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DECLARATION INSTRUMENT

National Information and Communications Technology Act 2009

WHOLESALE SERVICE DECLARATION NO. (2) OF 2019

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

PART 1 – 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.

Part 1—Preliminary—continued

- (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 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
- Interconnecton
- 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.
- (b) shall be a service provided via optic fibre transmission.

Dated this 18th day of February, 2019.

Hon. S. BASIL, MP,
Minister for Communications and Information Technology.