international gateway licences

A network licence is required to own or operate an international gateway and to supply international gateway services. (Both those terms are defined in the Regulation.) Given the national importance of such infrastructure, NICTA intends licensing the operation of international gateways and the supply of international gateway facilities separately from the operation of other types of facilities and the supply of other types of network services. This will enable NICTA to consider applications for international gateway licences separately from, and without adding delay to, its consideration of applications for national licences.

This approach is consistent with the Act and implied in subsection 304(7), which specifically states that NICTA must issue Digicel, upon application, with 'a network licence to operate international gateway facilities...'.

As the operation of an international gateway and the supply of an international gateway service is an inherent part of the supply of a satellite-based service, satellite operators will require network licences to operate international gateway facilities. However, NICTA wishes to ensure that international gateway rights and authorisations that are granted because they form part of a satellite service are not later used for unrelated purposes or become a means of securing terrestrial international gateway rights without further consideration by NICTA. Accordingly, the international gateway network licences that will be issued to satellite operators will be subject to a condition that limits those rights and authorisations only to facilities and services that are associated with the supply of services via satellite.

This is addressed in Schedule 19 to the draft Rule.

Annex A: Draft Rule

This is a draft of the Rule that NICTA proposes to make under section 218 of the Act for the purposes of section 55 of the Act.

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Standard and Special Conditions of Individual Licences Rule, 2010

1. Name of rule

- (1) This rule is the *Standard and Special Conditions of Individual Licences Rule, 2010*.

2. Preliminary

- (1) This Rule is made by NICTA pursuant to its powers and responsibilities under sections 55 and 218 of the *National Information and Communications Technology Act 2009*.
- (2) In accordance with subsection 6(1) of the *National Information and Communications Technology (Operator Licensing) Regulation 2010*, section 6 of that Regulation ceases to have effect as a consequence of this rulemaking.

3. Commencement

- (1) This Rule commences on the date on which its existence is notified in the National Gazette.

4. Interpretation

- (1) In this Rule, unless the contrary intention appears:
 - “Act” means the *National Information and Communications Technology Act 2009* and includes any regulation made under that Act;
 - “Business Telephone Number Directory” means a directory of telephone numbers that lists businesses or trade categories or is otherwise focused on commercial enterprises;
 - “Broadcast Coverage” means, in the case of a specified geographic area, the supply of a Broadcasting Service using terrestrial broadcasting facilities to at least 80% of the specified geographic area;

“Call Drop-out Rate” means the same as the ‘probability of unsuccessful land cellular handover’ as defined in *ITU-T E.771 – Network Grade of Service Parametres and Target Values for Circuit Switched Public Land Mobile Services*;

“Directory Assistance” means a service:

- (a) provided to a customer of a Service Provider to help that customer find the Public Number of another customer of the same or another Service Provider; and
- (b) provided by way of an operator or an automated voice response system or some other technology;

“Directory Information” means information identifying the name, connection and/or billing address, and Public Number of a Telecommunications Subscriber;

“Failure to connect due to congestion” means the same as ‘probability of end-to-end blocking’ as defined in *ITU-T E.771 – Network Grade of Service Parametres and Target Values for Circuit Switched Public Land Mobile Services*;

“Force Majeure Event” means:

- (a) a cyclone, storm, earthquake, volcanic eruption, tidal wave, landslide or other natural disaster; or
- (b) an act of public enemy, war (declared or undeclared), sabotage, blockage, revolution, riot, insurrection, civil commotion or any violent or threatening act; or
- (c) any other event which NICTA and a licensee agree in writing to be a Force Majeure Event for the purposes of section 6 of this Rule.

“Individual Licence” has the same meaning as in the Act but includes a licence issued under section 304 of the Act;

“Integrated Public Number Database” (or “IPND”) means a database of the Public Numbers issued to Telecommunications Subscribers by Service Providers;

“International Gateway” has the same meaning as in the *National Information and Communications Technology (Operating Licensing) Regulation, 2010*;

“International Gateway Service” has the same meaning as in the *National Information and Communications Technology (Operating Licensing) Regulation, 2010*;

“IPND Manager” means the person responsible for maintaining an integrated public number database on behalf of industry under the terms of a licence condition or rules made by NICTA under section 218 of the Act;

“National Relay Service” means a service that enables the connection of VHF and HF radio communications to the public switched telecommunications network;

“National Maritime Radio Safety Service” means a service that enables the ship to shore communications and that is available 24 hours a day, seven days a week.

“Network Coverage” means coverage by a public land mobile network to a generally accepted commercial standard, being the ability to make and hold, or receive and hold, a mobile phone call from 90% of the locations in the Network Coverage Area for 90% of the time;

“Network Coverage Area” means an area centred upon the town, village, or locality specified in Schedule 1, 2, 3 or 4 in which it is generally recognised that at least 75% of the population of that town, village or locality are living;

“Network Coverage Obligation” means the obligations specified in section 3 of Schedule 3 to this Rule;

“Public Number” means an E-164 number specified in the National Numbering Plan;

“Public Number Directory” means a Residential Telephone Number Directory or a Business Telephone Number Directory;

“Raw Directory Information” means information identifying the name, connection and/or billing address, and telephone numbers of a customer or a company or other commercial entity that is in a format that facilitates its inclusion in the IPND by the IPND Manager;

“Residential Telephone Number Directory” means a directory of telephone numbers that lists, in alphabetical order of the subscribers’ names, the Public Numbers and addresses of Telecommunications Subscribers who are Retail Customers;

“Rule” means the *Standard and Special Conditions of Individual Licences Rule, 2010*;

“Space Service” has the same meaning as in the *National Information and Communications Technology (Operating Licensing) Regulation, 2010*;

“Telecommunications Subscriber” means a customer of a Service Provider who is connected to a public telecommunications network in Papua New Guinea;

“Unlisted Number” means a Public Number that is not published in any Public Number Directory;

“Working Day” means a full day that is not a Saturday, Sunday or a public holiday.

