



INDEPENDENT CONSUMER AND COMPETITION COMMISSION

INTERNET SERVICE PROVIDERS'



CODE OF PRACTICE

FINAL REPORT

December 2005

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I. Preamble

The Independent Consumer and Competition Commission (Commission) is a statutory body, established under the provisions of the *Independent Consumer and Competition Commission Act 2002 (the ICCA Act)*. The Commission has been given responsibility for the promotion of competition and fair-trading, the regulation of prices for certain goods and services, and the protection of consumers' interests, and other related purposes. The Commission is also the principal regulator under the *Telecommunications Act 1996*.

These responsibilities include developing various policies, guidelines, code of practice and conducts that ensures that the primary responsibilities and functions of the Commission are fulfilled. The Internet Code of Practice, the subject of this report has been developed as both a Code of Conduct under Section 40 of the ICCA Act, and as a Carrier Code of Practice under Section 66A of the *Telecommunications Act*.

This report was compiled after consultative process which the Commission undertook in order to allow for all concern parties to have a fair say in the development of this Code. The consultative process ensures that the code is transparent and accountable.

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II. Acknowledgement

The Commission would like to acknowledge the following people who contributed comments and suggestions in the development of this Code.

1. Dr. Limbe Kelegai
School of Information System
CITI, QUT Brisbane
2. Mr. David Sode
Commissioner General
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Port Moresby
3. Mr. Bruce Mead
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Acting Managing Director
Telikom PNG Ltd
Waigani
6. Mr. Nick Nades
Director- Institute of Business Studies
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Their comments were considered, accessed and incorporated as appropriate.

Executive Summary

The Independent Consumer and Competition Commission (“**Commission**”) was established by the *Independent Consumer and Competition Commission Act 2002* (“**the ICC Act**”) to be the premier economic regulator in Papua New Guinea (PNG) as a result of economic reforms in 2000 – 2001. The Commission is also the regulator, under industry specific legislation, in relation to a number of service industries, currently dominated by State Owned Enterprises. These industries are “regulated industries” for the purposes of the ICC Act. In particular, this includes the telecommunications industry, where the Commission is the principal regulator under the *Telecommunications Act 1996*.

The Commission is empowered by Section 40 of the ICC Act to make codes and rules relating to the conducts or operations of participants in regulated industries. The Commission is also empowered to determine Codes of Practice under section 66A of the *Telecommunications Act*, to be followed by carriers in the course of their operations. Holders of licences under section 61 of the *Telecommunications Act*, including value added services licences, are required to comply with applicable Codes of Practice determined under section 66A of that Act.

Internet service providers supply services facilitating access to the internet and email services to telecommunications users and are thus the services provided by internet service providers (ISPs) and internet service gateways (ISGs) are appropriately considered to be value added services (VAS). The Commission considers the VAS provided by ISPs and ISGs to be suitable for the grant of value added services licences under Part VI of the *Telecommunications Act*.

The need for developing appropriate policies through a Code of Practice is to protect and advance the interests of both the consumers and the suppliers of these services. ISPs and ISGs will be required, by a condition of their VAS licences, to comply with this Code of Practice.

The Code of Practice has been finalized after comments and/or suggestions from all stakeholders were received and analysed. Such an approach has been targeted towards producing a practical and workable document that recognizes and safeguards the interest of stakeholders.

1. INTRODUCTION

Recent statistics show that PNG has one of the Pacific's poorest levels of access to information technology. For example, Internet is available to less than one percent (1%) of the population, and customer charges are among the most expensive within the South Pacific region.

The importance of Internet technology in all sectors of the government and the industry, including academic and research institutions, public and private business houses and the community at large, needs to be recognized and appreciated. The Commission having recognized the importance of Internet technology in all sectors within the country, has subsequently determined internet service as a Value Added Service (VAS) suitable for grant of a value added services licence under Part VI of the *Telecommunications Act*.

As such, all citizen or eligible Corporations intending to or engaged in provision of internet service are required to apply for a VAS licence from the Commission and adhere to the Code of Practice.

This Code of Practice (**the Code**) is made under section 40 of the *Independent Consumer and Competition Commission Act 2002* relating to the conduct or operations of internet service providers (ISPs) and internet service gateway operators (ISGs) in the telecommunications industry. This Code is also determined to be a Code of Practice under section 66A of the *Telecommunications Act 1996*, to be followed by carriers and other licensees in the course of their operations.

This Code should be read in conjunction with the Internet Technical Code of Practice which is currently being developed by PANGTEL under section 66B of the *Telecommunications Act*. That Technical Code of Practice is expected also to apply to ISPs and ISGs which are not licensed carriers, to the extent that the Technical Code is applicable or relevant to those ISPs' or ISGs' operations and activities.

