



PUBLIC NOTICE

PUBLIC CONSULTATION ON REFERENCE INTERCONNECTION OFFER FROM PNG DATACO LIMITED

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. The draft RIO was made the subject of a public consultation, as required by Section 142 of the Act, and subsequently rejected by NICTA in December 2020.

In 2021 DataCo proposed a further draft RIO and that also was subject to public consultation from May to July, 2021. A response report setting out the views of NICTA staff was posted on NICTA's website on 24th September 2021. The response report suggested that certain changes would need to be made before NICTA would be comfortable to accept the RIO. Implicitly, this amounted to a rejection of the RIO pursuant to Section 142 of the Act, and this has now been formally confirmed by the NICTA Board.

DataCo has subsequently proposed a further RIO which has been revised to address the issues noted in the NICTA response report. NICTA is now inclined to accept the latest draft RIO, subject to the comments received as part of the public consultation which will commence on 5th November 2021.

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).

PURPOSE OF THIS PUBLIC NOTICE

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

- NICTA hereby announces the fact that it is holding a public consultation;
- The public consultation shall be for the period from Wednesday 3rd November to Friday 3rd December 2021;
- The public consultation relates to the RIO submitted by DataCo on 22nd October 2021 and published on NICTA's website (www.nicta.gov.pg) on 5th November 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; and
- The deadline for submissions to be received shall be 4 pm on Monday 5th December 2021.

DECLARED WHOLESAL SERVICE 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:

- the international submarine cable transmission capacity service and
- 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.

Contact

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