



**NATIONAL INFORMATION AND COMMUNICATIONS
TECHNOLOGY AUTHORITY**

PUBLIC INQUIRY REPORT

RESPONSE TO COMMENTS AND FINAL DECLARATIONS

In Reference to

*Discussion Paper: Public Inquiry into the Potential Declaration of Certain Wholesale
Services*

Issued on 14 May 2025

13 November 2025

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2 Commencement and Expiration.....	1
(1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (<i>the Commencement Date</i>).	1
(2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.	1
3 Definitions	2
(1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.	2
(2) In this Declaration, unless the context otherwise requires:	2
1 Name of Declaration	1
This Declaration is <i>Wholesale Service Declaration No.2 of 2025</i>	1
2 Commencement and Expiration.....	1
(1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (<i>the Commencement Date</i>).	1
(2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.	1
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1 Name of Declaration	1
This Declaration is <i>Wholesale Service Declaration No.3 of 2025</i>	1
2 Commencement and Expiration.....	1
(1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (<i>the Commencement Date</i>).	1

(2)	This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.	1
3	<i>Definitions</i>	2
(1)	Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.	2
(2)	In this Declaration, unless the context otherwise requires:	2

1. Background

1. Pursuant to Section 127(2)(a) of the National Information and Communications Technology Act 2009 (the “Act”), on 14 May 2025 the National Information and Communications Technology Authority (“NICTA”) initiated a public inquiry under Section 230 of the Act on whether certain wholesale services should be declared.
2. On the same date, NICTA issued a Discussion Paper entitled Public Inquiry into the Potential Declaration of Certain Wholesale Services (“Discussion Paper”), where NICTA proposed to declare the following services:
 - (a) Wholesale International dedicated submarine cable capacity service;
 - (b) International submarine cable facilities access service;
 - (c) Wholesale long-haul dedicated capacity service;
 - (d) Wholesale local dedicated capacity service; and
 - (e) Wholesale Internet access service.
3. The Discussion Paper posed 15 questions asking whether interested parties agree with the proposed market definition of each wholesale service, and whether the proposed declarations fulfill the declaration criteria under Section 128 of the Act.
4. Three draft declarations covering the five wholesale services listed above were also provided as annexes to the Discussion Paper to elicit comments from interested parties.
5. Following the publication of the Discussion Paper, NICTA received comments from the following interested parties:
 - a) MYNET,
 - b) Wirespark,
 - c) WeWak Music Centre,
 - d) Digitec Communications Limited T/A Vodafone PNG (“Vodafone”),
 - e) U-Space Communications,
 - f) NiuCom,
 - g) National Broadcasting Corporation (“NBC”),
 - h) Garamut Connect Ltd,
 - i) Digicel (PNG) Limited (“Digicel”), and
 - j) PNG DataCo Limited (“DataCo”).
6. The comments received were very thoughtful and we thank the interested parties for their input. Some of the comments had made NICTA revise its preliminary views on the proposed declarations. This has allowed NICTA to make a better decision on the final declarations, which we include as annexes to this report.
7. Below, we summarize the comments received, respond to these comments, and state NICTA’s final decision on the declaration of each wholesale service. In the final section, we address some comments provided by DataCo that are not specific to any question in the Discussion Paper, but in our view, need to be addressed.

2. Wholesale International dedicated submarine cable capacity service

2.1 Comments and Responses to Comments - Question 1

Question 1: Do you agree with this market definition. If you do not, please explain your reasons.

2.1.1 Comments received from interested parties

8. Interested parties were overwhelmingly in agreement with NICTA's analysis, including the relevant market boundaries and the proposed geographic market.
9. One interested party, NBC, while in agreement with NICTA, suggested NICTA should have more flexibility on the geographic market definition given the location specific nature of the services. However, NBC did not elaborate on what exactly was their view.¹
10. MYNET did not comment on specific questions but raised concerns about entities that obtain operator licences to get reduced wholesale prices from DataCo without providing ICT services to the public. MYNET states that this creates unfair market distortions, undermine investment by ISPs, and constitute an abuse of licensing privileges.²

2.1.2 NICTA's response to comments and decision

11. NICTA is pleased to find such broad agreement on the analysis put forth and on the proposed market definition for the wholesale service. Therefore, NICTA decided to maintain the proposed description of the relevant market.
12. NICTA acknowledges MYNET's comment. Although, the issue referred by MYNET is not the subject of this public inquiry, NICTA is grateful to MYNET for bringing this to our attention. NICTA intends to address this matter in accordance with applicable licensing regulations and guidelines, including but not limited to, the Wholesale and Retail Service Guidelines No. G368.

2.2 Comments and Responses to Comments - Question 2

Question 2: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (b) by furthering the achievement of the competition objective? If you do not, please explain your reasons.

2.2.1 Comments received from interested parties

13. Interested parties were overwhelmingly in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (b) of the Act. However, Vodafone indicated that it was highly contingent on the application of cost-based prices for the service proposed for declaration. Vodafone stressed the importance of strict enforcement of non-discriminatory cost-based pricing and transparency of prices, as a conditions for the declaration achieving its intended objective.³

¹ NBC submission, Section 2. National Broadcasting Corporation (NBC) Interest Analysis. Public Inquiry into the Potential Declaration of Certain Wholesale Services. 17 June 2025.

² MYNET submission Section 2. 10 June 2025.

³ Vodafone submission page 2. Vodafone. Submission to Public Inquiry into the Potential Declaration of Certain Wholesale Services. 27 June 2025.

