



PUBLIC NOTICE

PUBLIC CONSULTATION ON REFERENCE INTERCONNECTION OFFER FROM PNG DATACO LIMITED

BACKGROUND

On 19th February 2019 the Minister for Information and Communications 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 operator provides these services at present, namely PNG DataCo Ltd ('DataCo').

On 13th August 2020 DataCo provided a Reference Interconnection Offer ('RIO') to NICTA pursuant to Section 141 of the Act. NICTA concluded the public consultation in accordance with Section 229 of the Act and decided on that occasion to reject the RIO. On 29 December 2020 NICTA published at its website (www.nicta.gov.pg) statement of reasons.

REVISED RIO PROPOSED BY DATACO

DataCo has taken into account the comments in the Statement of reasons referred to above and has re-submitted on 9th April 2021 a revised RIO for NICTA's acceptance. The RIO is referred to as "revised" because its content is based on the earlier proposed RIO, but it is to be treated by NICTA under the Act as a new proposal. The consultation process envisaged by the Act must be conducted anew, for example, and NICTA must consider the submissions received in response to the fresh consultation before coming to a conclusion on whether to accept or reject the RIO. If accepted by NICTA the RIO becomes a written undertaking to provide the wholesale services which it covers to access seekers (other licensed operators) on the terms and conditions contained in the RIO.

Section 142(5) of the Act requires NICTA, before it accepts a RIO, to publish the RIO and engage in a public consultation in accordance with Section 229 of the Act, and to consider any submissions that are received within the time limit specified by NICTA (being at least four weeks after the date of publication).

PUBLIC CONSULTATION

This public notice is published in compliance with the requirements of Section 229 of the Act. In particular:

- (a) NICTA hereby announces the fact that it is holding a public consultation;
- (b) The public consultation shall be for the period from Friday 21st May to Monday 21st June 2021;

- (c) The public consultation relates to the RIO submitted by DataCo on 9th April 2021 and, specifically, to whether NICTA should accept or reject the RIO having regard to the criteria about which NICTA must be satisfied, set out in Section 142(5)(b) of the Act;
- (d) Submissions may be made to NICTA in accordance with the instructions set out in the Discussion Paper published on NICTA's website (www.nicta.gov.pg) on 21st May 2021; and
- (e) The deadline for submissions to be received shall be 4 pm on Monday 21st June 2021.

DECLARED WHOLESALE SERVICES

The services described in the Ministerial Declarations of 19th February 2019, to which the RIO relates, are wholesale services. That is, they are services provided by one licensed operator to another licensed operator. They need to be distinguished from retail services which are provided by licensed operators and service providers to business and residential retail customers. The RIO does not apply to retail services at all, and retail customers (that is, customers who are not licensed telecommunications operators) may not demand to receive the services or the proposed prices in the RIO.

COVERAGE OF THE RIO

The RIO does not cover all of the wholesale access services declared in February 2019. It only covers two services, namely:

- (a) the international submarine cable transmission capacity service and
- (b) the wholesale broadband capacity service (being via optic fibre within PNG),

as well as other services provided by DataCo that incorporate one or both of these services.

The RIO comprises the following parts:

- a covering letter from DataCo;
- a Master Service Agreement (MSA) between DataCo and a customer, containing detailed general terms and conditions applicable to all the services covered by the RIO;
- a Schedule of Prices for the wholesale access services covered by the RIO;
- a Service Order Form, by which customers may apply for a relevant service; and
- Service Level Terms and Conditions being the minimum service level terms and conditions for a service covered by the RIO.

The RIO has been published together with the Discussion Paper referred to above on NICTA's website.

Contact

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