(2) Each of the following terms used in this Rule has the meaning given to it by the Act:

- Applications Licence
- Applications Licensee
- Broadcasting Service
- Content Licence
- Content Licensee
- Emergency Services Number
- Facility
- Facility Access Service
- Facility Right
- ITU
- ITU-T recommendations
- National Numbering Plan
- Network
- Network Licence

- Network Licensee
- NICTA
- Regulations
- Retail customer
- Service Provider

5. Licence conditions

- (1) All Individual Licences are subject to the standard terms and conditions specified in Schedule 1 to this Rule.
- (2) All Applications Licences that are Individual Licences are subject to the special terms and conditions specified in Schedule 2 to this Rule.
- (3) All Network Licences that are Individual Licences and that own, operate or maintain a public land mobile network are subject to the special terms and conditions specified in Schedule 3 to this Rule.
- (4) The Network Licence issued to Digicel (PNG) Limited is subject to the special terms and conditions specified in Schedule 8 to this Rule.
- (5) The Network Licence issued to Telikom PNG Limited is subject to the special terms and conditions specified in Schedule 9 to this Rule.
- (6) The Content Licences issued to Kalang Advertising Limited and PNG FM Limited are subject to the special terms and conditions specified in Schedule 13 to this Rule.
- (7) The Content Licence issued to Hiram is subject to the special terms and conditions specified in Schedule 16 to this Rule.
- (8) The Content Licence issued to In Touch Media is subject to the special terms and conditions specified in Schedule 17 to this Rule.
- (9) The Content Licence issued to Pacific Musik House is subject to the special terms and conditions specified in Schedule 18 to this Rule.
- (10) All Network Licences that are Individual Licences and grant a facilities right for an international gateway are subject to the special terms and conditions specified in Schedule 19 to this Rule.

6. Force majeure

- (1) A licensee shall not be liable for a breach of a condition of its licence arising under this Rule if the licensee is able to demonstrate to the satisfaction of NICTA that:
 - (a) the breach was caused by a Force Majeure Event; and
 - (b) the licensee has taken all reasonable steps open to it to rectify the circumstances that led to the breach of a licence condition.
- (2) Any failure by a licensee to provide Network Coverage or Broadcast Coverage due to a Force Majeure Event shall be disregarded when determining whether the licence

holder is providing Network Coverage in a particular locality for the purposes of assessing compliance with a Network Coverage Obligation provided that the licensee takes steps to reinstate or repair the affected Facilities within a reasonable time after the loss or damage occurs.

Schedule 1: Standard terms and conditions of Individual Licences

1. Application

- (1) This Schedule applies to all Individual Licences.

2. Standard obligations

- (1) The licensee must:
- (c) Pay all applicable licence fees and levies when they fall due;
 - (d) Comply with:
 - (i) the Act, all applicable mandatory instruments and all other applicable laws of the Independent State of Papua New Guinea;
 - (ii) Any radiocommunications licence issued to the licensee;
 - (iii) Any reference interconnection offer given by the licensee and accepted by NICTA in accordance with sections 141 and 142 of the Act; and
 - (iv) The requirements of all relevant international conventions relating to ICT, including the ITU Convention and the recommendations made under that convention.
 - (e) Notify NICTA within 14 days of any:
 - (i) Change in the shareholding or beneficial ownership of the licensee of more than 10% in any one year or more than 25% as from the date of issue of the licence;
 - (ii) Joint ventures or consortia which the licensee enters into with any other individual licensee after the grant of the licence;
 - (iii) Restructuring or rationalisation of the licensee's corporate structure material to the operation of the licensee in relation to the individual licence;
 - (iv) Any change of the particulars of the licensee lodged with NICTA;
 - (f) Take all proper and adequate safety measures to safeguard life or property in respect of all apparatus, equipment and installations possess, operated, maintained or used under the licence, including exposure to any electrical emission or radiation emanating from the apparatus, equipment or installation so used;
 - (g) Take all reasonable steps to ensure that the charging mechanisms used in connection with any of its facilities or services are accurate and reliable in all material aspects; and
 - (h) Indemnify NICTA against any claims or proceedings arising from any breaches or failings on the part of the licensee
 - (i) Advise NICTA at the earliest practicable time of any force majeure event that prevents the licensee from complying with all or any of its licence obligations, to the extent that the effects of such an event cannot be ameliorated or reduced in their impact by any action within the reasonable control or capacity of the

licensee, and which will be used by the licensee as a reason for NICTA to excuse the non-compliance in whole or in part.

Schedule 2: Special terms and conditions of Applications Licences

1. Application

- (1) This Schedule applies to all Applications Licences that are Individual Licences.

2. Emergency call access

- (1) This section applies if the licensee supplies a voice telephony service to the public.
- (2) The licensee must provide access to an emergency call service that enables subscribers to, and users of, its voice telephony services to dial an Emergency Service Number and have a call connected, free of charge, to an appropriate emergency service organisation or other relevant body.

Schedule 3: Special Terms and Conditions for Mobile Network Operators

1. Application

- (1) This Schedule applies to all Network Licences that:
 - (a) are Individual Licences; and
 - (b) own, operate or maintain a public land mobile network; and
 - (c) use that public land mobile network for providing public mobile telecommunications services to the public.
- (2) If the licensee's Network Licence was not issued under section 304 of the Act, NICTA may, at any time, specify by written notice issued under this clause:
 - (a) the date from which this Schedule, or particular parts thereof, apply to the licensee; and
 - (b) dates by which the licensee must comply with this Schedule or particular parts thereof.