14. DataCo also expressed agreement with NICTA's analysis but added that due to their stated policy to lower their prices, they view the proposed declaration as having a minor impact on the intended objective of the declaration.⁴

2.2.2 NICTA's response to comments and decision

15. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (b) of the Act.
16. NICTA appreciates Vodafone's comment and agrees that a declaration per se, may not produce the expected results without transparent and non-discriminatory cost-based pricing of the wholesale service. NICTA is therefore, committed to adopting service-specific pricing principles ("SSPPs") for the declared service as soon as possible. NICTA is also committed to a strict enforcement of such SSPPs and other related mandatory regulatory instruments.
17. NICTA also appreciates DataCo's comment. However, NICTA's view is that without the proposed declaration, DataCo's own pricing policy would not be enough to further the competition objective in Part VI of the Act. To be clear, NICTA views the proposed declaration as a first step towards adopting other mandatory regulatory instruments, such as the SSPPs, which together would increase the chance that this declaration will further the competition objective in Part VI of the Act. In conclusion, a declaration for the wholesale service is justified and necessary.

2.3 Comments and Responses to Comments - Question 3

Question 3: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (c) by furthering the achievement of the efficiency objective? If you do not, please explain your reasons.

2.3.1 Comments received from interested parties

18. Interested parties were overwhelmingly in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (c) of the Act, furthering the achievement of the efficiency objective in Part VI of the Act. However, Vodafone stressed that efficiency benefits would depend on a reliable service and urged NICTA to include a requirement of strong service level agreements ("SLAs") to ensure reliability of the wholesale service. Unreliable service forces access seekers to invest in expensive back up capacity increasing the cost of service to the final consumer according to Vodafone.⁵
19. Digicel commented that critical to the success of declaring this service would be the prompt establishment of new SSPPs and model non-price terms and conditions prior to requiring DataCo to provide the associated reference interconnection offer ("RIO").⁶
20. DataCo also agreed with NICTA's analysis but again indicated that due to their policy of lowering prices as demand grows, they consider that a declaration is unlikely to increase utilization of their infrastructure and urged NICTA to adopt a light-handed approach to regulating this service.⁷

⁴ See DataCo's submission, Section 4A. DataCo Response to NICTA Discussion Paper – Public Inquiry into the Potential Declaration of Certain Wholesale Services. 27 June 2025.

⁵ Vodafone submission, page 2. 27 June 2025.

⁶ Para. 20-21 in Digicel's submission. Digicel (PNG) Limited. Submission to NICTA. Public Inquiry into the Potential Declaration of Certain Wholesale Services. 27 June 2025.

⁷ See DataCo's submission, Section 4A. 27 June 2025.

2.3.2 NICTA's response to comments and decision

21. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (c) of the Act, furthering the achievement of the competition objective.
22. NICTA appreciates Vodafone's observation regarding the need for strong SLAs for the service. NICTA is committed to further improve the reliability of declared services and sympathizes with Vodafone's view that one way of achieving that could be through stronger requirements in the SLAs.
23. NICTA also appreciates Digicel's comment regarding the need to expeditiously adopt SSPPs following a declaration and sympathizes with Digicel's view for having NICTA adopt model non-price terms and conditions prior to having DataCo supply NICTA with a RIO as in the draft proposed declarations.
24. NICTA does not agree with DataCo's comment that a declaration is unlikely to increase utilization of its infrastructure because of DataCo's own pricing policy toward lower prices. As indicated earlier, NICTA views the declaration as a first necessary step towards adopting complementary mandatory regulatory instruments, which taken together would further the competition and efficiency objectives under Part VI of the Act. The record of the past five years has shown the necessity of having this service declared; in particular, when a declaration is followed by SSPPs that set maximum allowable cost-based prices.
25. In consequence, NICTA is of the view that the declaration not only fulfills the declaration criteria under Section 128(a) and (c) but is necessary to further the efficiency objective under Part VI of the Act.
26. NICTA also intends to make a future determination setting out model non-price terms and conditions for the supply of the declared services as suggested by Digicel. Therefore, we have revised Section 8 in the enclosed wholesale declaration and introduced reference to non-price terms and conditions to be determined by NICTA.
27. The issue of stronger SLAs raised by Vodafone is not to be addressed in the present inquiry but is better left for a future consultation related to either model non-price terms and conditions or a RIO for the declared service.

3. International submarine cable facilities access service

3.1 Comments and Responses to Comments - Question 4

Question 4: Do you agree with this market definition. If you do not, please explain your reasons.

3.1.1 Comments received from interested parties

28. Interested parties were overwhelmingly in agreement with NICTA's analysis on the relevant market boundaries and the proposed definition for the geographic market.
29. One interested party, NBC, commented that the role of site owners and access providers should be clearly defined through a formal arrangement and lease pricing.⁸ Vodafone commented that it wants to see a greater emphasis on access seekers being able to collocate at submarine cable landing stations, suggesting minor changes on

⁸ See NBC submission, Section 3. 17 June 2025.

the text of paragraph 57(a) and 58(b) in the Discussion Paper to: “Cable landing station colocation facility” and for 58(b) to “Physically collocate its facilities in the colocation facility provided by the access provider in the cable landing station.”⁹

3.1.2 NICTA’s response to comments and decision

30. NICTA is pleased to find such broad agreement on the analysis put forth and on the proposed market definition for the wholesale service.
31. NICTA appreciates the comments received. We agree with NBC’s comment that the roles and responsibilities of access providers and access seekers need to be specified in a formal arrangement. As indicated earlier, the proposed declaration is just a first step that would enable NICTA to adopt related regulatory instruments, that may include but not be limited to, the SSPPs, model terms and conditions, and, or a RIO, that would set the framework for the supply of the declared service. Of course, an access seeker and an access provider may want to develop their own agreements for the supply of the declared service where they would specify the terms and conditions of service in more detail. NICTA expects these agreements to be in accordance with the legal regulatory framework provide by NICTA’s mandatory regulatory instruments and the Act.
32. NICTA appreciates Vodafone comments also and finds the suggested changes to the description of the service appropriate. Therefore, NICTA has revised the description of the wholesale service as suggested by Vodafone. See Annex A, Wholesale Declaration No. 1 of 2025.