Internet Services are value added services so ISPs and ISGs must therefore obtain a value added services licence from the Commission, in accordance with Part VI.2 of the *Telecommunications Act*, in order to operate as an ISP or ISG. It will be a condition of each ISP or ISG value added services licence that the licensee complies with this Internet Code of Practice and with the Internet Technical Code of Practice, as and when that Technical Code of Practice comes into effect.

Submission

Daltron raised concerns that PANGTEL's Technical Code of Practice in it's current draft form includes requirements that have no regard for the existing PNG internet environment and are unworkable.

Discussion of Issues

Development of the Technical Code of Practice is the responsibility of PANGTEL, which is required, by section 66B of the *Telecommunications Act*, to consult the Commission and any other interested parties before determining any such Code.

The Commission has sympathy with the concerns expressed by Daltron and will pass those concerns on to PANGTEL. The Commission agrees that the technical standards outlined in PANGTEL's draft Technical Code of Practice can not be achieved due to the current bandwidth limitations and Telikom network unreliability. Quality of Service standards in PANGTEL's draft Technical Code of Practice may also not be achievable due to limitations and unreliability of the general carrier's network.

Network monitoring requirements would place undue costs on ISPs. Their economic viability and cost should be a consideration in determining the necessity of implementing such requirements.

A number of other issues which are included in the current PANGTEL draft Code should more appropriately come from the Commission or be incorporated into the Commission's Code of Practice (This Document).

Final Decision

The Commission agrees that several of the requirements contained in the current draft of PANGTEL's Technical Code of Practice would be unachievable under the current environment.

The Technical Code of Practice needs to be revised in close consultation with the Commission, ISP's and the general carrier. That Technical Code ought not to be released for implementation in its current form.

2. Objectives of the Code

This Code seeks to provide a framework for ISPs to provide information to consumers in a form that will allow them to compare information from different ISPs about prices and factors relating to the capability, quality and reliability of internet services. The Code also seeks to establish a framework for operations of ISPs and ISGs which will provide internet services to the widest range of consumers throughout Papua New Guinea at competitive and affordable prices, and with access to high speed, reliable data transmission and downloading and uploading. At the same time, the Code also seeks to help make sure that the internet is not used for criminal or other illegal purposes. The Code also seeks to ensure transparency and provides avenue to resolve complaints relating to supply and quality of internet services in PNG.

Submissions

Dr. Limbie Kelegai of the School of Information System of QUT, Brisbane noted that objectives of the Code should also include the following:

- to impose and regulate the Information Communication Technology (ICT) Industry;
- to ensure transparency and the provision of an avenue to resolve complaints; and
- to ensure that ISPs have internet use policies that are acceptable and in compliance with the relevant legislations (PNG laws).

Discussion of Issues

The objectives are the basis of this Code. It provides a framework which an efficient internet market should follow. To the extent that Dr Kelegai's first point is referring to the ICT industry as going beyond ISPs and ISGs, the Code will regulate ISPs and ISG's only. It would not be practicable to make the Code of broader application, because the Commission would not be able to enforce compliance with the Code by anyone other than licensees under the *Telecommunications Act*. In any event, the Commission's power to make Codes is limited to Codes applying to carriers, licensees and participants in the telecommunications industry.

Dr. Kelegai suggests that the Code should provide an avenue for complaints. This is a good point, and to the extent that it did not do so, the draft Code has been modified to provide for internal complaint resolution by ISPs and ISGs, failing which complaints can be dealt with by the Commission.

In relation to Dr. Kelegai's third point, the Code is in accordance with the law and is designed to have ISPs and ISGs provide internet services to the widest range of consumers throughout PNG at competitive and affordable prices and with access to reliable and efficient data transmission and uploading and downloading.

Final Decision

The objectives of the Code will:

- Improve the completeness and accuracy of information disclosure to users of the internet;
- Provide standards of confidentiality and privacy afforded to users of the internet;
- Provide transparent mechanism for complaint handling for the internet industry and ensure that complaints against ISPs are handled in a fair and efficient manner; and
- Promote positive user relations with the Internet industry so as to appreciate the full potential of the internet technology.

3. Consumer Information

The Code will require ISPs to make sure that the price of each service they offer is set out in a way that makes clear all the components of charges for the service, including:

- up-front and recurrent fees;
- the relationship between the price and the quantity of services received (usually time online and the amount of data downloaded, or downloaded and uploaded);
- any limits on upload and/or download, and the cost of exceeding those limits;
- any data or time limits on individual sessions;
- the length of time of the contract between the ISP and the customer; and
- the technology used to connect the customer to the ISP.

