



INDEPENDENT CONSUMER AND
COMPETITION COMMISSION

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30th September, 2020

Our Ref: 7006-2.7/wt:aa

Mr. Charles S. Punaha
Chief Executive Officer
National Information and Communications Technology Authority
P.O. Box 8444
BOROKO 111
National Capital District

Dear Mr. Punaha,

**RE: PUBLIC CONSULTATION CONCERNING A REFERENCE INTERCONNECTION OFFER
("RIO") SUBMITTED TO NICTA BY DATA CO**

The Independent Consumer and Competition Commission ("ICCC") acknowledges receipt of your letter dated 19th August, 2020; on the above public consultation.

Briefly stated below is the ICCC's assessment and views on the Reference Interconnection Offer ("RIO") submitted by PNG DataCo Limited ("DataCo") to National Information and Communications Technology Authority ("NICTA").

The ICCC understands that DataCo is trying to establish an interconnection network where other service providers (mainly internet service providers), carriers, ICT Operators and representatives can easily connect directly without having to negotiate with DataCo, thus, the reference interconnection offer submission to NICTA.

As you would be aware, the ICCC's concern in such arrangements is whether or not such arrangements are anti-competitive (or would potentially have anti-competitive effects) in the relevant market(s).

After perusing the discussion paper and the proposed RIO, the ICCC does not have any issue(s) of concern consistent with the ICCC Act at this time.

The ICCC is also aware that DataCo is the only licensed wholesale access provider of internet services, who also owns and operates the ICT infrastructures in the information and communication industry in PNG; and its business activities are regulated by NICTA. The ICCC also understands that NICTA would ensure any discriminatory provisions in the RIO will be addressed by NICTA as part of the approval requirements. The ICCC is also of the view that NICTA will ensure that DataCo does not conduct itself unfairly against its customers who are not part of the Kumul Telekom Holdings Limited.

"Our Competition Watchdog, Shaping our Market Economy and Protecting our Consumers"

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DataCo's proposal to establish an interconnection network will, in ICCC's view, benefit all access seekers in terms of ease of wholesale internet services access.

The ICCC does not have any objection with DataCo's proposal for the RIO.

Please note that in the event DataCo conducts itself unfairly and discriminatorily that it raises, or likely to raise any competition concerns, the ICCC will step in to investigate such conduct.

If you have any queries on this letter, please contact the Executive Manager for Competitive Markets and Fair Trade Division, Mr. Steven Sugl on telephone: 325 2144 or email: ssugl@iccc.gov.pg.

Yours sincerely,

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MR. BRIAN IVOSA
General Manager