3.2 Comments and Responses to Comments - Question 5

Question 5: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (b) by furthering the achievement of the competition objective? If you do not, please explain your reasons.

3.2.1 Comments received from interested parties

33. Again, interested parties were overwhelmingly in agreement with NICTA’s analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (b) of the Act.
34. DataCo also agrees that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (b) of the Act, but again, added that in their view the benefits would be minimal due to DataCo’s policy toward lower pricing.¹⁰

3.2.2 NICTA’s response to comments and decision

35. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (b) of the Act furthering the achievement of the competition objective.
36. NICTA appreciates DataCo’s comment regarding its own policy of lowering prices through time. However, as indicating earlier, our view is that without the proposed declaration, DataCo’s own pricing policy would not be enough to further the competition objective in Part VI of the Act. As indicated earlier, the proposed declaration is a first step towards adopting the corresponding SSPPs and any other

⁹ See Vodafone submission, page 2. 27 June 2025.

¹⁰ See DataCo’s submission, Section 4B. 27 June 2025.

mandatory regulatory instrument, which together would ensure that this declaration furthers the competition objective in Part VI of the Act.

37. Considering what is said above, NICTA is of the view that a declaration for the wholesale service is justified and necessary.

3.3 Comments and Responses to Comments - Question 6

Question 6: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (c) by furthering the achievement of the efficiency objective? If you do not, please explain your reasons.

3.3.1 Comments received from interested parties

38. Interested parties were overwhelmingly in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (c) of the Act furthering the achievement of the efficiency objective in Part VI of the Act.
39. NBC agreed with NICTA but commented that DataCo collocates on most of NBC's sites and added that the roles of access provider and site owners should be clearly defined through a revised agreement and leasing price.¹¹
40. DataCo also agreed with NICTA's analysis but again, indicated that due to their policy of lowering prices as demand grows, they consider that a declaration is unlikely to increase utilization of their infrastructure and urged NICTA to adopt a light-handed approach to regulating this service.¹²

3.3.2 NICTA's response to comments and decision

41. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (c) of the Act furthering the achievement of the efficiency objective.
42. NICTA is supportive of NBC's view and as mentioned earlier, is committed to adopting complementary mandatory regulatory instruments to ensure this declaration furthers the competition and efficiency objectives in Part VI of the Act.
43. NICTA disagrees with DataCo's views for the reasons explained earlier. In consequence, NICTA is of the view that the declaration not only fulfills the declaration criteria under Section 128(a) and (c) but is necessary to further the efficiency objective under Part VI of the Act.

4. Wholesale long-haul dedicated capacity service

4.1 Comments and Responses to Comments - Question 7

Question 7: Do you agree with this market definition. If you do not, please explain your reasons.

¹¹ See NBC submission, Section 3. 17 June 2025.

¹² See DataCo's submission, Section 4B. 27 June 2025.

4.1.1 Comments received from interested parties

44. Interested parties were overwhelmingly in agreement with NICTA's analysis on the relevant market boundaries and the proposed definition for the geographic market.
45. Vodafone suggested adding the word "may", a small change to the service description in paragraph 75(b) in the Discussion Paper.

4.1.2 NICTA's response to comments and decision

46. NICTA is pleased to find such broad agreement on the analysis put forth and on the proposed market definition for the wholesale service.
47. NICTA appreciates the comments received and agrees with Vodafone's suggestion of adding the word "may" in the service description. See Annex A, Wholesale Declaration No. 2 of 2025.

4.2 Comments and Responses to Comments - Question 8

Question 8: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (b) by furthering the achievement of the competition objective? If you do not, please explain your reasons.

4.2.1 Comments received from interested parties

48. Interested parties were overwhelmingly in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (b) of the Act furthering the achievement of the competition objective.
49. Vodafone agreed and commented that the future SSPPs need to have strong provisions to prevent DataCo from having the ability to unfairly prioritize its own retail operations over the access seekers with whom it competes in the retail market for large enterprises.¹³
50. DataCo disagreed with NICTA's assessment indicating that its wholesale service is being provided in competition with Digicel and that an additional service provider may enter the market also. Therefore, DataCo concludes that a declaration would have no material beneficial effect on competition.¹⁴

4.2.2 NICTA's response to comments and decision

51. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (b) of the Act furthering the achievement of the competition objective. However, given DataCo's assertion that Digicel and possibly other operator licensees, are actual or may be future competitors to DataCo, prompted us to seek clarification from DataCo, Digicel, and a third operator licensee.
52. The information received during that inquiry lead us to believe that there is no current access provider competing with DataCo in the supply of this wholesale service. However, information supplied to us indicates that an operator licensee (other than DataCo) has deployed infrastructure between the city of Lae and Mount Hagen which could potentially be used to supply the wholesale service. Therefore, NICTA is of the view that if there is competing fibre optic infrastructure between the cities of Lae and Mount Hagen, this segment would need to be excluded from the geographic market

¹³ See Vodafone submission, page 3. 27 June 2025.

¹⁴ See DataCo's submission, Section 4C. 27 June 2025.

definition for the declaration to fulfill the declaration criterion under Section 128 (b) (ii) of the Act. Therefore, NICTA has decided to revise the geographic market definition to exclude the segment between the cities of Lae and Mount Hagen. See Annex A, Wholesale Declaration No. 2 of 2025.

4.3 Comments and Responses to Comments - Question 9

Question 9: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (c) by furthering the achievement of the efficiency objective? If you do not, please explain your reasons.