2. Minimum level of network performance

- (1) The licensee must maintain a Call Drop-Out Rate of no more than 2%.
- (2) The licensee must maintain a rate of Call Failure due to Network Congestion of no more than 1%.
- (3) The licensee must maintain a rate of network availability of least 99.99%.
- (4) In assessing the licensee's compliance with these network performance requirements, the licensee's performance will be measured over the period of a calendar year.

3. Mandatory coverage areas

- (1) The licensee is required to provide Network Coverage in:
 - (a) each of the main centres specified in Schedule 4
 - (b) each of the mid-sized towns specified in Schedule 5; and
 - (c) each of the administrative district centres specified in Schedules 6.
- (2) The licensee is required to provide Network Coverage in each locality specified in Schedule 7 by 30 June 2012. The licensee will not be in contravention of this condition if, by 30 June 2012, it is providing public mobile telecommunications services through at least one base station within the locality for 90% of the time.
- (3) It is accepted that Network Coverage may not be possible in a small number of locations within a Network Coverage Area due to terrain limitations (black spots). Such locations will not be included when calculating Network Coverage.
- (4) A Network Coverage Obligation may only be fulfilled through a reliance on, or the sharing of, the Facilities of another Network Licensee if the area to be provided with

Network Coverage is an area that is specified in either Schedule 6 or Schedule 7. If the licensee proposes to use the Facilities of another Network Licensee in the fulfilment of a Network Coverage Obligation, the first licensee must inform NICTA of the existence and scope of, and the parties to, that arrangement.

- (5) If the licensee considers it impracticable or inappropriate due to technical or other reasons to locate a base station Facility within or adjacent to any particular locality specified in Schedule 7, the licensee may nominate to NICTA an alternative location for a Facility to service either that locality or another locality within the same province as the locality specified in Schedule 7. Before the licensee may act upon its nominated alternative location, NICTA must consent to the licensee substituting a locality specified in Schedule 7 for an alternative locality.
- (6) The licensee will satisfy the requirements of subsection 3(5) of this Schedule if:
 - (a) it provides Network Coverage in that alternative locality; and
 - (b) the overall number of localities to which it is required to provide Network Coverage is not less than the number of localities specified in Schedule 7.
- (7) In the event that particular Facilities are subjected to repeated sabotage, vandalism or blockade which makes it impossible or unsafe for the licence holder to use and maintain those Facilities for protracted periods, the licence holder may, with NICTA's consent, close down or relocate those Facilities without being in breach of a Network Coverage Obligation.

4. Network fault repair

- (1) The licensee must repair 95% of network faults occurring in the main centres specified in Schedule 4 within 6 hours of the fault being identified by, or reported to, the licensee.
- (2) The licensee must repair 95% of network faults occurring in the mid-sized centres specified in Schedule 5 within 24 hours of the fault being identified by, or reported to, the licensee.
- (3) The licensee must repair 95% of network faults occurring in the administrative districts specified in Schedule 36 within 2 working days of the fault being identified by, or reported to, the licensee.
- (4) The licensee must repair 95% of network faults occurring in the small population centres specified in Schedule 7 within 3 working days of the fault being identified by, or reported to, the licensee.
- (5) In assessing the licensee's compliance with these fault repair timeframes, the licensee's performance will be measured over the period of a calendar year.

Schedule 4: Main centres of Papua New Guinea

Reference Number	Province	Main Centre
1	National Capital District	Port Moresby
2	Morobe	Lae
3	Western Highlands	Mount Hagen
4	Eastern Highlands	Goroka
5	Madang	Madang
6	East Sepki	Wewak
7	West New Britain	Kimbe
8	East New Britain	Kokopo

Schedule 5: Mid-sized centres of Papua New Guinea

Reference Number	Province	Mid-sized centre
1	Western	Kiunga
2	Western	Daru
3	Gulf	Kerema
4	Milne Bay	Alotau
5	Oro/Northern	Popondetta
6	Southern Highlands	Mendi
7	Enga	Wabag
8	Chimbu	Kundiawa
9	Eastern Highlands	Kainantu
10	Morobe	Wau/Bulolo
11	West Sepik	Vanimo
12	Manus	Lorengau
13	New Ireland	Kavieng
14	Autonomous Region of Bougainville	Buka

Schedule 6: Administrative district centres of Papua New Guinea

Reference Number	Province	District Centre
1	Autonomous Region of Bougainville	Arawa
2		Buin
3	East New Britain	Vunadirdir
4		Rabaul
5		Pomio
6	Manus	Lorengau
7	West New Britain	Kandrian
8		Talasea
9	New Ireland	Taskul
10		Namatanai
11	Chimbu	Chuave
12		Gumine
13		Karimui
14		Kerowagi
15		Gembolg
16		Sinasina
17	Eastern Highlands	Daulo
18		Bena
19		Henganofi
20		Ungai
21		Lufa
22		Obura
23		Okapa
24	Enga	Kandep
25		Kompam
26		Liagam
27		Wapenamanda
28		Porgera
29	Southern Highlands	Ialibu
30		Imbongu
31		Kangua
32		Magarima
33		Tari
34		Kutubu
35		Nipa
36		Pangia
37	Western Highlands	Minj
38		Banz
39		Jimi
40		Baiyer
41		Tambul
42		Anglimp
43		Kotna
44	East Sepik	Ambunti
45		Drekirkir
46		Angoram
47		Maprik
48		Wosera
49		Sausia
50		Yangoru

