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Declaration Instrument

WHOLESALE SERVICE DECLARATION No. 1 OF 2025

PART 1- PRELIMINARY

1 Name of Declaration

This Declaration is Wholesale Service Declaration No, I of 2025.

2 Commencement and Expiration

- (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 renewed or 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) "cable landing station " is-

Wholesale Service Declaration No. 1 of 2025—continued**3 Definitions—continued**

- (i) A site at which an international fibre-optic submarine cable is available on shore for the purpose of accessing transmission capacity on the cables; and
- (ii) Includes buildings housing the line terminal equipment, and other necessary equipment and space to interconnect networks and collocate equipment.

For the avoidance of doubt this includes the cable landing stations located at Kila Kila Police Barracks in Port Moresby (Coral Sea Cable System), Madang (PPC-I Cable), and any future submarine cable landing station connected to an international submarine cable.

- (c) "dedicated capacity" means capacity assigned solely to the access seeker's point-to-point link; not shared with others;
- (d) "end point" means a nominal point at a cable landing station or international gateway switching centre in a foreign jurisdiction that is used to demarcate an end of a service;
- (e) "international gateway" means the network equipment at a cable landing station, or at another location on the PNG's end of an international connection or link;
- (f) "point of interconnection" means 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;
- (g) "Switching centre" means a central node where voice and data traffic is routed within a network or exchanged between two or more networks in PNG.

Note: The following terms are defined in the Act:

- Access
- Access Provider
- Access Seeker
- Facilities Access Service Network
- Network Service
- Operator Licensee
- RIO
- Site

PART 11 - WHOLESALE INTERNATIONAL DEDICATED SUBMARINE CABLE CAPACITY SERVICE**4 Declaration of Service**

The wholesale international dedicated submarine cable capacity service is hereby declared.

5 Service Description

- (1) The wholesale international dedicated submarine cable capacity service is a Network Service:
 - (a) for the carriage of any combination of voice communications and/or data via dedicated capacity in an international fibre-optic submarine cable between

Wholesale Service Declaration No. 1 of 2025—continued**Part II - Wholesale International Dedicated Submarine Cable Capacity Service—continued****5 Service Description—continued**

(i) any of the following points of interconnection:

(A) a point of interconnection located at the access provider's cable landing station; or

(B) a point of interconnection located in the access provider's switching centre the use of which for this purpose is mutually agreed to by the access provider and the access seeker; and

(ii) an end point; and

(b) with any unit of transmission capacity

(2) For the avoidance of doubt -

(a) the wholesale international dedicated submarine cable capacity service includes the supply of backhaul transmission capacity by the access provider to the extent that such is necessary to connect an access seeker's facilities at a virtual colocation site in the relevant switching centre to the access provider's facilities in a cable landing station;

(b) if an access provider supplies a wholesale international dedicated submarine cable capacity service with a particular transmission capacity from —

(i) a cable landing station that is under its control; or

(ii) a switching centre that is under its control;

then, subject to the constraints of the relevant submarine cable capacity available through contract or ownership to the access provider, the access provider shall be deemed to be able to supply wholesale international dedicated submarine cable capacity services with different transmission capacities to access seekers with different international capacity requirements.

PART 111 - INTERNATIONAL SUBMARINE CABLE FACILITIES ACCESS SERVICE**6 Declaration of Service**

The international submarine cable facilities access service is hereby declared.

7 Service Description

(1) The international submarine cable facilities access service is a facilities access service that provides an access seeker with such access to, or use of, the facility or facilities designated by an access provider at the access provider's

(a) cable landing station colocation facility; or

(b) switching centre that is nearest to the relevant cable landing station and which contains a point of interconnection between the access provider and an operator licensee; or

(c) switching centre, the use of which for this purpose is mutually agreed by the access provider and the access seeker;

as is necessary to enable the access seeker to interconnect its facilities to an international fibre-optic submarine cable.

Wholesale Service Declaration No. 1 of 2025—continued**Part III - International Submarine Cable Facilities Access Service—continued****7 Service Description—continued**

(2) For the avoidance of doubt:

(a) the international submarine cable facilities access service enables an access seeker to

- (i) access the international gateway facilities of an access provider including, but not limited to, physical network infrastructure; and/or
- (ii) physically collocate its facilities, if technically feasible, in the collocation facility provided by the access provider in the cable landing station; and/or
- (iii) virtually or physically collocate its facilities if technically feasible in any available space within the access provider's relevant switching centre.

PART IV - GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICES**8 General Terms and Conditions**

- (1) The price of the abovementioned declared services: (1) wholesale international dedicated submarine cable capacity service and (2) international submarine cable facilities access service (the "Declared Services"), should be set;
 - (a) in accordance with the General Pricing Principles under Section 134 of the Act; or
 - (b) in accordance with the Service-Specific Pricing Principles under Section 135 of the Act, when NICTA makes such determination; and
- (2) The Declared Services shall be supplied in accordance with the Non-Discrimination Obligations under Section 136 of the Act; and
- (3) The Declared Services shall be supplied in accordance with model non-price terms and conditions ("Model Terms") in force, as determined by NICTA pursuant to Section 133 of the Act; and
- (4) Within 30 calendar days of this declaration becoming notified in the National Gazette, an access provider of the Declared Services shall supply NICTA with the current price list of the Declared Services. At the same time, the price list shall also be published on the access provider's website; and
- (5) The above-mentioned price list shall be updated quarterly. An access provider of the Declared Services shall supply NICTA with the updated price list and publish it on its website; and
- (6) Within 60 calendar days of this declaration becoming notified in the *National Gazette*, an access provider of the Declared Services shall supply NICTA with a Reference Interconnection Offer (RIO) in accordance with Section 141 of the Act. Any RIO for the Declared Services shall be consistent with Model Terms for these services as determined by NICTA pursuant to Section 133 of the Act.

Wholesale Service Declaration No. 1 of 2025—*continued*

PART V - REPORTING OBLIGATIONS

9 Reporting Obligations

- (1) An access provider of the Declared Services shall provide NICTA with monthly sales information of the Declared Services in a format to be specified by NICTA. Such format may include but not be limited to, monthly sales revenue by operator licensee disaggregated by link capacity, and by Wpe of service.
- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each point-to-point link of the Declared Service supplied to each access seeker.
- (3) The above-mentioned reporting shall be supplied to NICTA quarterly no later than ten days after the end of each quarter.

Dated this 19th day of November, 2025.

Hon. P. TSIAMALILI JR,
Acting Minister for Information and Communication Technology.