4.3.1 Comments received from interested parties

53. Interested parties were overwhelmingly in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (c) of the Act furthering the achievement of the efficiency objective.
54. NBC agreed but again added that the roles of site owners and access providers should be clearly define through a revised formal arrangement and subsequent lease pricing.
55. Vodafone also agreed but commented that DataCo's service is unreliable prompting access seekers to buy back up links to attain an acceptable level of reliability for retail customers. In addition, Vodafone pointed out that the RIO allows for 98.9% service reliability which in their opinion is inadequate for some of their large retail customers.¹⁵
56. DataCo indicated its disagreement with NICTA's analysis saying as mentioned earlier that Digicel provides this wholesale service in competition with DataCo, and that a third party may enter the market also. DataCo's view is that a declaration would not have any material efficiency benefit. It also added, that should NICTA choose to declare this service, then such declaration should apply to all access providers.

4.3.2 NICTA's response to comments and decision

57. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (c) of the Act furthering the achievement of the efficiency objective.
58. We agree with NBC's comment that the roles and responsibilities of access providers and access seekers need to be specified in a formal arrangement. As indicated earlier, the proposed declaration is just a first step that would enable NICTA to adopt related regulatory instruments that would set the framework for the supply of the declared service.
59. NICTA appreciates Vodafone's comment. NICTA is committed to improve the reliability in the supply of the declared services and intends to address those concerns in the context of a public consultation of model terms and conditions, or a RIO for the declared service. Therefore, we have revised Section 8 in the enclosed wholesale declaration and introduced reference to non-price terms and conditions to be determined by NICTA.
60. NICTA appreciates DataCo's comment and the information about potential competition from Digicel and possibly other access providers. As indicated earlier, after seeking clarification from operator licensees including DataCo, NICTA has decided to revise the geographic market definition of the wholesale service to exclude the segment between the cities of Lae and Mount Hagen.

¹⁵ Vodafone submission, page 3. 27 June 2025.

5. Wholesale local dedicated capacity service

5.1 Comments and Responses to Comments - Question 10

Question 10: Do you agree with this market definition. If you do not, please explain your reasons.

5.1.1 Comments received from interested parties

61. Interested parties were overwhelmingly in agreement with NICTA's analysis on the relevant market boundaries and the proposed definition for the geographic market.
62. Vodafone agrees with NICTA's definition but suggested changing the name to "wholesale metro dedicated capacity service". Vodafone also added that Telikom and Digicel have fibre assets in the main metropolitan areas and asked whether a declaration would apply to those other operators also.¹⁶
63. Wirespark also agrees with NICTA's definition but also pointed out that other operators such as Digicel and Telikom have significant fibre assets in some cities which would allow them to compete with DataCo.¹⁷
64. Digicel commented that they generally agree with the market definition except for the geographic market, which they suggest should exclude the National Capital District (NCD) were another operator (other than DataCo) has fibre infrastructure and could potentially compete with DataCo. In Digicel's view, such exclusion is necessary for the declaration to comply with the declaration criterion in Section 128(b)(ii).¹⁸

5.1.2 NICTA's response to comments and decision

65. NICTA is pleased to find such broad agreement regarding the analysis put forth and on the proposed market definition for the wholesale service.
66. NICTA appreciates the comments received from Vodafone but is not convinced that a name change is warranted. NICTA is grateful that Vodafone, Wirespark and Digicel provided information about new fibre infrastructure deployed in some cities, and particularly the NCD. We reached out to operator licensees to inquire about this matter. Our inquiry confirmed that alternative fibre infrastructure to that of DataCo exist in the NCD. Therefore, NICTA decided to revise the geographic market definition for this wholesale service to exclude the NCD.

5.2 Comments and Responses to Comments - Question 11

Question 11: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (b) by furthering the achievement of the competition objective? If you do not, please explain your reasons.

5.2.1 Comments received from interested parties

67. Interested parties were generally in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (b) of the Act. However, Vodafone reiterated a prior comment indicating that the fulfilment of the declaration criteria would be contingent on actual cost-based prices being imposed

¹⁶ Vodafone submission, page 3. 27 June 2025.

¹⁷ Wirespark submission, Section 4, page 5. Wirespark. Response to Potential Declaration of Certain Wholesale Services. NICTA Public Inquiry. 11 June 2025.

¹⁸ See Digicel submission, para. 27-30. 27 June 2025.

by the SSPPs. It further observed that the relatively small number of links leased by DataCo suggests that prices are not cost-based.¹⁹

68. Digicel agrees in general but as indicated earlier, points out that NICTA has not considered recent deployments of fibre infrastructure in the national capital district (NCD), and possibly other cities in the future. In consequence, the declaration would not satisfy the declaration criterion specified in 128(b)(ii) of the Act. As indicated earlier, Digicel suggests a way to address this problem is by redefining the wholesale local dedicated capacity service to exclude the services provided in the NCD and to review such declaration after three years to ensure it continues to apply to areas where there are no alternative fibre deployments capable of supplying the declared service.²⁰
69. DataCo disagrees with NICTA indicating that its wholesale service is being provided in competition with Digicel's and Telikom, therefore, in their view, declaring this service would have no material beneficial effect on competition.²¹

5.2.2 NICTA's response to comments and decision

70. NICTA thanks the interested parties which provided valuable comments. New information provided about alternative fibre infrastructure being deployed in the NDC and possibly other cities in the near term, made us revise our preliminary conclusions about this proposed declaration. As indicated earlier, NICTA has decided to revise the geographic market definition to exclude the NCD due to the recent deployment of fibre infrastructure in the area. See Annex A, Wholesale Declaration No. 2 of 2025.

5.3 Comments and Responses to Comments - Question 12

Question 12: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (c) by furthering the achievement of the efficiency objective? If you do not, please explain your reasons.