51	Madang	Bogia
52		Middle Ramu
53		Rai Coast
54		Sumkar
55		Usino Bundi
56	West Sepik	Aitape
57		Lumi
58		Nuku
59		Telefomin
60	Morobe	Bulolo
61		Gagidu (Finschafen)
62		Huon
63		Kabwum
64		Sialum (Tewae)
65		Mutzing (Markam)
66		Menyamyua
67		Boana (Nawae)
68	Central	Kupiano
69		Tapini
70		Bereina
71		Abau
72		Hiri
73		Kwikila
74	Gulf Province	Malalaua
75		Kaintiba
76		Kikori
77		Ihu
78	Milne Bay	Baimuru
79		Bwanabwana
80		Losuia
81	Northern/Oro	Esa'ala
82		Tufi
83		Afore
84	Western Province	Kokoda
85		Balimo
86		Lake Murray
87		Tabubil

Schedule 7: Small centres of Papua New Guinea

Ref. No.	Province	District	LLG/Ward	Small Centre
1	Autonomous Region of Bougainville	Central Bougainville	Wakunai	Wakunai
2		North Bougainville	Buine	Tinputz
3		Sputh Bougainville	Siwai	Torikina
4	East New Britain	Gazelle	Central Gazelle Rural	Kerevat Township
5		Kokopo	Bitapaka Rural	Ulaveo
6		Pomio	Sinivit Rural	Warongoi Dam
7			West Pomio / Mamusi Rural	Kembubu
8		Rabaul	Balanataman Rural	Watom
9	Manus	Manus	Aua-Wuvulu Rural	Lombrum (Naval Base)
10			Pobuma Rural	Bundrahei / Sabondralis
11	West New Britain	Kandrian-Gloucester	Kove/Kalai Rural	Akivilik
12		Talasea	Bialla Rural	Bialla station
13			Mosa Rural	Bugal
14	New Ireland	Kavieng	Lavongai Rural	Meteselen
15			Tikana Rural	Lemakot
16		Namatanai	Nimamar Rural	Mahur
17				Kuanie (Lihir Gold mine)
18	East Sepik	Ambunti Dreikir	Abunti Rural	Avatip
19		Angoram	Angoram / Middle Sepik	Gavien Settlement 1
20		Maprik	Albiges Mamblep Rural	Ningalim
21			Yamil Tamui Rural	Yenigo
22		Wewak	But / Boiken Rural	Dogur (Dagua)
23			Wewak Rural	Passam station
24		Wosera Gaui	North Wosera Rural	Sarikum
25		Yagoru Sausia	Numbo Rural	Kubalia station
26			West Yagoru Rural	Bebandu
27	Madang	Bogia	Almami Rural	Malala station
28		Middle Ramu	Simbai Rural	Simbai Station
29			Arabaka Rural	Aiome station
30		Rai Coast	Naho Rawa Rural	Tauta station
31		Sumkar	Sumgilbar Rural	Talidik
32		Usino Bundi	Bundi Rural	Brahman station
33			Usino Rural	Ramu (sugar factory)
34	West Sepik	Aitape-Lumi	East Wapei Rural	Tabale
35		Nuku	Maimai / Wanwan Rural	Mukili Station
36			Yankok Rural	Auguganak Station
37		Telefomin	Oksapmin Rural	Oksapmin Station
38			Yapsie Rural	Yapsie Station
39		Vanimo – Green River	Amanab Rural	Amanab Station
40			Bewani / Wutung Onei Rural	Bewani Station
41	Morobe	Bulolo	Watut Rural	Watut Station
42		Finschaffen	Hube Rural	Pindiu Station
43		Huon Gulf	Wampar Rural	Huon District Office
44		Kabwum	Seko Rural	Kabwum Station
45		Markham	Umi / Atzera Rural	Mutzing Station
46		Menyama	Aseki Rural	Aseki Station
47		Nawae	Labuta Rural	Labuta Station
48			Napak Rural	Boana Station

49		Tewai-Siassi	Sialum River	Kanome Station
50				Sialim Station
51			Siassi Rural	Lablab Station
52	Chimbu	Chuave	Elimbari Rural	Giru
53		Gumine	Gumine Rural	Dirima station
54		Karimui-Nomane	Nomane Rural	Nomane station
55		Kerowagi	Kerowagi Rural	Kewamugl (school)
56			Kup Rural	Kup
57		Kundiawa	Mitnande Rural	Kugulkane 2
58		Sinasina-Yoggamugl	Tabare Rural	Koge
59			Yongomugul Rural	Molg
60	Eastern Highlands	Daulo	Asaro/Watabung Rural	Asaro station
61				Watabung Station
62		Henganofi	Henganofi Rural	Kombri
63		Kainantu	Kainantu Rural	Yonki Power Dam
64				Aiyura station
65		Lufa	Lufa Rural	Kotomi
66		Obura-Wonenara	Marawaka Rural	Marawaka station
67		Okapa	Okapa Rural	Tarabo station
68		Unggai-Bena	Unggai-Bena Rural	Kabiufa
69			Bena Rural	Kapakamarigi station
70	Enga	Kandep	Kandep Rural	Kokas
71		Kmpiam-Ambum	Ambum Rural	Par
72			Kompam Rural	Pomanda
73		Lagaip-Porgera	Lagaip	Surunki station
74			Maip/Mulitaka Rural	Muritaka
75			Porgera Rural	Paiyala station
76		Wabag	Wabag Rural	Birip
77		Wapenamanda	Wapenamanda Rural	Sak Valley
78	Western Highlands	Angalimp	Anglimp Rural	Kindeng tea plantation
79			South Wahgi Rural	Kudjip Hospital
80		Baiyer-Mul	Baiyer Rural	Tinsly Health centre / station
81				Baiyer station and Zoo
82		Dei	Dei Rural	Gumanch 1&2 tea planation
83				Muglamp station
84		Hagen	Mt Hagen Rural	Baisu (CIS, PPlanation)
85		Jimi	Jimi Rural	Maipka/Kol Station
86		North Wahgi	North Wahgi Rural	Kimil tea and coffee planation
87			Nondugl Rural	Nondugl (PNGDF base)
88	Southern Highlands	Tambul Nebilyer	Nebilyer Rural	Pabarbuk Mission station
89		Ialibu-Pangia	Kewabi Rural	Tindua
90		Imbonggu	Imbongu Rural	Kisenapoi
91		Kagua-Erave	Erave Rural	Erave station
92		Komo-Magarina	Hulia Rural	Dauli teachers college
93			Komo Rural	Komo station
94		Koroba-L/Kopiago	Lake Kopiago Rural	Kopiago station
95		Mendi	Lower Mendi Rural	Buiyebi (CIS station)
96			Lai Valley Rural	Kema
97		Nipa-Kutubu	Lake Kutubu Rural	Harigapo
98	Central		Poroma Rural	Poroma Station
99		Abau	Amazon Bay Rural	Magarida – Health centre
100			Aroma Rural	Maopa
101		Goilala	Tapini Rural	Woitape
102			Woitape Rural	Tolokuma Gold Mine

