

# TELIKOM LIMITED



28<sup>th</sup> December 2023

**Mr. Kila Gulo-Vui**

Chief Executive Officer

National Information and Communication Technology Authority

Punaha ICT Haus

Frangipani Street, Hohola, NCD

Dear Mr. Gulo-Vui,

**Subject: Public Consultation – Proposed Variations to Standard and Special Conditions for Individual Licenses Rule 2011**

Thank you for the opportunity given to Telikom to submit its comments to this public consultation on the Proposed Variations to Standard and Special Conditions for Individual Licenses Rule 2011. The attached document contains Telikom's comments.

Firstly, Telikom appreciates this proposed arrangement, however, NICTA must have 6 IXP set-ups spread out in the country with multiple exits out of PNG to eliminate single point of failure of complete internet outages.

Secondly, Telikom proposes that NICTA should allow each operator or licensee to deal directly with LEO or MEO satellite vendors exclusively for the purpose of mobile backhauling and related purposes, without any inhibitive restrictions or conditions. Further, remote terminals of LEO or MEO satellite vendors should be provisioned through the operator or licensee and not directly with the vendors either LEO or MEO or any satellite operators for that matter.

Telikom supports the proposed variation in **Schedule 4** in terms of ensuring the terms and conditions apply to other public fixed network services in all ICT sectors.

Lastly, Telikom appreciates the variations to conditions for Telikom's individual licenses, especially the lifting of the maritime safety services; the obligation to print a hard copy of the telephone directory, and the application of the fixed services obligation to all operators.

Please do not hesitate to call me should you require to meet us individually to discuss further.

Yours faithfully,

**TELIKOM LIMITED**

**Amos Tepi**

Chief Executive Officer





## **Telikom Limited**

**Response to NICTA's Public Consultation on the "PROPOSED VARIATION  
TO THE LICENSE CONDITIONS RULE 2011"**

Friday 29 December 2023

## TELIKOM LIMITED

### Response to NICTA public consultation on Proposed Variations to License Conditions Rule 2011

#### 1. Introduction

Telikom commends NICTA for the opportunity to participate in and respond to matters raised in the public consultation paper titled, 'Proposed Variation to License Conditions Rule 2011', which NICTA issued on 25 October 2023.

Telikom appreciates the variation to the License Conditions Rule 2011 due to the fact that some rules pertain directly to Telikom and require review.

Telikom's position or lack thereof on any matter in this submission does not mean the waiver or concession of Telikom's rights.

#### 2. Responses to matters in the consultation paper.

##### 1. Schedule 1 – Standard Terms and Conditions of Individual Licenses

Sub-clause 1(2) Standard Obligations items (i) to (n) – Standard obligations may be set aside in the event of a natural disaster or manmade disaster, tantamount to as the national disaster or threat thereof such as was experienced with Covid-19. Telikom understands that clause h of Schedule 1 implies that costs associated with compliance with the conditions may be waived in such situations. Telikom therefore recommends that NICTA considers appropriate actions such as waiving of costs under these obligations.

##### 2. Schedule 2 - Standard Terms and Conditions of Applications Licenses

The inclusions of Sub-clauses 2(1) (i) Connect all internet traffic on services provided by the licensee through the PNG Neutral Internet Exchange Point;

- Telikom appreciates the need for local traffic to be directed to the PNG Neutral Internet Exchange Point (IXP) so as to improve efficiency including via locally housing caching servers and avoid cost of routing outside of the national internet gateway. However, Telikom is concerned with the condition of license that '**all internet traffic**' must be directed through the IXP which it understands 'all internet traffic' to mean local and international outbound/inbound traffic. This brings to mind how the IXP is or will be set up, to handle traffic congestion and the possible resulting loss in speed and increase in latency. As a single point of exchange the IXP may be an easy target for cyberattacks and the resulting single point failure or complete shutdown of internet services that will affect all ISP's, network operators and customers. Finally, the above-mentioned set-up implications further implies additional infrastructure and operational costs to ISP's and network operators that can be passed down to customers.
- Telikom appreciates this proposed arrangement, however, NICTA must have 6 IXP set-ups spread out in the country with multiple exits out of PNG to eliminate single point of failure of complete internet outages.
- Telikom anticipates that directing all traffic to the IXP implies a policy of very strict control of internet services by government. Telikom submits that such strict control may contribute to a number of issues including the following:
  - heavy censorship that may infringe on the rights of customers;