5.3.1 Comments received from interested parties

71. Interested parties were mostly in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (c) of the Act furthering the achievement of the efficiency objective.
72. Vodafone also agreed but commented again that DataCo's service is unreliable prompting access seekers to buy back up links to attain an acceptable level of reliability for retail customers. In addition, Vodafone recommended NICTA to work alongside law enforcement and lawmakers to institute stricter rules and penalties to protect fibre networks from vandalism and theft.²²
73. DataCo disagreed with NICTA indicating that its wholesale service is being provided in competition with Digicel and Telikom, therefore, in their view, declaring this service would have no material beneficial effect on efficiency. It also added that, should NICTA choose to declare this service, then such declaration should apply to all access providers.²³

¹⁹ See Vodafone submission, page 3. 27 June 2025.

²⁰ See Digicel submission, para. 27-30. 27 June 2025.

²¹ See DataCo submission, Section 4D, page 13. 27 June 2025.

²² See Vodafone submission, page 4. 27 June 2025.

²³ See DataCo submission, Section 4D, page 14. 27 June 2025.

5.3.2 NICTA's response to comments and decision

74. NICTA thanks the interested parties which provided valuable comments. As indicated above, new information provided about alternative fibre infrastructure being deployed in the NDC and possibly other cities in the near term made us revise the geographic market definition of the wholesale service.

6. Wholesale Internet access service

6.1 Comments and Responses to Comments - Question 13

Question 13: Do you agree with this market definition. If you do not, please explain your reasons.

6.1.1 Comments received from interested parties

75. Interested parties were overwhelmingly in agreement with NICTA's analysis on the relevant market boundaries and the proposed definition for the geographic market.

76. Vodafone suggested that the service definition should include only non-contended service because contention would degrade customer experience.²⁴

6.1.2 NICTA's response to comments and decision

77. NICTA is pleased to find such broad agreement on the analysis put forth and on the proposed market definition for the wholesale service.

78. NICTA wishes to acknowledge Vodafone's comment. NICTA's proposed market definition is based on the characteristics of the service supplied by the access provider. Our understanding is that this wholesale service is not supplied uncontended. In consequence, we are maintaining the market definition and service description.

6.2 Comments and Responses to Comments - Question 14

Question 14: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (b) by furthering the achievement of the competition objective? If you do not, please explain your reasons.

6.2.1 Comments received from interested parties

79. Interested parties were overwhelmingly in agreement with NICTA's analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (b) of the Act.

80. Vodafone again indicated its agreement was contingent on the adoption of a SSPPs and the application of cost-based prices for the wholesale service.²⁵

81. DataCo disagrees with NICTA's analysis and considers that the proposed declaration would not support competition in downstream markets, stating that there are other network operators providing the wholesale service, but did not provide information on who these operators are. DataCo pointed out to NICTA's Wholesale and Retail Service Guidelines [No. G368] published on 17 May 2023 in the National Gazette (the

²⁴ See Vodafone submission, page 4. 27 June 2025.

²⁵ Vodafone submission, page 4. 27 June 2025.

“Guidelines”) as proof of the existence of other operators supplying this wholesale service.²⁶

6.2.2 NICTA’s response to comments and decision

82. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (b) of the Act furthering the achievement of the competition objective.

83. NICTA appreciates Vodafone’s comment and agrees that a declaration per se, may not produce the expected results without cost-based pricing of the wholesale services. As indicated before, NICTA is committed to adopting service-specific pricing principles for the declared services as soon as possible. Moreover, as indicated earlier, NICTA is also committed to set out non-price terms and conditions for the declared services. Therefore, we have revised Section 6 of the wholesale declaration and introduced reference to non-price terms and conditions to be determined by NICTA.

84. NICTA is not convinced by DataCo’s allegations of the existence of alternative operators providing this wholesale service in competition with them, or the existence of alternative operators with the fibre infrastructure capable of supplying this wholesale service in competition with them. The Guidelines they pointed out do not provide evidence of existing alternative fibre infrastructure that can be used to supply this service, or the existence of operators supplying this service in competition with DataCo. In consequence, NICTA maintains its position that the proposed declaration would satisfy the declaration criteria under Section 128 (a) and (b) of the Act.

6.3 Comments and Responses to Comments - Question 15

Question 15: Do you agree that the proposed declaration fulfills the declaration criteria in Section 128 (a) and (c) by furthering the achievement of the efficiency objective? If you do not, please explain your reasons.

6.3.1 Comments received from interested parties

85. Interested parties were mostly in agreement with NICTA’s analysis that the proposed declaration would fulfill the declaration criteria in Section 128 (a) and (c) of the Act furthering the achievement of the efficiency objective.

86. Vodafone also agree but commented that because DataCo’s sells its service in a contended manner it leads to unpredictable retail user experience. Vodafone reiterated that DataCo’s service lack reliability prompting access seekers to buy back up links to attain an acceptable level of reliability for retail customers all of which increases the cost of service.²⁷

87. DataCo again commented that it does not agree with NICTA’s analysis and considers that the proposed declaration would not materially increase efficiency of supplying this service. The reason being, according to DataCo is that there are other network operators providing the wholesale service. However, DataCo did not provide evidence of the existence of operators supplying this wholesale service and only pointed out as proof to the 2023 Guidelines.²⁸

²⁶ DataCo submission, Section 4E, page 15. 27 June 2025.

²⁷ Vodafone submission, page 4. 27 June 2025.

²⁸ DataCo submission, Section 4E, pages 15-16. 27 June 2025.

6.3.2 NICTA's response to comments and decision

88. NICTA is pleased to find such broad agreement that the proposed declaration would fulfill the declaration criteria under Section 128 (a) and (c) of the Act furthering the achievement of the efficiency objective.
89. NICTA appreciates Vodafone's comments which we have addressed earlier in this report.
90. NICTA is not convinced by DataCo's allegations of the existence of alternative operators providing this wholesale service in competition with them as they do not provide evidence of it. As indicated earlier, the Guidelines do not provide evidence of the existence of other access providers supplying this wholesale service. In consequence, NICTA maintains its position that the proposed declaration would satisfy the declaration criteria under Section 128 (a) and (c) of the Act.

