



National Information and Communications Technology Authority

Public Notice

Need for Public Inquiry

In accordance with Sections 127, 131 and 230 of the *National Information and Communications Technology Act 2009 (the Act)*, NICTA has decided to conduct a public inquiry to determine whether or not it should recommend to the Minister for Communication and Information for certain wholesale services relating to access in PNG to international connectivity should be declared by the Minister, in particular the three services mentioned in subsection 132(1) of the Act, namely:

- access to capacity on international communications cables;
- access to international gateway facilities; and
- access to capacity on international communications satellite links.

The public inquiry will be conducted over a period of four months and commences today with the publication of a Discussion Paper which can be downloaded from the NICTA website: www.nicta.gov.pg The inquiry is intended to be paper-based (i.e. rely on written submissions and evidence) and is not expected to involve any public hearings.

NICTA invites interested parties to submit written comments in response to the specific questions and general issues raised in the Discussion Paper. Submissions should be submitted **via email to inquiry.submission@nicta.gov.pg** and must be received by **12 noon Tuesday, October 2, 2012**.

The terms of the reference for the inquiry are as follows:

- (a) analyse the extent of competition in the relevant international connectivity access markets;
- (b) consult with the Independent Consumer and Competition Commission, operator licensees, and any other relevant parties or government agencies;
- (c) form a view as to whether or not those markets are effectively competitive; and, if any is not effectively competitive;
- (d) consider whether the declaration by the Minister of any particular wholesale service or services in that market - in particular access to international gateway facilities, access to capacity on international communications cables, and/or access to capacity on international communications satellite links—would satisfy the declaration criteria specified in s.128 of the Act;
- (e) determine whether or not NICTA should recommend to the Minister that one or more whole sale services in those markets be declared under s.130 of the Act; and, if such a recommendation should be made;
- (f) specify the recommended terms of the declaration(s) and the recommended expiry date(s) for the declaration(s);
- (g) prepare for the purposes of s.135 of the Act a draft service-specific pricing principles in relation to the wholesale service(s) recommended to be declared; and
- (h) identify and consider relevant matters relating to the technical and operational quality of the supply of the wholesale service(s) recommended to be declared for the purposes of s.136 of the Act.

This public notice fulfils the requirements of s.231 of the Act.

Charles Punaha
Chief Executive Officer