- possible violation of privacy and related rights;
  - possible limiting of development of new technologies and innovations;
  - possible effects on economic development that depends on internet communications; and
  - a resulting likelihood of loss of revenue for ISP's and network operators.
- Telikom therefore proposes that NICTA takes on the following measures:
    - Appropriate policy and legislative provisions be made publicly available which addresses the above implications;
    - The grounds of censorship should be articulated either in the instrument or a supporting document;
    - There should be a publicly available registry of restricted websites and the grounds for censorship; and
    - There should be a documented process for contestation before independent arbitrator of censorship decisions with the burden placed on the state to justify its decisions for censorship.
3. **Schedule 3 - Special Terms and Conditions for Licensed Public Cellular Mobile Service providers:**  
**Clause 3 - Minimum level of Network Performance**  
 Telikom prefers that the practical aspects and the reality of the issues affecting network maintenance and repair operations in PNG are adequately taken into consideration in this proposal. Such issues affecting network maintenance operations hence network performance include prolonged DataCo's wholesale service/network downtime, increasing occurrence of electricity outages, increased law and order, unreasonable landowners' compensation claims, shortages in fuel due to FX issues and increased fuel prices due to the global market.  
 Taking into account the above concerns, Telikom proposes the following:
1. (Clause 3(3)) Network Availability be reduced from 99.99% to 99.00%; and
  2. (Clause 3(4)) Network Availability be reduced from 99.00% to 98.00%
4. **Schedule 3A - Special Terms and Conditions for Licensed Public Cellular Mobile Service Providers and other Licensed Public Network Services using Low Earth Orbit Satellite Networks**  
 Telikom respects and accepts the view that LEO satellite services can have huge social and economic impact on PNG. Telikom supports the Schedule in general. However, Telikom understands that Sub-clause 2.(1)(b) implies all obligations the Licensee is subjected to including UAS. Telikom requests that the details of how these conditions are to be applied need to be specified such as for example, in the UAS Regulation.
- Telikom proposes that NICTA should allow each operator or licensee to deal directly with LEO or MEO satellite vendors exclusively for the purpose of mobile backhauling and related purposes, without any inhibitive restrictions or conditions. Further, remote terminals of LEO or MEO satellite vendors should be provisioned through the operator or licensee and not directly with the vendors either LEO or MEO or any satellite operators for that matter.
5. **Schedule 4 – Special Terms and Conditions for Network Licensees who provide Public Fixed Network services**  
 Telikom supports the proposed variation in **Schedule 4** in terms of ensuring the terms and conditions apply to other public fixed network services in all ICT sectors.

**6. Schedule 5 – Special Terms and Conditions applicable to Telikom Limited**

Telikom supports the proposed variations in **Schedule 5** noting the retention of condition for continued provision of directory assistance service; and the deletion of the condition for provision of National Maritime Radio Safety Service.

Telikom notes that Sub-clause 5.2.(3) quotes 87 administrative district centres whereas the count of centres in Schedule 10 is **86 administrative district centres**; hence requests the Sub-clause be amended accordingly.

**3. Conclusion**

Telikom appreciates NICTA's variations to the Standard and Special Terms and Conditions for Individual Licenses Rule 2011 ensuring its update to cater for changes to Telikom as a licensee and to reflect the changes in the industry and market to date. However, Telikom is concern about the issues as highlighted above, in particular for directing all internet traffic through the IXP and the treatment of LEO satellite services in the license condition for PCMS without having addressed the licensing framework for individual licenses.