7. DataCo's comments in pages 3 through 7 of its submission and NICTA's responses

7.1 DataCo use of the term wholesale is inconsistent with the Act

91. In Section 1 of DataCo's submission, it describes the various services they provide. DataCo attempts to map each of their services with those NICTA has proposed for declaration. In doing so, DataCo uses the term "wholesale" in a way that is inconsistent with how that term is defined in the Act. For example, DataCo says that one of its services called the "Wholesale Internet Services (WIS)", maps with NICTA's "wholesale Internet access services", proposed for declaration. However, in DataCo's description of its WIS service (page 3), it states that this service is provided *"to Internet Service Providers (ISP), Mobile Network Operators (MNOs), and large enterprises."* NICTA wishes to remind DataCo that Section 4 of the Act clearly states that a wholesale services means *"an ICT service that is supplied to a wholesale customer"*, and that the term "wholesale customer" means *"an operator licensee, but excluding circumstances where that operator licensee acquires an ICT service for that operator licensee's own personal use rather than to facilitate the supply of an ICT service by that operator licensee"*. This clearly rules out any service sold to large enterprises that do not use the wholesale service bought from DataCo to supply ICT services to the public. For example, a large bank to which DataCo sells Internet service uses the service for its own use and not to provide ICT services to the public. The service sold to the bank is considered a retail service under the Act, regardless of the name DataCo uses to commercialize it.
92. The fact that DataCo calls the Internet service sold to large organizations "wholesale", doesn't make it a wholesale services under the Act. To avoid confusion, NICTA strongly urges DataCo to cease to refer to its Internet services sold to large enterprises that do not provide ICT services to the public, as wholesale services, because it is inconsistent with the definition in the Act.

7.2 Pricing and compliance with regulatory instruments

93. In Section 2.3 DataCo states that its "pricing framework" is based on its Reference Interconnection Offer (RIO) which specifies conditions of service and *"pricing models for wholesale access."* While NICTA agrees that an approved RIO is an important regulatory instrument, NICTA is concerned that DataCo omitted mentioning that it must also comply with any applicable SSPPs and other applicable regulatory instruments in force, and more generally, with the Act.

94. NICTA acknowledges that DataCo seems to recognize this in Section 2.4 of its submission, where it states that the prior declaration required DataCo *“to set prices in accordance with the General Pricing Principles under Section 134 of the Act, the Service-Specific Pricing Principles under Section 1[3]5, and in accordance with the non-discriminatory obligations under Section 136 of the Act.”*

7.3 Misunderstanding of regulatory pricing objectives

95. Under section 2.5 page 7, second bullet, DataCo mistakenly suggests that the regulatory objectives applied around the world and as applied by NICTA, require that “prices should be sufficient to ensure the financial sustainability of the regulated business.”
96. NICTA wishes to point out that it disagrees with DataCo’s statement. The General Pricing Principles (GPPs) and international best practices are clear that an access provider should recover only the efficient cost of supplying the declared service.
97. In NICTA’s view, the GPPs in the Act are not intended to fully compensate an inefficient operator for the costs incurred; only the efficient costs are to be recovered according to the GPPs and international best practices.

DECLARATION INSTRUMENT

WHOLESALE SERVICE DECLARATION No. 1 of 2025

National Information and Communications Technology Act 2009

The ACTING MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY makes this declaration under section 130 of the National Information and Communications Technology Act 2009.

Dated _____ day of the month of _____ 2025.

Honorable Peter Tsiamalili Jr.
Acting Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No.1 of 2025*.

2 Commencement and Expiration

- (1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (*the Commencement Date*).
- (2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.

3 Definitions

- (1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.
- (2) In this Declaration, unless the context otherwise requires:
 - (a) “**Act**” means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;
 - (b) “**cable landing station**” is-
 - (i) A site at which an international fibre-optic submarine cable is available on shore for the purpose of accessing transmission capacity on the cables; and
 - (ii) Includes buildings housing the line terminal equipment, and other necessary equipment and space to interconnect networks and collocate equipment.

For the avoidance of doubt this includes the cable landing stations located at Kila Kila Police Barracks in Port Moresby (Coral Sea Cable System), Madang (PPC-1 Cable), and any future submarine cable landing station connected to an international submarine cable.
 - (c) “**dedicated capacity**” means capacity assigned solely to the access seeker’s point-to-point link; not shared with others;
 - (d) “**end point**” means a nominal point at a cable landing station or international gateway switching centre in a foreign jurisdiction that is used to demarcate an end of a service,;
 - (e) “**international gateway**” means the network equipment at a cable landing station, or at another location on the PNG’s end of an international connection or link;
 - (f) “**point of interconnection**” means a location in Papua New Guinea which is a physical point of demarcation between the access seeker's network and the access provider's network;
 - (g) “**Switching centre**” means a central node where voice and data traffic is routed within a network or exchanged between two or more networks in PNG.

Note: The following terms are defined in the Act:

- Access
- Access provider
- Access seeker
- Facilities access service
- Network
- Network service
- Operator licensee
- RIO

- Site

PART II – WHOLESALE INTERNATIONAL DEDICATED SUBMARINE CABLE CAPACITY SERVICE

4 Declaration of service

The wholesale international dedicated submarine cable capacity service is hereby declared.

