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[2025

Declaration Instrument

WHOLESALE SERVICE DECLARATION No. 3 OF 2025

PART 1- PRELIMINARY

1 Name of Declaration

This Declaration is Wholesale Service Declaration No, 3 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) "Internet" means a global system of interconnected computer networks that use the standard Internet protocol suite TCP/IP;

Wholesale Service Declaration No. 3 of 2025—continued**Part I Preliminary—continued****3 Definitions—continued**

- (c) "Internet transit" means a service that allows an operator licensee to send and receive traffic to and from the Global Internet;
- (d) "point of presence" means a location where an access seeker connects to the access provider's network;
- (e) "port" means a switch or connection to the global Internet.

Note. The following terms are defined in the Act:

- Access
- Access Provider
- Access Seeker
- Facility
- Network
- Network Service Operator Licensee
- RIO
- Wholesale Service

PART II - WHOLESALE INTERNET ACCESS SERVICE**4 Declaration of service**

The wholesale Internet access service is hereby declared.

5 Service description

(1) The wholesale Internet access service is a Network Service for:

- (a) accessing the global Internet using a high-capacity port from any location where the access provider has a point of presence in PNG; and
- (b) provides Internet transmission capacity over the access provider's fibre-optic network including Internet transit to the global Internet.

(2) For the avoidance of doubt:

- (a) the wholesale Internet access service includes access to, or use of, the facility or facilities of an access provider to collocate an access seeker's equipment physically or virtually, at the access provider's facilities in order to interconnect the two networks.

PART III GENERAL TERMS AND CONDITIONS FOR THE SUPPLY OF THE DECLARED SERVICE**6 General Terms and Conditions**

(1) The price of wholesale Internet access service (the "Declared Service") shall 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

Wholesale Service Declaration No. 3 of 2025—continued**Part III- General Terms and Conditions for the Supply of the Declared Service—continued****6 General Terms and Conditions—continued**

- (2) The Declared Service 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 Service shall supply NICTA with the current price list of the Declared Service. 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 Service 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 Service 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.

PART IV - REPORTING OBLIGATIONS**7 Reporting Obligations**

- (1) An access provider of the Declared Service shall provide NICTA with monthly sales information of the Declared Service 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 type of service.
- (2) Using an EXCEL format provided by NICTA, the access provider shall provide a complete list with information about each port or access point of the Declared Service supplied to each access seeker.
- (3) The above-mentioned reporting shall be supplied to NICTA quarterly and no later than ten days after the end of every quarter.

Dated this 19th day of November, 2025.

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