

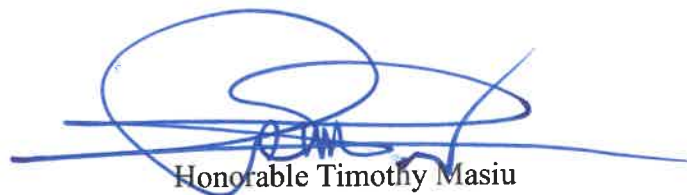
DECLARATION INSTRUMENT

WHOLESALE SERVICE DECLARATION NO. 1 OF 2023

National Information and Communications Technology Act 2009

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

Dated 01 day of the month December, 2023



Honorable Timothy Masiu
Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No.1 of 2023*.

2 Commencement

- (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.
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- (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) *call* means a continuous communication;
 - (c) *cell* means the geographic area served by a base station;
 - (d) *B-party* means a retail customer located in Papua New Guinea to whom a call is made;
 - (e) *fixed network* means a network that is not a mobile network;
 - (f) *mobile network* means a network that:
 - (i) *comprises multiple base stations that transmit and receive radiocommunications to and from apparatus of a B-party located in a Cell associated with each base station; and*
 - (ii) *detects the customer equipment within which the Cell is located and causes the base station in that Cell to transmit and receive Calls to and from that customer equipment; and*
 - (iii) *enables Calls to continue without interruption when such apparatus moves between Cells;*
 - (g) *point of interconnection* is 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.

NOTE: The following terms are defined in the Act:

- Access Provider
- Access Seeker
- Any-to-Any Connectivity
- Communication
- Facilities
- Facilities Access Service
- Interconnection
- Network
- Network Service
- Retail Customer
- Wholesale Service

PART II – MOBILE TERMINATING ACCESS SERVICE

4 Declaration of service

The mobile terminating access service is hereby declared.

5 Service description

- (1) The mobile terminating access service:
 - (a) is a Network Service for the carriage of any combination of:
 - (i) *voice Communications; and/or*
 - (ii) *short messaging services,*

from a Point of Interconnection, or potential Point of Interconnection, to any B-party connected to the Access Provider's Mobile Network; and
 - (b) includes such Facilities Access Services as are necessary to enable the Access Seeker to interconnect its Facilities to the Facilities of the Access Provider at Points of Interconnection to realise Any-to-Any Connectivity; and
 - (c) is a designated interconnection service for the purpose of the Any-to-Any Connectivity obligation.
- (2) For the avoidance of doubt, the mobile terminating access service applies to the termination of Calls and short messaging services on a Mobile Network situated in Papua New Guinea where those communications were originated inside Papua New Guinea.

PART III – FIXED TERMINATING ACCESS SERVICE

6 Declaration of service

The fixed terminating access service is hereby declared.

7 Service description

The fixed terminating access service:

- (a) is a Network Service for the carriage of any combination of voice Communications from a Point of Interconnection, or potential Point of Interconnection, to any B-party connected to the Access Provider's Fixed Network; and
- (b) includes such Facilities Access Services as are necessary to enable the Access Seeker to interconnect its Facilities to the Facilities of the Access Provider at Points of Interconnection to realise Any-to-Any Connectivity; and
- (c) is a designated interconnection service for the purpose of the Any-to-Any Connectivity obligation.

- (2) For the avoidance of doubt, the fixed terminating access service applies to the termination of Calls on a Fixed Networks situated in Papua New Guinea where those communications were originated inside Papua New Guinea.

PART IV – General Terms and Condition for the Supply of the Declared Services

8 General Terms and Conditions

- (1) The price of access to the above mentioned declared services (“Declared Services”) shall be set in accordance with the General Pricing Principles under Section 134 of the Act; and
 - (2) the Declared Services shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
 - (3) the Access Seeker and the Access Provider of the Declared Services shall comply with the Any-to-Any Connectivity Obligations under Section 137 of the Act.
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