5 Service description

- (1) The wholesale international dedicated submarine cable capacity service is a Network Service:
 - (a) for the carriage of any combination of voice communications and/or data via dedicated capacity in an international fibre-optic submarine cable between -
 - (i) any of the following points of interconnection:
 - (A) a point of interconnection located at the access provider's cable landing station; or
 - (B) a point of interconnection located in the access provider's switching centre the use of which for this purpose is mutually agreed to by the access provider and the access seeker; and
 - (ii) an end point; and
 - (b) with any unit of transmission capacity.
- (2) For the avoidance of doubt -
 - (a) the wholesale international dedicated submarine cable capacity service includes the supply of backhaul transmission capacity by the access provider to the extent that such is necessary to connect an access seeker's facilities at a virtual colocation site in the relevant switching centre to the access provider's facilities in a cable landing station;
 - (b) if an access provider supplies a wholesale international dedicated submarine cable capacity service with a particular transmission capacity from –
 - (i) a cable landing station that is under its control; or
 - (ii) a switching centre that is under its control;

then, subject to the constraints of the relevant submarine cable capacity available through contract or ownership to the access provider, the access provider shall be deemed to be able to supply wholesale international dedicated submarine cable

capacity services with different transmission capacities to access seekers with different international capacity requirements.

PART III – INTERNATIONAL SUBMARINE CABLE FACILITIES ACCESS SERVICE

6 Declaration of service

The international submarine cable facilities access service is hereby declared.

7 Service description

- (1) The international submarine cable facilities access service is a facilities access service that provides an access seeker with such access to, or use of, the facility or facilities designated by an access provider at the access provider's -

- (a) cable landing station colocation facility; or
- (b) switching centre that is nearest to the relevant cable landing station and which contains a point of interconnection between the access provider and an operator licensee; or
- (c) switching centre the use of which for this purpose is mutually agreed by the access provider and the access seeker;

as is necessary to enable the access seeker to interconnect its facilities to an international fibre-optic submarine cable.

- (2) For the avoidance of doubt:

- (a) the international submarine cable facilities access service enables an access seeker to -
 - (i) access the international gateway facilities of an access provider including, but not limited to, physical network infrastructure; and/or
 - (ii) physically collocate its facilities, if technically feasible, in the colocation facility provided by the access provider in the cable landing station; and/or
 - (iii) virtually or physically collocate its facilities if technically feasible in any available space within the access provider's relevant switching centre.

PART IV – GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICES

8 General Terms and Conditions

- (1) The price of the abovementioned declared services: (1) wholesale international dedicated submarine cable capacity service and (2) international submarine cable facilities access service (the “Declared Services”), should be set;
 - (a) in accordance with the General Pricing Principles under Section 134 of the Act; or
 - (b) in accordance with the Service-Specific Pricing Principles under Section 135 of the Act, when NICTA makes such determination; and
- (2) The Declared Services shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
- (3) The Declared Services shall be supplied in accordance with model non-price terms and conditions (“Model Terms”) in force, as determined by NICTA pursuant to Section 133 of the Act; and
- (4) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with the current price list of the Declared Services. At the same time, the price list shall also be published on the access provider’s website; and
- (5) The above-mentioned price list shall be updated quarterly. An access provider of the Declared Services shall supply NICTA with the updated price list and publish it on its website; and
- (6) Within 60 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with a Reference Interconnection Offer (RIO) in accordance with Section 141 of the Act. Any RIO for the Declared Services shall be consistent with Model Terms for these services as determined by NICTA pursuant to Section 133 of the Act.

PART V – REPORTING OBLIGATIONS

9 Reporting Obligations

- (1) An access provider of the Declared Services shall provide NICTA with monthly sales information of the Declared Services in a format to be specified by NICTA. Such format may include but not be limited to, monthly sales revenue by operator licensee disaggregated by link capacity, and by type of service.
- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each point-to-point link of the Declared Service supplied to each access seeker.

- (3) The above-mentioned reporting shall be supplied to NICTA quarterly no later than ten days after the end of each quarter.

DECLARATION INSTRUMENT

WHOLESALE SERVICE DECLARATION No. 2 of 2025

National Information and Communications Technology Act 2009

The ACTING MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY makes this declaration under section 130 of the National Information and Communications Technology Act 2009.

Dated _____ day of the month of _____ 2025.

Honorable **Peter Tsiamalili Jr.** Acting Minister for Communications and Information
Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No.2 of 2025*.

2 Commencement and Expiration

- (1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (*the Commencement Date*).
- (2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.

3 Definitions

- (1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.
- (2) In this Declaration, unless the context otherwise requires:
 - (a) “**Act**” means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;
 - (b) “**dedicated capacity**” means capacity assigned solely to the access seeker’s point-to-point link and not shared with others;
 - (c) “**international gateway**” means the network equipment at a cable landing station, or at another location on the PNG’s end of an international connection or link;
 - (d) “**point of interconnection**” means a location in Papua New Guinea which is a physical point of demarcation between the access seeker's network and the access provider's network;
 - (e) “**premises**” means the location or locations occupied by a retail customer or end-users where retail service is delivered.

Note: The following terms are defined in the Act:

- Access
- Access provider
- Access seeker
- Facility
- Interconnection
- Network
- Network service
- Operator licensee
- Retail customer
- RIO

PART II – WHOLESALE LONG-HAUL DEDICATED CAPACITY SERVICE

4 Declaration of service

The wholesale long-haul dedicated capacity service is hereby declared.

5 Service description

- (1) The wholesale long-haul dedicated capacity service is a Network Service:
 - (a) for the carriage of traffic between two points of the access provider's fibre optic network within the national territory of PNG, except for the segment between the cities of Lae and Mount Hagen; and
 - (b) it involves the provision of domestic dedicated capacity from a point of interconnection to a second point of interconnection.
- (2) For the avoidance of doubt:
 - (a) this point-to-point service could have one end at an international gateway within the national territory of PNG; and
 - (b) may include access to, or use of, the facility or facilities of an access provider to collocate an access seeker's equipment physically or virtually, at the access provider's facilities in order to interconnect the two networks.

PART III – WHOLESALE LOCAL DEDICATED CAPACITY SERVICE

6 Declaration of service

The wholesale local dedicated capacity service is hereby declared.

