

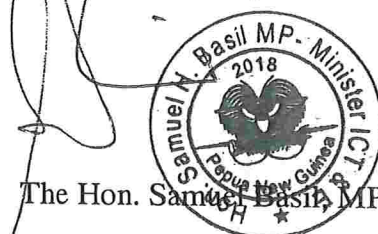
DECLARATION INSTRUMENT

WHOLESALE SERVICE DECLARATION NO. [3] 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



Minister for Communications and Information Technology

PART I – PRELIMINARY

1 Name of Declaration

This Declaration is *Wholesale Service Declaration No. [3] of 2019*.

2 Commencement

- (1) This Declaration commences on 17 June 2019 or 30 calendar days after the date on which it is notified in the National Gazette, whichever is the later (*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 Revocation

Wholesale Service Declaration No.1 of 2015 is hereby revoked.

4 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) *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
- Communication
- Facilities
- Facilities Access Service
- Interconnection
- Network
- Network Service
- Retail Customer
- Wholesale Service

PART II – MOBILE TERMINATING ACCESS SERVICE

5 Declaration of service

The mobile terminating access service is hereby declared.

6 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.
- (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 Papua New Guinea regardless of whether those communications were originated inside or outside Papua New Guinea.

PART III – FIXED TERMINATING ACCESS SERVICE

7 Declaration of service

The fixed terminating access service is hereby declared.

8 Service description

- (1) 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.

- (2) For the avoidance of doubt, the fixed terminating access service applies to the termination of calls on a fixed network situated in Papua New Guinea regardless of whether those communications were originated inside or outside Papua New Guinea.
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