

Friday 11th October 2024

Mr. Kila Gulo-Vui
Chief Executive Officer
National Information and Communication Technology Authority
Punaha ICT Haus
Frangipani Street, Hohola NCD.

Deliver by hand and email

Dear Mr. Gulo-Vui,

**SUBJECT: PUBLIC CONSULTATION ON THE VARIATION OF LICENSE CONDITIONS
RULE 2011 - PART TWO**

We thank NICTA for giving us the opportunity to submit our comments on the Part 2 of the NICTA's Public Consultation on the Variation of the License Conditions Rule 2011, dated the 06th of September, 2024.

Attached hereto is Telikom's submission for the Variation of the Rule with comments/responses. Our main focus on these variations are the time frames given for network fault repairs for both mobile and fixed network. We request NICTA to consider the factors and challenges that may affect, not only Telikom but other key players in the industry when responding to and attending to the repairs of network faults.

Telikom, has continuously encountered the prevailing challenges of keeping services outage low due to persistent issues such as vandalism, fuel theft, general law and order issues, intermittent or disruptive power supply, undesirable landowners/landlords situations, etc.

The NICT Act 2009 prescribes the offences under section 268 and empowers NICT as the regulator to prosecute offenders under section 271 who cause damages to communication facilities. We, therefore requests that NICTA exercises this function seriously and address enforcement and prosecution under the Act as this has cost the telecommunications licensed operators or licensees very substantial amount of money for replacement, reconstruction and rehabilitation of their infrastructures on sites.

Furthermore, Telikom highlights the need for NICTA to expedite the rule making process and allow businesses and the key players in the telecommunications industry like Telikom which has already launched Skytel Oneweb VSAT services to providing the much-needed internet services to customers.

It is critically important for NICTA to make transitional provisions for accepting or accommodating new introduction or adoption of either existing or latest satellite services such as LEO satellite into the country whilst working on the definitive licensing solutions so as not to derail the commercial initiatives undertaken by the existing licensed telecommunications operators.



Telikom welcomes continued dialogue with NICTA and stakeholders in the industry on the rule making process and variations.

Yours sincerely,
TELIKOM LIMITED



Amos Tepi
Chief Executive Officer



ATTACHMENT:

**SUBMISSION - RESPONSE TO NICTA'S PUBLIC CONSULTATION NO. 2 ON THE
PROPOSED VARIATION TO THE LICENSE CONDITIONS RULE 2011**



Telikom Limited

**Response to NICTA's Public Consultation No. 2 on the "PROPOSED
VARIATION TO THE LICENSE CONDITIONS RULE 2011"**

Friday 11 October, 2024

TELIKOM LIMITED

Introduction

Telikom commends and appreciates NICTA for this opportunity to participate and make a submission or comments on the public consultation paper for the “Proposed Variation to the Licence Conditions Rule 2011-Part Two, issued on 6th of September 2024.

Telikom appreciates the variation to these rules as some rules directly pertains to Telikom Limited. Kindly note that Telikom’s position or lack thereof on any matter in this submission does not mean the waiver or concession of Telikom’s rights.

As stated, these variations done are in accordance with section 55 of the NICTA Act. Our submission and comments will be based on that and the variations therein.

Telikom’s submission are listed as comments outlining the adjustments to be made under the relevant section and sub sections of the variations to the rule.

RESPONSES TO RULE VARIATIONS IN THE CONSULTATION PAPER

1. SCHEDULE 3- SPECIAL TERMS AND CONDITIONS FOR NETWORK LICENSEES WHO PROVIDE PUBLIC CELLULAR MOBILE SERVICE

Section 2- Mandatory Coverage Obligations

- *The licensee must –*

(a) from the Commencement Date, provide and maintain until the expiry of its licence Network Coverage in all of the provincial capital centres main centres specified in Schedule 7 and in all of the district mid-sized centres specified in Schedule 8;

(b) from the date that is the later of the Commencement Date and the date that is one year from the date of issue of its licence, provide and maintain until the expiry of its licence Network Coverage in all of the local level government (LLG) administrative districts centres specified in Schedule 9; and

(c) from the date that is the later of two years after the Commencement Date and the date that is two years from the date of issue of its licence, provide and maintain until the expiry of its licence Network Coverage in at least 80% of the Wards in LLG small centres specified in Schedule 10.

Comment-Telikom understands that this section is vital for total coverage of all users for mobile services. Telikom therefore recommends that for subsection c that licence network coverage be reduced to 50% coverage in the wards in LLG’s as specified in schedule 10. This is due to different factors particularly land access and self-sustainability.

Section 3-. Minimum level of Network performance

(3) The licensee must maintain a rate of Network availability of least 99% in:

(a) the provincial capital main centers specified in Schedule 87; and

(b) the mid-sized district centres specified in Schedule 98.

(4) The licensee must maintain a rate of Network availability of least 98.% in:

(a) the administrative district local level government centres specified in Schedules 109;

and

(b) the wards in local level government localities specified in Schedule 10.

Comments- Telikom recommends that section 3 sub section 4 particularly the network availability of 98 % be reduced to 90% due to causes such as power outage, vandalism etc. which require longer response time and effort.

Section 4. Network fault repair

(1) The licensee must repair 95% of Network faults occurring in the provincial capital main centres specified in Schedule 7 within 6 hours of the fault being identified by, or reported to, the licensee.