7 Service description

- (1) The wholesale local dedicated capacity service is a network service:
 - (a) for the carriage of traffic between two points over the access provider's fibre optic network, and within the limits of a city, or a metropolitan area in the national territory of PNG, but excluding the National Capital District; and
 - (b) it involves the provision of domestic dedicated capacity from a point of interconnection to a second point at either:
 - (i) a retail customer premises; or
 - (ii) at an access seeker's point of interconnection.
- (2) For the avoidance of doubt:
 - (a) this wholesale service may include access to, or use of, the facility or facilities of an access provider to collocate an access seeker's equipment physically or virtually, at the access provider's facilities in order to interconnect the two networks.

PART IV – GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICES

8 General Terms and Conditions

- (1) The price of the abovementioned declared services: (1) wholesale long-haul dedicated capacity service and (2) wholesale local dedicated capacity service (the “Declared Services”), shall be set;
 - (a) in accordance with the General Pricing Principles under Section 134 of the Act; or
 - (b) in accordance with the Service-Specific Pricing Principles under Section 135 of the Act, when NICTA makes such determination; and
- (2) The Declared Services shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
- (3) The Declared Services shall be supplied in accordance with model non-price terms and conditions (“Model Terms”) in force, as determined by NICTA pursuant to Section 133 of the Act; and
- (4) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with the current price list of the Declared Services. At the same time, the price list shall also be published on the access provider’s website; and
- (5) The above-mentioned price list shall be updated quarterly. An access provider of the Declared Services shall supply NICTA with the updated price list and publish it on its website; and
- (6) Within 60 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with a Reference Interconnection Offer (RIO) in accordance with Section 141 of the Act. Any RIO for the Declared Services shall be consistent with Model Terms for these services as determined by NICTA pursuant to Section 133 of the Act.

PART V – REPORTING OBLIGATIONS

9 Reporting Obligations

- (1) An access provider of the Declared Services shall provide NICTA with monthly sales information of the Declared Services in a format to be specified by NICTA. Such format may include but not be limited to, monthly sales revenue by operator licensee disaggregated by link capacity, and by type of service.
- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each point-to-point link of the Declared Services supplied to each access seeker.

- (3) The above-mentioned reporting shall be supplied to NICTA quarterly, no later than ten days after the end of every quarter.

DECLARATION INSTRUMENT

WHOLESALE SERVICE DECLARATION No. 3 of 2025

National Information and Communications Technology Act 2009

The ACTING MINISTER FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY makes this declaration under section 130 of the National Information and Communications Technology Act 2009.

Dated _____ day of the month of _____ 2025.

Honorable **Peter Tsiamalili Jr.** Acting Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No.3 of 2025*.

2 Commencement and Expiration

- (1) This Declaration commences 30 calendar days after the date on which it is notified in the National Gazette (*the Commencement Date*).
- (2) This Declaration expires on the day before the fifth anniversary of the Commencement Date unless it is varied or revoked earlier in accordance with section 130 of the Act.

3 Definitions

- (1) Subject to subsection (2), unless the context otherwise requires, terms used in this Declaration have the same meaning as in the Act.
- (2) In this Declaration, unless the context otherwise requires:
 - (a) “**Act**” means the *National Information and Communications Technology Act, 2009* and includes any regulations made under that Act;
 - (b) “**Internet**” means a global system of interconnected computer networks that use the standard Internet protocol suite TCP/IP;
 - (c) “**Internet transit**” means a service that allows an operator licensee to send and receive traffic to and from the Global Internet;
 - (d) “**point of presence**” means a location where an access seeker connects to the access provider’s network;
 - (e) “**port**” means a switch or connection to the global Internet.

Note: The following terms are defined in the Act:

- Access
- Access provider
- Access seeker
- Facility
- Network
- Network service
- Operator licensee
- RIO
- Wholesale service

PART II – WHOLESALE INTERNET ACCESS SERVICE

4 Declaration of service

The wholesale Internet access service is hereby declared.

5 Service description

- (1) The wholesale Internet access service is a Network Service for:
 - (a) accessing the global Internet using a high-capacity port from any location where the access provider has a point of presence in PNG; and

- (b) provides Internet transmission capacity over the access provider's fibre-optic network including Internet transit to the global Internet.
- (2) For the avoidance of doubt:
 - (a) the wholesale Internet access service includes access to, or use of, the facility or facilities of an access provider to collocate an access seeker's equipment physically or virtually, at the access provider's facilities in order to interconnect the two networks.

PART III – GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICE

6 General Terms and Conditions

- (1) The price of wholesale Internet access service (the "Declared Service") shall be set;
 - (a) in accordance with the General Pricing Principles under Section 134 of the Act; or
 - (b) in accordance with the Service-Specific Pricing Principles under Section 135 of the Act, when NICTA makes such determination; and
- (2) The Declared Service shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
- (3) The Declared Services shall be supplied in accordance with model non-price terms and conditions ("Model Terms") in force, as determined by NICTA pursuant to Section 133 of the Act; and
- (4) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Service shall supply NICTA with the current price list of the Declared Service. At the same time, the price list shall also be published on the access provider's website; and
- (5) The above-mentioned price list shall be updated quarterly. An access provider of the Declared Service shall supply NICTA with the updated price list and publish it on its website; and
- (6) Within 60 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Service shall supply NICTA with a Reference Interconnection Offer (RIO) in accordance with Section 141 of the Act. Any RIO for the Declared Services shall be consistent with Model Terms for these services as determined by NICTA pursuant to Section 133 of the Act.

PART IV – REPORTING OBLIGATIONS

7 Reporting Obligations

- (1) An access provider of the Declared Service shall provide NICTA with monthly sales information of the Declared Service in a format to be specified by NICTA. Such format may include but not be limited to, monthly sales revenue by operator licensee disaggregated by link capacity, and by type of service.
- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each port or access point of the Declared Service supplied to each access seeker.
- (3) The above-mentioned reporting shall be supplied to NICTA quarterly and no later than ten days after the end of every quarter.