Where internet services are bundled together with other products or services, this should be clearly stated and all elements of the bundled service should be listed.

Customers shall be informed of the geographic location of the ISP's Point of Presence (PoP), or each of the PoPs if more than one, to enable the customer to select the minimum call cost to dial in to the ISP and to avoid long distance call charges, if possible.

If the customer's contract with the ISP is for a minimum or set period, the ISP must first inform the customer of any fees or penalties applying if the customer chooses to terminate the service before the end of the contract period. Billing of customers must be accurate and in accordance with the contract terms, and bills must be clearly set out to enable the customer to easily determine what services he is paying for, what is the charge for those services, and whether particular services are being charged in advance or in arrears. Bills and other communications from the ISP to its customers shall include contact telephone numbers for customers to discuss billing or other issues with the ISP.

Submission

Daltron acknowledged the Commission's view but noted that the ISP's cannot make clear to consumer 'the relationship between price and the quality of services received' when there is no guarantee of the level of service the existing ISG is able to provide. The ability of the ISPs to deliver a guaranteed quality of service to clients is constrained by limited bandwidth, lack of redundancy by the existing ISG and an unreliable communications infrastructure provided by the existing telecommunications carrier-Telikom PNG.

Discussion of Issues

The Commission shares Daltron's concern about the quality of service provided to ISPs by Telikom and its ISG, Tiare, and the impact that has on the quality and reliability of service provided by ISPs to their customers. The ISP Code of Practice is intended to provide customers of ISP's with clear information about their rights and obligations as well as the benefits and the quality of service associated with this service. However, ISPs cannot and should not be held responsible for limitations on, or interruptions to services to ISP customers which are the fault of the carrier and thus outside the control of the ISP.

This issue is discussed in greater detail under the Quality of Service section, below.

Final Decision

The Code will recognise that matters which are beyond the control of the ISPs, which arise from problems with the quality or reliability of service provided by a carrier to the ISP, will not be regarded by the Code to be something for which the ISP is responsible. However, as ISPs are very much aware of the limitations on service to their customers which arise from the services provided by the carrier and its ISG, in particular the severe limitations on availability of international bandwidth, ISPs should not promise their customers a level of service which the ISP will be unlikely to be able to deliver.

4. Customer Assistance

The Code requires ISPs to provide their customers with:

- details of the computer operating systems and hardware which the ISP will assist the customer with;
- contact points for fault reporting; and
- contact points for customer technical and other assistance, including the times that help desk is operating, any charges which may apply and, if a set-up disk is used as part of the installation process, a description of the impact which installation of the disk may have on the customer's computer system.

Submissions

The Institute of Business Studies (IBS) noted that ISPs should give adequate and reasonable notice to their customers of any planned interruptions of service, prior to winding up of their operations. ISPs shall publish adequate warnings to customers on virus attacks and threats of a similar nature which they are sufficiently aware.

IBS says ISPs should publish information about how customers may take adequate precautions to protect themselves from computer misuses and illegal and harmful content of the internet.

IBS also suggests that ISPs should at all times provide customers with sufficient information to enable them to make informed decisions, such information shall be clear, accurate comprehensible, easily accessible and written in plain and intelligible language, avoiding use of technical terms possible.

Discussion of Issues

The objectives of the Code are to establish confidence and encourage the use of the internet. The Commission is also mindful of the social and economical implications of the technology. This Code will, as much as possible, address all major issues relating to the technology. While the Commission takes note of the points raised, the Code should not be unduly prescriptive. However, in areas such as notification of viruses, ISPs are in a better position to become aware of them at an early stage than are their customers, and should be able to warn customers or, in some cases, ISPs may be able to take their own action to stop viruses spreading to their customers.

Final Decision

The Code will include a reference to alerting customers when ISPs become aware of potentially harmful viruses, or taking other action to stop a virus spreading, if that action is appropriate.

5. Security of Service and Privacy

The Code requires ISPs to inform customers whether the ISP backs up the data it holds, and if so, what kind of data is stored, for how long, and if it can be retrieved, what charges, if any, might apply for retrieval.

Customers should be informed about security arrangements including passwords, password protection and the availability of measures by which customers can control access to their accounts by other users.

The information sent or received by customers through ISPs is confidential to the customer and ISPs must ensure that the privacy of that information is fully protected from disclosure except as required by law. This privacy protection, which is in compliance with section 49 of the Constitution, includes the ISP ensuring that it does not itself examine the customer's information or internet content, except when requested to assist law enforcement agencies or for essential technical reasons.