103		Kairuku	Mekeo-Kuni Rural	Waima station
104			Kairuku Rural	W15-Pinu
105		Hiri	Hiri Rural	W1-Porebada
106			Koiari Rural	Sogeri station
107		Rigo	Rigo Central Rural	Boregaina
108			Rigo Rural	Hula
109	Gulf	Kerema	Central Kerema Rural	Karama
110			East Kerema Rural	Heavala
111		Kikori		Lese
112	Milne Bay		Ihu Rural	Harevavo
113		Alotau	Huhu Rural	Harevavo
114		Esa'ala	West Ferguson Rural	Morima station
115		Kiriwina Goodenough	Kiriwina Rural	Losuia Station
116		Samarai-Murua	Louisiade Rural	Misima (Gold mine)
117	Western	Middle Fly	Lake Murray Rural	Mepu
118		North Fly	Kiunga Rural	Kiunga station
119	Northern	Ijivitari	Oro Bay Rural	Oro Bay
120		Sohe	Higaturu	Higaturu (oil palm)

Schedule 8: Special terms and conditions applicable to Digicel (PNG) Limited

1. Application

- (1) This Schedule applies to a Network Licence that:
 - (a) is an Individual Licence; and
 - (b) is issued to Digicel (PNG) Limited.

2. Special licence fee

- (1) The licensee shall pay an amount the first instalment being payable on or by the 17 October 2008 and the last instalment being payable by no later than 17 October 2016.
- (2) These payments are independent of, and in no way related to, the licensee's obligations under other legislation to pay annual licence or other fees to NICTA.
- (3) In the event that the licensee does not comply with a Network Coverage Obligation, NICTA may call up the bank guarantees or other financial arrangements contained in a Deed or Agreement to be concluded prior to the **INSERT DATE** between NICTA and the licensee and/or other parties, to ensure that NICTA can arrange and fund the completion of the licensee's network in accordance with the terms of its licence. Any breach of that Deed or Agreement by the licensee or by its financial guarantors will be deemed to be a breach of the conditions of its licence.

Schedule 9: Special terms and conditions applicable to Telikom PNG Limited

1. Application

- 1) This Schedule applies to a Network Licence that:
 - (a) is an Individual Licence; and
 - (b) is issued to Telikom PNG Limited.

2. Minimum level of network performance

- (1) The licensee must maintain a rate of network availability of least 99.9%.
- (2) In assessing the licensee's compliance with these network performance requirements, the licensee's performance will be measured over the period of a calendar year.

3. Maximum timeframes for the connection of new services

- (1) This section applies to the licensee's supply of fixed voice telephony services.
- (2) The licensee must complete at least 95% of all requests for a new service connection with the specified maximum connection period.
- (3) The maximum connection period for a premises in:
 - (a) a locality mentioned in Schedule 10, 11 or 12 and at which there is an existing fixed line connection that remains intact and usable is three Working Days;
 - (b) a manned exchange area in a locality mentioned in Schedule 10 is five Working Days;
 - (c) an unmanned exchange area in a locality mentioned in Schedule 10 is ten Working Days;
 - (d) a manned exchange area in a locality mentioned in Schedule 11 is seven Working Days;
 - (e) an unmanned exchange area in a locality mentioned in Schedule 11 is 14 Working Days;
 - (f) a manned exchange area in a locality mentioned in Schedule 12 is ten Working Days;
 - (g) an unmanned exchange area in a locality mentioned in Schedule 12 is 20 Working Days.
- (4) In assessing the licensee's compliance with this section, the licensee's performance will be measured over the period of a calendar year.

4. *Maximum timeframes for repair of network faults*

- (1) This section applies to the licensee's supply of fixed voice telephony services.
- (2) The licensee must repair at least 95% of network faults within the specified maximum repair time.
- (3) The maximum repair period for a fault occurring in:
 - (a) a manned exchange area in a locality specified in Schedule 10 is four working days;
 - (b) an unmanned exchange area in a locality specified in Schedule 10 is seven Working Days;
 - (c) a manned exchange area in a locality specified in Schedule 11 is five Working Days;
 - (d) an unmanned exchange areas in a locality specified in Schedule 11 is 14 Working Days;
 - (e) a manned exchange area in a locality specified in Schedule 12 is six Working Days
 - (f) an unmanned exchange areas in a locality specified in Schedule 12 is 20 Working Days;
- (4) In assessing the licensee's compliance with this section, the licensee's performance will be measured over the period of a calendar year.

