



PUBLIC NOTICE

NICTA'S ACCEPT PNG DATACO'S REFERENCE INTERCONNECTION OFFER (RIO)

BACKGROUND

On 19th February, 2019 the Minister declared a number of wholesale access service pursuant to Section 130 of the *National Information and Communications Technology Act, 2009* ("the Act"). The determinations apply to all licenced operators that provide the declared services. However, only one (1) operator provides these services at present, namely PNG DataCo Ltd ("DataCo").

In August 2020 DataCo proposed a Reference Interconnection Offer ("RIO") to NICTA pursuant to *Section 141* of the Act. After careful consideration NICTA rejected the RIO and published a statement of reasons on 29 December 2020 on NICTA's website. DataCo considered the reasons for rejection set out in the 2020 Statement of Reasons, and attempted to address those matters in its revised RIO submitted for NICTA's acceptance on 9 April 2021 (Revised RIO).

The Revised RIO was published for public comments on 21 May 2021 with an initial deadline of 21 June 2021. The deadline was subsequently extended to 30 June 2021 at the request of the industry. A further period of consultation was allowed to enable comments on comments and, in particular, any further submissions from DataCo. NICTA determined that the revised RIO did not adequately meet the problems identified with the initial proposed RIO in the 2020 Statement of Reasons, and formally rejected the Revised RIO to meet the strict requirements of the Act that permit NICTA to accept or reject, but not to amend, a proposed RIO. NICTA rejected the Revised RIO in a notice posted on its website and, at the same time, notified interested parties of a public consultation on a further amended RIO submitted by DataCo on 22 October 2021. The further revised RIO of 22 October 2021 was subjected to public consultation from 5 November 2021 to 10 December 2021.

NICTA'S DECISION TO ACCEPT DATACO'S RIO

The Act sets very specific process and procedures to fulfil prior any decisions whether to accept or reject the RIO. NICTA is now satisfied that all requirements set out under the Act have been met and have made the decision to **Accept** DataCo's RIO. Statement of reasons supporting its decision including all inquiry documents are published at NICTA's website.

Enquiries in relation to this matter can be directed to Manager Economic Regulation, **Mr Plume Lume** on email: plume@nicta.gov.pg or contacted on phone number 303 3272.

Kila Gulo-Vui
Chief Executive Officer