Submissions

Internal Revenue Commission (IRC) stated that according to the Draft Code of Practice, "the ISP ensures it does not itself examine the customer's information of internet content, except ..." would as it stands preclude the use of anti-spam filtering and adult-content filtering services for child user protection and some other filtering services. This may not be covered as "essential technical reasons".

IRC further recommended an exception where the user/customer has opted to have such a service applied by the ISP. They also have a view that filtering not be mandated at the ISP, since some customers may choose to determine their own level of filtering. Further it is supported by IBS (Institute of Business Studies) that ISPs shall equip themselves in such manner as to reasonably ensure the confidentiality of the information related to their customers and their communications are protected.

Discussion of Issues

The Commission agrees with the points raised by Internal Revenue Commission (IRC) that anti-spam filtering and adult content filtering would not be considered "essential technical reasons" and would thus not be allowed under the Code. ISPs should be allowed to provide spam and/or adult content filtering if, and only if, requested by individual customers. Subject to these further limited exceptions, the Code will still emphasise the importance of privacy protection for ISP customers.

Final Decision

The exceptions to ISPs obligations not to disclose any customer information will be expanded to include disclosure at the request of the particular customer, for filtering or other purposes.

6. Internet Crime and Assistance to Law Enforcement Agencies

The internet can be used to assist criminal enterprises, so ISPs shall provide assistance to law enforcement agencies and government regulatory agencies to assist in preventing criminal activity. Assistance includes the provision of information, upon lawful request by the Royal Papua New Guinea Constabulary and other law enforcement agencies, or if required by order of a court, notwithstanding the general obligation to protect customers' privacy. An ISP shall close down or block access to an internet site or sites if required in writing to do so by a law enforcement agency or by the Commission, for the reason that the internet site or sites are or is reasonably suspected of being used for criminal activity, for propagating computer viruses, or for other activities contrary to the laws of Papua New Guinea.

ISPs shall also block access to or close down any website in respect of which the ISP has been notified in writing by the Censorship Board of PNG that pornographic or seditious material, or material of an offensive or defamatory nature, is being distributed from that website and where the ISP is lawfully obliged to terminate access to that website following delivery of that notice from the Censorship Board.

Other than in the circumstances described above, ISPs and ISGs will take no action to block access to any website or internet or IP addresses.

Submissions

Dr. Kelegai stated that illegal access points such as child pornography sites should be blocked. He supported his claim by stating that this is widely accepted and enforced in countries such as Great Britain.

IPA claimed that the breakthrough in the ICT offers new opportunities and threats. ICT has become a most useful and relatively safer way of undermining a regime, sowing fears and discontent, propagation of ideology and transfer of criminal and terrorist techniques and technologies. Such problems arise from "inadequate policing effort by local and international law enforcement agencies"; increasing availability of ICT services of largely unregulated ICT services such as web and VOIP can assist develop virtual and replicated uses. The developments in IT have given rise to unprecedented economic and social changes that leads to the commission of crimes in cyberspace, which challenges the current established systems.

As a control measure, IRC proposed that under this section, there should be a provision to restricting traffic to/from a given user/site to an agreed maximum rate to prevent overload and or denial of service.

Discussion of Issues

In relation to child pornography sites, those would already be covered in the Code as being either sites used for criminal activity, or sites in respect of which the Censorship Board has notified ISPs.

However, in relation to the fears expressed by the IPA, arising from “inadequate policing effort by local and international law enforcement agencies”, it is not for the Commission or for ISPs to make their own subjective assessment that law enforcement has been inadequate and thus take the law into their own hands. It would be highly inappropriate for the Commission or for ISPs to take on their own role as internet censor, for political or other content. The IRC suggestion of restricting traffic to or from a particular site may be applied, but only in very rare cases where a virus or worm has been used to generate such a large volume of traffic that it threatens to bring the whole ISP network to a halt.

Final Decision

Notwithstanding the issues raised above, the ISPs shall not arbitrarily refuse or discontinue a service to customers unless required to do so by law, as set out in the draft Code.

7. Quality of Service

The Code provides that ISPs shall endeavour to provide internet services which conform to internationally accepted technical and performance standards, though it is recognized that ISPs capacity to provide performance to those standards may be affected by limitations or outages in the Papua New Guinea telecommunications network which are beyond the ISP's control.

In providing that quality service, each ISP shall maintain current information recording the total number of minutes in the previous week, for each PoP if the ISP has more than one, when customers were unable to gain access to the ISP because its modems or access servers were fully utilized or were inoperative, together with an indication of the time or times of day when the customer would be most likely to be unable to access the ISP for those reasons. The ISPs shall provide this information to the Commission on request, and will also make that information available on request to its individual customers to whom that information relates.