4. *Publication of a public number directory*

- 1) The licensee must produce a Residential Telephone Number Directory:
 - (a) in the format of a printed and bound book;
 - (b) annually;
 - (c) on substantially the same basis as the licensee produced a telephone directory in 2009; and
 - (d) that lists directory information for Telecommunications Subscribers, including those subscribers who are customers of a Service Provider other than the licensee but excluding those Telecommunications Subscribers who have requested an Unlisted Number; and
- 2) The licensee must not include in any Public Number Directory any Directory Information corresponding to a Public Number that the associated Telecommunications Subscriber has requested be an Unlisted Number.
- 3) The licensee must arrange to distribute, free of charge to the recipients, printed copies of the Residential Telephone Number Directory to its own customers and to the customers of other Service Providers that supply public telecommunications services.
- 4) The licensee must not charge a Telecommunications Subscriber for a standard entry

in a Residential Telephone Number Directory. A standard entry must as a minimum comprises of:

- (a) the name and address of the Telecommunications Subscriber; and
 - (b) one Public Number, which is either a geographic number or a mobile number that has been issued to the Telecommunications Subscriber.
- 5) The licensee must not charge a Telecommunications Subscriber for having an Unlisted Number.
- 6) The licensee must provide entries in a Residential Telephone Number Directory for the Telecommunications Subscribers of another Service Provider on terms and conditions that are no less favourable than those for a customer of the licensee.
- 7) The licensee may not promote any of its goods and services that are unrelated to the production of a Public Number Directory during any contact for purposes related to the production of a Public Number Directory that the licensee may have with a Telecommunications Subscriber of another Service Provider.

5. *Continued provision of certain services*

- 1) The licensee must comply with this section, and provide the services mentioned in this section, on substantially the same basis, terms and conditions as the licensee provided and maintained those services in 2009.
- 2) The licensee must provide a Directory Assistance Service that is accessible via telephone by all Telecommunications Subscribers, regardless of which Network Licensee's public telecommunications network the subscriber is connected to.
- 3) The licence holder must maintain, provide and operate a National Maritime Radio Safety Service.
- 4) The licence holder must maintain, provide and operate a National Relay Service.

Schedule 10: [Title]

[NB. It is proposed that this schedule will list the "Category 1" localities referred to in Schedule 1 of Telikom's General Carrier Licence]

Schedule 11: [Title]

[NB. It is proposed that this schedule will list the “Category 2” localities referred to in Schedule 1 of Telikom’s General Carrier Licence]

Schedule 12: [Title]

[NB. It is proposed that this schedule will list the “Category 3” localities referred to in Schedule 1 of Telikom’s General Carrier Licence]

Schedule 13: Special terms and conditions applicable to Kalang Advertising and PNG FM

1. Application

- (1) This Schedule applies to a Content Licence that is:
- (a) an Individual Licence; and
 - (b) issued to Kalang Advertising; or
 - (c) issued to PNG FM.

2. Mandatory broadcast coverage area

- (1) The licensee must provide Broadcast Coverage to all the provincial capitals specified in Schedule 14 by 31 December 2012.
- (2) The licensee must progressively extend its Broadcast Coverage to [description of areas] specified in Schedule 15 so that it provides Broadcast Coverage to:
- (a) 25% of the [description of areas] specified in Schedule 15 by 31 December 2014;
 - (b) 50% of the [description of areas] specified in Schedule 15 by 31 December 2016;
 - (c) 75% of the [description of areas] specified in Schedule 15 by 31 December 2018;
 - (d) 100% of the [description of areas] specified in Schedule 15 by 31 December 2020.

Schedule 14: Provincial capitals of Papua New Guinea

Reference Number	Province	Capitals
1	Central	Port Moresby
2	Chimbu	Kundiawa
3	Eastern Highlands	Goroka
4	East New Britain	Kokopo
5	East Sepki	Wewak
6	Enga	Wabag
7	Gulf	Kerema
8	Madang	Madang
9	Manus	Lorengau
10	Milne Bay	Alotau
11	Morobe	Lae
12	New Ireland	Kavieng
13	Oro	Popondetta
14	Autonomous Region of Bougainville	Arawa
15	Southern Highlands	Mendi
16	Western (Fly)	Daru
17	Western Highlands	Mount Hagen
18	West New Britain	Kimbe
19	West Sepik	Vanimo
20	National Capital District	Port Moresby

Schedule 15 [title]

[N.B. It is proposed that this schedule will list the localities to which Kalang Advertising and PNG FM must progressively extend broadcast coverage.]

Schedule 16: Special Licence Conditions of FM Central's Content Licence

1. Application

- (1) This Schedule applies to a Content Licence that is:
 - (a) an Individual Licence; and
 - (b) issued to FM Central.

2. Mandatory coverage area

- (2) The licensee must provide Broadcast Coverage to Central Province by 31 December 2010.

Schedule 17: Special Licence Conditions of In Touch Media's Content Licence

1. Application

- (1) This Schedule applies to a Content Licence that is:
 - (a) an Individual Licence; and
 - (b) issued to InTouch Media.

2. Mandatory coverage area

- (2) The licensee must provide Broadcast Coverage to Morobe Province by 31 December 2011.

Schedule 18: Special Licence Conditions of Pacific Musik Haus's Content Licence

1. Application

- (1) This Schedule applies to a Content Licence that is:
 - (a) an Individual Licence; and
 - (b) issued to Pacific Musik Haus.

2. Mandatory coverage area

- (2) The licensee must provide Broadcast Coverage to National Capital District, Morobe and East New Britain provinces by 31 December 2012.

Schedule 19: Special terms and conditions for satellite-based international gateway operators

1. Application

- (1) This Schedule applies to a Network Licence that:
 - (a) is an Individual Licence; and
 - (b) grants a facilities right for an international gateway.

