



National Information and Communications Technology Authority

Public Inquiry on Retail Service Determination

In accordance with Sections 157 and 230 of the National Information and Communications Technology Act 2009 (the Act), NICTA hereby gives notice to conduct a public inquiry to determine whether or not it should recommend to the Minister for Communication and Information for call and SMS services provided by mobile operators, generally, the off-net call and off-net SMS domestic services provided by Digicel (PNG) Limited (Digicel), in particular, should be subjected to a retail service determination.

This follows a request from bemobile Limited for NICTA to initiate a public inquiry into the supply of the above-mentioned retail services provided by Digicel. NICTA has undertaken a preliminary examination and concluded that there are issues that need to be tested and considered further through a proper public inquiry process.

The inquiry is expected to be completed as soon as possible within a period of up to four (4) months, commencing today with the publication of a public Discussion Paper. The Discussion Paper is available and can be downloaded from NICTA website: www.nicta.gov.pg The inquiry is intended to be paper-based (i.e. rely on written submissions and evidence) and is not expected to involve any public hearings.

The terms of the reference for the inquiry are as follows:

1. NICTA shall inquire and determine whether any Operator Licensee, and Digicel, in particular, has established retail mobile service prices for on-net and off-net calls and SMS that because of their levels and/or relationships are an abuse of a dominant position in the market for domestic mobile calls and SMS or are otherwise anti-competitive and contrary to the objectives of the Act; and
2. NICTA shall determine whether a Retail Service Determination is appropriate in the circumstances considered and having regard to the evidence that the public inquiry reveals, and, if so, NICTA shall recommend the content of such a Determination in accordance with Section 161 of the Act for the Minister's approval.

The notice fulfils the requirements of s.231 of the Act.

Kila Gulo-Vui

Acting/Chief Executive Officer