



INDEPENDENT STATE OF PAPUA NEW GUINEA

National Information and Communication Technology Authority Act 2009

Independent Consumer and Competition Commission Act 2002

THE ICT APPEALS PANEL

File No. 01 of 2020

APPLICATION FOR REVIEW OF
NATIONAL INFORMATION AND
COMMUNICATION TECHNOLOGY
AUTHORITY (NICTA) DECISION
PERTAINING TO **SERVICE-SPECIFIC
PRICING PRINCIPLES (SUBMARINE
CABLE SERVICES) DETERMINATION
2019**, PURSUANT TO SECTION 256 OF
THE *NICT ACT 2009*,

BY PNG DATACO LIMITED,
APPLICANT

ICT APPEALS PANEL

MR. CHRISTOPHER HANLON (International Arbitrator),
and **MR. ALPHONSE MALIPU** (National Arbitrator)

NOTICE AND DIRECTIONS

NOTICE IS GIVEN THAT:

1. On 14 January 2020, an ICT Appeals Panel consisting of Mr Christopher Hanlon (International Arbitrator) and Mr Alphonse Malipu were appointed to review NICTA decision pertaining to **Service-Specific Pricing Principles (Submarine Cable Services) Determination 2019**
2. PNG DataCo Limited (“DataCo”) has sought review by the ICT Appeals Panel of the NICTA Determination which was made on 23 December 2019. DataCo made a submission in support of their application on the 13 January 2020.
3. For the purposes of the ICT Appeals Panel review, a Secretariat has been established under the direction of **Ms Roddie Wada, First Assistant Secretary, Markets Policy Division** of the Department of Treasury. The Secretariat contact person is: **Mr. David Kui, Assistant**

Secretary, Consumer and Competition Policy Branch; Level 8 The Treasury Building,
Islander Drive, PO Box 542, Waigani, NCD; telephone: 313 3530 and email
David_Kui@treasury.gov.pg

4. All correspondence with the ICT Appeals Panel must be addressed to ICT Appeals Panel c/o The Appeals Panel Secretariat and marked ICT Appeals Panel-in Confidence. The ICT Appeals Panel will not accept any correspondence or communications other than that directed according to this clause.
5. The ICT Appeals Panel is seeking written submissions, as directed below. Documents should be delivered both in hard copy (paper) and soft copy (electronically, either by email or flash drive).
6. The ICT Appeals Panel will conduct the review by way of rehearing and solely on the basis of the documentary information and views that were before NICTA when it made its determination.

THE ICT APPEALS PANEL DIRECTS THAT:

1. Parties directly affected by the application are invited to join the review and make submissions on the matter, the subject of the review.
2. The same confidentiality provisions will apply to the appeal process as applied to an arbitration process conducted by the NICTA.
3. Pursuant to Section 259(2) of the *National Information and Communication Technology Act 2009 (NICT Act 2009)*, The ICT Appeals Panel stays the determination of NICTA, the subject of this review.
4. The Secretariat serve copies of the application for review and any supporting documents on all parties associated with this matter (that is, Kumul Telikom Limited, Bmobile Limited, Digicel (PNG) Limited, Independent Consumer and Competition Commission (ICCC), NICTA and Department of Communication and Information).
5. Any submissions that the NICTA or any other affected parties wish to make in respect of the review must be made by close of business on the Friday 21 February 2020.



Mr. Christopher Hanlon
International Arbitrator



Mr. Alphonse Malipu
National Arbitrator

Dated: 28 January 2020