2. Satellite-based international connectivity

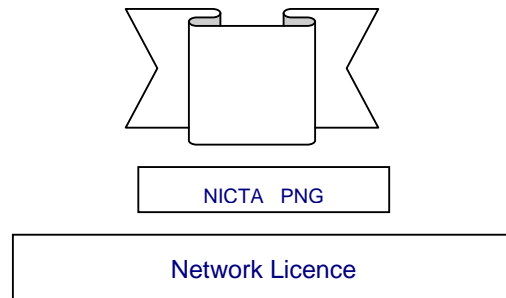
- (1) If the licensee's international gateway is part of a space service, then:
 - (a) the licensee's facilities rights extend only to facilities that are used to supply a space service;
 - (b) the licensee is authorised to supply a facility access service only to the extent that the facility access service is used in the supply of a space service; and
 - (c) the licensee may only supply a network service that is an international gateway service if it is supplied as part of the space service.
- 2. The licensee must obtain and abide by the conditions of a radiocommunications licence covering his use of the radio spectrum for communications with satellites. This may be in the form of:
 - (a) A space segment licence authorising the use of the downlink and spectrum by the gateway space service at both the network hub site and any number of VSAT terminals located anywhere in PNG: or,
 - (b) Earth station licences for each transmitting satellite earth station and for each satellite receiver that requires downlink protection from interference on shared bands.

3. Satellite Based Mobile telephone Services (MSS)

- 1) (a) If the licensee is providing a mobile service directly to mobile terminals in PNG, then the licensee must obtain and abide by the conditions of a radiocommunications licence covering his use of the radio spectrum for communications with satellites. This will be in the form of:
 - (a) A space segment licence authorising the use of the downlink and spectrum; and
 - (b) The satellite terminals class licence which will cover mobile terminals that communicate directly with the satellite.

Annex B: Draft Templates for Operator Licences

B.1 COVERING FACILITIES RIGHTS AND NETWORK SERVICES OTHER THAN INTERNATIONAL GATEWAYS

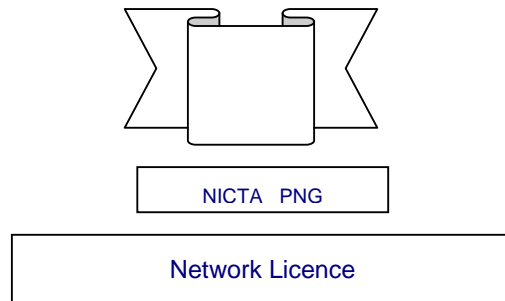


- a. This Network Licence has been granted by the National Information and Communications Technology Authority to , licensee, for a period of expiring on
- b. The Licence has been granted pursuant to the National ICT Act 2010 and the *National Information and Communications Technology (Operator Licensing) Regulation 2010*, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
- c. This Licence entitles the licensee to exercise the facilities rights in relation to the facilities listed in Table A of Schedule 1 to the *National Information and Communications Technology (Operator Licensing) Regulation 2010*, with the exception of facilities rights in relation to international gateway facilities, and to supply any of the Network Services listed in Table A of Schedule 1 to the National ICT (Operator Licensing) Regulations, with the exception of the supply of international gateway services.

Granted this day of, 20—

Signature for NICTA

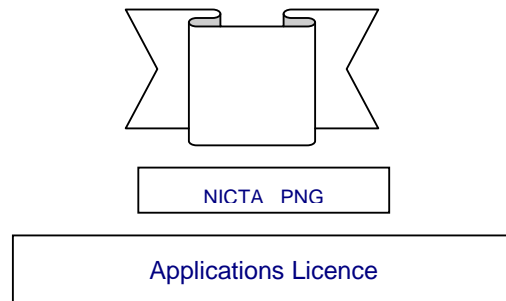
B.2 COVERING FACILITIES RIGHTS AND NETWORK SERVICES FOR INTERNATIONAL GATEWAYS



1. This Network Licence has been granted by the National Information and Communications Technology Authority to , licensee, for a period of expiring on
2. The Licence has been granted pursuant to the National ICT Act 2010 and the *National Information and Communications Technology (Operator Licensing) Regulation 2010*, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the licensee to exercise the facilities rights in relation an international gateway, and to supply Network Services that are international gateway services.

Granted this day of, 20—
Signature for NICTA

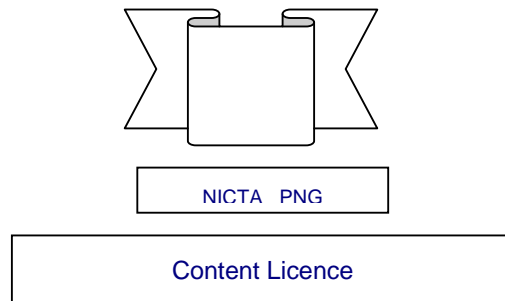
B.3 COVERING THE SUPPLY OF PSTN TELEPHONY, PUBLIC SWITCHED DATA & PUBLIC CELLULAR APPLICATIONS SERVICES



1. This Applications Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. The Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply any of the PSTN telephony, public switched data and public cellular Applications Services as listed in Table B of Schedule 1 to the National ICT (Operator Licensing) Regulations.

Granted this day of, 20—
Signature for NICTA

B.4 COVERING THE SUPPLY OF FREE TV BROADCAST CONTENT SERVICES NATIONALLY



1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Free TV broadcast content services nationally.

