

DECLARATION INSTRUMENT

WHOLESALE SERVICE DECLARATION NO. [2] OF 2019

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: 18th February 2019



The Hon. Samuel Basil, MP

Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is Wholesale Service Declaration No.[2] of 2019.

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.

- (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) **“Layer 2 bitstream service”** means a Layer 2 Ethernet bitstream service. For the purpose of this definition Layer 2 has the same meaning as in the Open System Interconnection (OSI) Reference Model for data exchange.
 - (c) **“Layer 3 network service”** means a Layer 3 service with internet protocol. Layer 3 has the same meaning as in the Open System Interconnection (OSI) Reference Model for data exchange.
 - (d) **“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
- Interconnection
- Network
- Network Service
- Wholesale Service

PART II – WHOLESALE BROADBAND CAPACITY SERVICE

4 Declaration of service

The wholesale broadband capacity service is hereby declared.

5 Service description

- (1) The wholesale broadband capacity service is a network service for the carriage of broadband traffic on a network within Papua New Guinea and involves the provision of a Layer 2 bitstream service or a Layer 3 network service from a point of interconnection, or potential point of interconnection, to either a second point of interconnection or potential point of interconnection.
 - (2) For the avoidance of doubt, the wholesale broadband capacity service:
 - (a) may carry high speed data traffic between different networks or to an international gateway in Papua New Guinea; and
 - (b) shall be a service provided via optic fibre transmission.
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