(2) The licensee must repair 95% of Network faults occurring in the district mid-sized centres specified in Schedule 9 8 within 24 hours of the fault being identified by, or reported to, the licensee.

(3) The licensee must repair 95% of Network faults occurring in the local level government administrative districts specified in Schedule 10 9 within 2 working days of the fault being identified by, or reported to, the licensee.

(4) The licensee must repair 95% of Network faults occurring in the wards in local level government small population centres specified in Schedule 11 10 within 3 working days of the fault being identified by, or reported to, the licensee.

Comments- Telikom recommends the following:

- **Subsection 1-** Telikom indicates that 6 hours' time frame to fix mobile issues is not practicable.

Subsection 2- The licensee must repair 95%-90% of network faults occurring in the district mid-size centers specified in schedule 8 within 2 working days .

-**Subsection 3-** The licensee must repair 95%-85% of Network faults occurring in the local level government administrative districts specified in Schedule 9 within ~~2-working days~~ to 4 working days taking into account very low self-sustainability, due to low user pay potential.

-**Subsection 4-** The licensee must repair 95%-80% of Network faults occurring in the wards in local level government small population centers specified in Schedule 10 within ~~3-working days~~ 7 working days.

Note: 6 hours to fix mobile issues is not practicable particularly in some Provincial main centers. Even in districts and rural areas, fault repairs may take 2 to more working days depending on the type of faults that needs repair whether its network or customer damage/vandalism etc. The time frames given are not practicable and need to be adjusted to factor in the various issues that may cause these faults. These issues also include difficult or impassable road access, law and order issues, security, logistics etc.

SCHEDULE 4: SPECIAL TERMS AND CONDITIONS FOR NETWORK LICENSEES WHO PROVIDE PUBLIC CELLULAR MOBILE SERVICES AND OTHER NETWORK SERVICES USING LOW EARTH ORBIT SATELLITE NETWORKS

Section 5- Network fault repair

- (1) The Licensee must repair 90% of Network faults occurring as a result of the operation of the LEO satellite network or network component within 6 hours of the fault being identified by, or reported to, the Licensee*

Comments- Telikom recommends that the 6 hours' time frame be increased taking into account remote sites and land owner/road access. Furthermore, the time frames in this section be properly adjusted so as to give more time to the Licensee to repair faults in the network considering power outage issues or if manual repairs have to be done then NICTA has to consider the logistics and security in carrying out these repairs.

Following repair time lines to be amended considering parts replacement and/or 'Repair and Return' of terminals to the remote locations where logistics may be a challenge. An increase in fault repair timelines is recommended.

Clause 5 (1) "within 6 hours" change to "within 24 hours"

Clause 5 (3) "within 24 hour" change to "within 36 hours"

Section 6- Licensee's Satellite Network and Operations

(1) The Licensee shall commission and commence operation of one or more earth stations to be located within the territory of Papua New Guinea for the provision of services connecting its User Terminals in Papua New Guinea.

(2) The Licensee is encouraged to comply with this condition of licence at the earliest time, but the Licensee shall comply no later than within the later of eighteen (18) months from the Commencement Date, the date of issue of its licence, and the date on which satellite services were first offered by the Licensee.

(3) The Licensee shall use best efforts to shut down any website as may be lawfully directed by NICTA and otherwise will follow its internal blocking program.

(4) The Licensee shall provide information on the volume of data and other traffic originating to and from PNG on a quarterly basis, in the form specified by NICTA from time to time.

Comments- Telikom indicates that Clause 6 (4) assumes that all traffic will originate in PNG and terminates in a different country. However other LEO satellites services will also interconnects local traffic within PNG with the Satellite station as transit point. This type of connectivity may need to have a distinct requirement.

Section 8- Scope of International Gateway Services provided by the Licensee

(1) A Licensee may only provide International Gateway Services if it has a current Individual Gateway Network Operator Licence issued by NICTA, and the conditions in sub-sections 8(2) and 8(3) only apply if the Licensee has such a licence.

(2) The Licensee may use its network to provide international satellite-based gateway services to Users of Terminals and between the earth stations and satellites connected to the Licensee's network.

(3) The Licensee shall not provide international gateway services for the purpose of aggregating inbound and outbound international voice and text traffic and diverting it from the international gateway services and facilities provided within Papua New Guinea by other gateway licensees in Papua New Guinea.

Comments- Telikom recommends inserting Clause 8 (4) to address Licensees providing Satellite services facilitating point to point Network within PNG for transporting backhaul traffic. Suggestion: "Licensees are allowed to transport dedicated point to point traffic within PNG for licensed Network Operators. These include termination direct to international destination provided special conditions of Schedule 12 is complied with"

OTHER RECOMMENDATIONS

All in all, Telikom agrees with other variations that have been made. Telikom recommends few changes as are highlighted above. We also request that NICTA provides a geographical map of the location and boundaries /contour details of the districts and local level governments areas and wards that are stipulated in schedules 7,8,9, and 10. This is so Telikom ensure that our network planning covers all these boundaries in line with this rule.

It is also very critical for NICTA to formulate transitional provisions when introducing or adopting emerging new or existing satellite services such as LEO. The transitional provisions are important as they allow quick acceptance of these activities whilst working on a more definite licensing regime or rules to cater or provide for the new introductions or adoptions into our market.