Granted this day of, 20—
Signature for NICTA

B.5 COVERING THE SUPPLY OF FREE TV BROADCAST CONTENT SERVICES WITHIN A PROVINCE

NICTA PNG

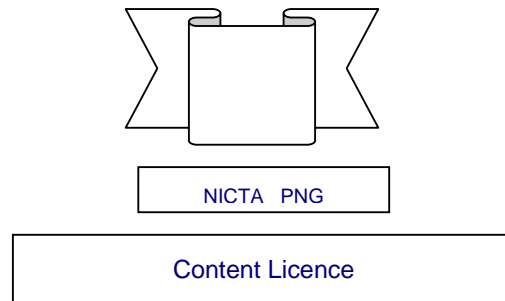
Content Licence

1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Free TV broadcast content services within Province.

Granted this day of, 20—

Signature for NICTA

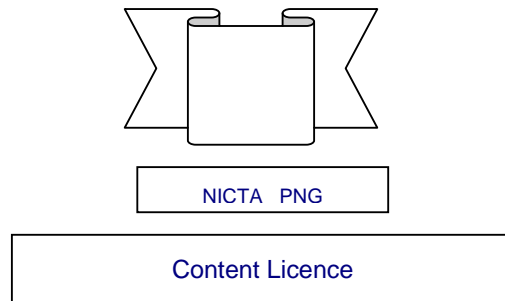
B.6 COVERING THE SUPPLY OF FREE TV BROADCAST CONTENT SERVICES WITHIN A DISTRICT



1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Free TV broadcast content services withinDistrict.

Granted this day of, 20—
 Signature for NICTA

B.7 COVERING THE SUPPLY OF SUBSCRIPTION TV BROADCAST CONTENT SERVICES NATIONALLY

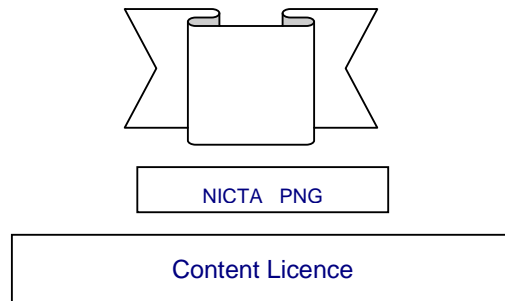


1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Subscription TV Broadcast Content Services nationally.

Granted this day of, 20—

Signature for NICTA

B.8 COVERING THE SUPPLY OF SUBSCRIPTION TV BROADCAST CONTENT SERVICES WITHIN A PROVINCE

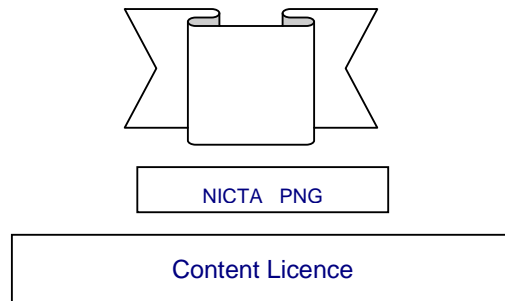


1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Subscription TV Broadcast Content Services withinProvince.

Granted this day of, 20—

Signature for NICTA

B.9 COVERING THE SUPPLY OF SUBSCRIPTION TV BROADCAST CONTENT SERVICES WITHIN A DISTRICT

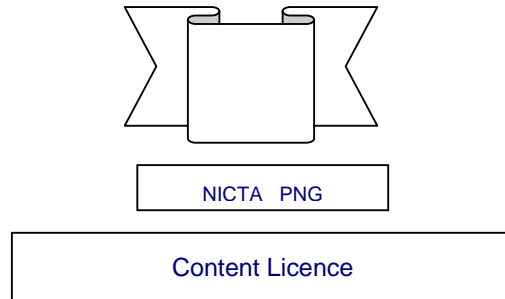


1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Subscription TV Broadcast Content Services within District.

Granted this day of, 20—

Signature for NICTA

B.10 COVERING THE SUPPLY OF RADIO BROADCAST CONTENT SERVICES NATIONALLY

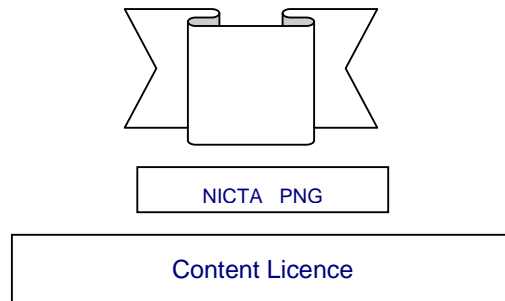


1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Radio Broadcast Content Services nationally.

Granted this day of, 20—

Signature for NICTA

B.11 COVERING THE SUPPLY OF RADIO BROADCAST CONTENT SERVICES WITHIN A PROVINCE

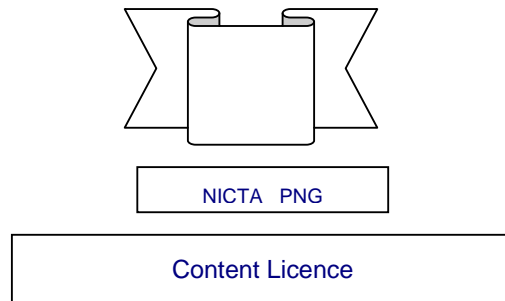


1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Radio Broadcast Content Services within Province.

Granted this day of, 20—

Signature for NICTA

B.12 COVERING THE SUPPLY OF RADIO BROADCAST CONTENT SERVICES WITHIN A DISTRICT



1. This Content Licence has been granted by the National Information and Communications Technology Authority to , Licensee, for a period of expiring on
2. This Licence has been granted pursuant to the National ICT Act 2010 and the National ICT (Operator Licensing) Regulations 2010, and is subject to that Act and those Regulations as amended and to the Standard and Special Conditions of Licence established pursuant to the powers in the Act.
3. This Licence entitles the Licensee to supply Radio Broadcast Content Services within District.

Granted this day of, 20—

Signature for NICTA