



Public Consultation Discussion Paper
Proposed variations to the Licence Conditions
Rule 2011



Document Ref. XXX.2023

1 EXECUTIVE SUMMARY

The *National Information and Communications Technology Act 2009 (the Act)* at Section 55 provides for NICTA to “make rules setting out the standard terms and conditions, and any special terms and conditions, for individual licences.”

The current rules, which appear on NICTA’s website at <https://www.nicta.gov.pg/licensing/terms-conditions>, were developed in 2011 and have not been changed since then.

The draft proposed revised Rules are annexed at Attachment A.

The main revisions are:

- (1) To remove terms and conditions that no longer apply, such as the obligations previously imposed on Telikom in relation to the operation of the National Maritime Safety radio service, or which are no longer appropriate in the circumstances of 2023, such as the obligation to print a hard copy telephone directory annually;
- (2) To make provision for the inclusion of Low Earth Orbit (LEO) satellite services and related conditions;
- (3) To include special terms and conditions relating to Digitec Communications (trading as Vodafone) similar to those already included in relation to Digicel and Telikom;
- (4) To update the lists of locations relevant to coverage obligations; and
- (5) To make provision for coverage obligations that reflect the current circumstances of each of the individual licensees concerned and clear milestones for achievement of 100% coverage of each geographic area or location by a nominated date.

2 PROPOSED RULE VARIATIONS

2.1 Comments on specific matters

LEO satellite services

On 14 August 2023 NICTA initiated a public consultation on the Licensing Condition Rules that should apply for Low Earth Orbit (LEO) satellite services in PNG. The deadline for submissions in response to the LEO satellite service consultation paper is 11 September 2023. The paper may be found on NICTA's website at <https://www.nicta.gov.pg/cp-0-29/>

NICTA determined to seek the views of stakeholders and other interested parties to the proposed terms and conditions for LEO satellite services ahead of the general review of licence terms and conditions, because of the need to provide the earliest certainty to parties interested in providing LEO satellite services in PNG. Many of the services that have been advised to NICTA are clearly in the overall public interest, especially in areas that are not well served at present with ICT services, and delay in clarifying the terms and conditions needs to be avoided or at least reduced.

The proposed licence terms and conditions set out at Schedule 3A of the proposed Rule are the same as the draft subject to public consultation from August 2023. Interested stakeholders and other potential respondents need to have provided their comments on these conditions by 11 September 2023 and need not repeat them in response to the current Public Consultation Discussion Paper.

Printed Telephone Directory services

Under the current Rules, which were established in 2011, the former Telikom (PNG) Limited was required to publish in hard copy a telephone directory of relevant telephone service numbers annually to provide information for those wishing to call the subscribers in question.

Times have changed significantly over the 12 years since the Rule was established. In common with the rest of the world, PNG has experienced the mobile revolution, with cellular mobile calling being the preferred means of making voice calls to other subscribers. Importantly, cellular mobile service numbers have never been included in the numbers that Telikom was required to include in its printed telephone directory. The use of telephone directories as a source of numbers has been in decline around the world for many years. In part this may be because mobile numbers are not comprehensively listed. It is also because of the availability of other number sources, and particularly of the internet for obtaining contact information for businesses and government.

The proposal to remove the obligation on Telikom as a licence term condition to print a hard copy telephone directory at least every two years leaves it open for Telikom to do so if it considers that it is in its commercial interests to do so. If Telikom proceeds on that basis it will need to obtain the consent of the subscribers whose details are published.

