



## **RESPONSE TO COMMENTS REPORT**

NICTA's response to the comments received in  
response to the Consultation Paper on  
*Proposed Universal Access and Service  
Levy for 2019*

*Issued on 21 March 2019*

## **1. INTRODUCTION**

On 22 October 2018 NICTA published a consultation paper entitled "Proposed Universal Access and Service Levy for 2019" and invited submissions and comments from all interested parties. The primary purpose of the consultation was to seek industry comments on the Draft Determination on the 2017 Universal Access and Service Levy of K 27 million, which equated to an estimated 2% of net licensee revenue after taking into account any known surpluses that may arise in the Fund from 2018. The Draft Determination was contained in Annex A to the consultation paper.

Only one written submission was received, from Digicel (PNG) Limited ("Digicel").

That submission has been made available on NICTA's public register. This report provides a response to the comments in the submission, especially in relation to engagement on the key issues in the consultation paper.

## **2. DIGICEL'S SUBMISSION**

The Digicel submission recites previous correspondence that has passed between Digicel and NICTA in the past and, in particular, Digicel's continuing requests for "further and better particulars" in relation to the proposed UAS projects that were the subject of an earlier public consultation.

Digicel states in its submission, "in the absence of such information, we are not in a position to provide any meaningful submissions on the analysis or assumptions underlying what NICTA may be proposing for 2019."

## **3. NICTA'S RESPONSE**

NICTA does not find this approach to the UAS scheme and levy to be a useful or productive form of engagement at this time. NICTA notes that in a number of previous consultations on proposed Universal Access Service (UAS) Projects and Universal Access Service Levies that Digicel has determined not to engage in any meaningful way, claiming that it needs further detail of one kind or another.

Instead NICTA believes that the industry, including Digicel, should focus on trying to achieve real progress for the communities and others whom the proposed UAS projects funded by the levy are intended to benefit.

For the record, NICTA notes that it has followed the processes outlined in the National Information and Communications Technology Act 2009 and this is documented in the various documents annexed and attached to the discussion paper. NICTA has sought to engage with licensed operators on UAS issues over a long period, including during the course of 2017, and has given licensed operators many opportunities to engage meaningfully and cooperatively in the process. Unfortunately these opportunities have not been taken in all cases. NICTA denies that any licensed operator or stakeholder has been denied a reasonable opportunity to put its views or denied natural justice, as claimed by Digicel in earlier submissions.

#### **4. CONCLUSION**

NICTA has fully considered the comments included in submissions to the extent that it might contain any substance or address the need for or amount of the proposed 2019 levy, and taken them into account as appropriate in proceeding on this matter.