2.2 Proposed Variations

Reference	Description	Proposed Variation	Comment
Main text, Section 1	Name	Changed to 2023	
Main text, Section 5	Reference to Bemobile and Telikom PNG	Changed to Telikom Ltd	
Main text, Section 5(7)	New sub-section	Addition of Digitec Communications Limited	
Schedule 1(2)	Additional standard conditions relating to all individual licences in paragraphs (i) to (n) inclusive	(i): Connection of all internet traffic through PNG neutral Internet Exchange Point (j): Compliance with emergency service arrangements (k): Compliance with protection of communications arrangements (l): Protection of national interest and security, including cooperation with law enforcement agencies (m): Maintenance of lawful interception capability (n): Compliance with Defence arrangements and disaster plans	These have been added as standard conditions for the purpose of making explicit what has been required of all individual licences since the inception of the Rule. In practice, the inclusion of these conditions should not affect the way that licensees operate.
Schedule 2	Conditions related to provision of Cellular Mobile Services	No changes in substance, but note that Schedules 7 – 10 inclusive relating to centres and localities have become Schedules 8 – 11 inclusive.	Note that the minimum level of Network Performance in Section 3 and the Network Fault Repair target times in Section 4 have been left unchanged.
Schedule 3A	Provision of services using LEO satellite networks	Added	Subject to separate public consultation
Schedule 4	Special terms for providers of Public Fixed Network Services	Generalised special terms replacing those at Schedule 6 of the 2011 Rule (which related only to Telikom)	A number of other network licences permit the provision of fixed services, and therefore the conditions should apply to them as well.

Reference	Description	Proposed Variation	Comment
Schedule 5	Special terms applicable to Telikom	<p>Some of the conditions in the 2011 Schedule 6 related to Telikom as the incumbent fixed monopolist with special obligations derived from that role.</p> <p>2011 Rule, Schedule 6(6) required Telikom to produce a Residential Telephone Number Directory in a printed and bound book format annually. This has been replaced by a requirement to provide a directory assistance service in relation to fixed network services.</p> <p>2011 Rule, Schedule 6(7) required Telikom to continue certain legacy services, namely a Directory Assistance Service and a National Maritime Radio Safety Service. Section (7) has been deleted.</p>	<p>Providing directory assistance operator services is more appropriate to the perceived needs of PNG users in 2023. The public consultation process will further test whether this is so.</p> <p>The condition requiring provision of a directory assistance service is now covered in Schedule 4(3). The other obligation has now been taken over by the national Maritime Safety Authority.</p>
Schedule 7	Special terms and conditions applicable to Digitec Communications Limited	New schedule.	The conditions in relation to network coverage have been drafted to be similar to those applying the Digicel and Telikom, having regard to Digitec's current network rollout and plans submitted when it was licensed.
Schedules 8 – 11 inclusive	Centres and localities at each level.	These schedules replace Schedules 7 – 10, respectively, in the 2011 Rule.	The schedules have been updated to include new locations, where required
Schedule 12	Special conditions where Content Licences authorise free-to-air radio and television broadcasts.	The commitments have been updated to refer to current and near-term targets for coverage.	

3 INVITATION TO MAKE SUBMISSIONS

NICTA invites all stakeholders and the interested members of the public to make submissions on their views in relation to the proposed variations to the 2011 Rule on Standard and special Conditions of Individual Licences and to the draft 2023 Rule at Attachment A.

In particular, the licenses that are directly affected by the changes are encouraged to make submissions with their comments.

NICTA does not have specific questions that submissions might address in relation to each section of the draft Rule. In relation to each and all sections of the draft Rule the issues to be considered are:

- (1) Is each of the existing terms and conditions and the proposed variation (if any) appropriate in the circumstances of the ICT in PNG in 2023, and if so why, or if not, why not?
- (2) Could the obligations covered by the terms and conditions be better expressed, having regard to the objects of the Act?
- (3) Are there additional terms and conditions that should be considered in relation to any category of licence, and if so, what are they and why should they be added?

Respondents are requested to identify the part of the draft Rule they are referring to in their comments, including the schedule and paragraph number if applicable.

Submissions should be addressed to NICTA at licenceruleconsultation@nicta.gov.pg and be received no later than **4 pm on Monday 27 November, 2023**.

Should you require further information or clarification in relation to this consultation, please contact Mr Gibson Tito, Manager Licensing and Business Relations, NICTA on [303 3275] or via email gtito@nicta.gov.pg.

ATTACHMENT A: Draft “Standard and Special Conditions of Individual Licences Rule, 2023”