ISPs shall also maintain records of those times when the ISP was unable to offer a quality service to its customers because of the ISP being denied access to the ISG arising from congestion or for other reasons, or where the ISP was unable to provide internet services to its customers, or those services were disrupted, because of other problems with carriers supplying telecommunications services to the ISP. The ISPs shall also provide this information to the Commission on request, and will also make that information available to its customers on request.

Submissions

Dr. Kelegai further stressed that all ISPs should engage trained ISP staff to assist customer queries. This is to help solve and serve customer queries relating to internet services promptly and effectively.

Discussion of Issues

Dr. Kelegai's point is dealt with in the Customer Assistance section of the Code.

The Commission is also aware that the quality of service is at times undesirable. This low level of service is attributed to various reasons, among them the current unreliable Telikom network infrastructure. A further issue is the insistence by Telikom that all ISPs use Telikom's international gateway, Tiare, as the ISG. This causes great inefficiency in routing domestic internet traffic and in particular, inhibits the development of PoPs outside Port Moresby, to the detriment of ISP customers located anywhere else in the country. An even greater concern is the very limited amount of bandwidth available internationally to and from Papua New Guinea. This is all controlled by Telikom, which has announced that it is currently upgrading its network to provide the necessary infrastructure that will ensure high level of internet connectivity. Part of that upgrade is action to significantly increase the international bandwidth available for ISP traffic. Until that occurs, the Commission is mindful

that ISPs are significantly constrained in the quality of services they are able to offer and will therefore formulate policies that are realistically achievable.

Final Decision

The Code recognises the limitations on service quality arising from the Telikom network. Action currently being taken by Telikom should give some improvement, particularly in availability of international bandwidth.

8. Domain Name Registration

Domain names being a scarce resource, ISPs and ISGs shall not use their position to acquire, allocate or refuse access to any domain name to gain unfair commercial, social or other advantage. All top level domain names in PNG shall have a generic form such as [www.xxx.com.pg](#), [www.xxx.net.pg](#), [www.xxx.org.pg](#), [www.xxx.gov.pg](#) or [www.xxx.edu.pg](#), as appropriate. Domain names which are calculated to mislead or confuse the public about the origin, affiliation or association of a website shall not be allocated or if already allocated, may be withdrawn.

Domain names shall be administered by the Papua New Guinea University of Technology (Unitech) in association with ISPs and ISGs. Domain names and IP addresses are not portable and shall be relinquished to Unitech when connection of the website or service to which the domain name or IP address has terminated.

Submission

Daltron disagreed that Domain names are a scarce resource. In fact the options are virtually infinite provided the name has not been previously registered by another party.

Only the .pg top level domain name country code (tldcc) can be covered under this section as other domain name registrants are authorized by the relevant authority for that tldcc. Domains without a country code such as myname.com or myname.net come under the control of the USA.

Discussion of Issue

The Commission notes the comments raised by Daltron. However the Commission believes that for avoidance of unfair commercial, social political or other advantage, all top level domain names for Papua New Guinea should be administered by Unitech.

Final Decision

All top level domain names in PNG shall be administered by the Papua New Guinea University of Technology (Unitech) in association with ISPs and ISGs. Domain names and IP addresses are not portable and shall be relinquished to Unitech when connection of the website or service to which the domain name or IP address has terminated.

9. Community Service Obligation

While ISPs do not have any legislated community service obligation, ISPs and ISGs are encouraged to establish PoPs in regional areas outside Port Moresby, and beyond other major towns, to enable more distant customers to have access to the internet without needing to connect through a long distance charged call.

Submission

Daltron raised concern that the imposition of the compulsory dial-up access to ISPs through 188 numbers inflates the cost of local internet use and discourages the expansion of remote PoPs. Further to this, the full commercial charges for lease lines servicing remote PoPs, makes the setting up of such sites outside the Port Moresby area commercially unviable. These matters are completely outside the control of the ISPs, yet they directly affect the cost and the availability of internet services in remote locations.

Under such circumstances, it would be impractical to request ISPs to provide additional remote PoPs as a matter of a Community Service Obligation, without the existing ISG or the Carrier providing the infrastructure to facilitate the delivery of commercially viable services at locations outside the Port Moresby area.

Discussion of Issues

It is recognised that the establishment of PoPs cannot be undertaken by the ISPs alone, without the cooperation and assistance of the ISG, Tiare (Telikom). In particular, the insistence by Telikom that all ISP traffic be routed through the Tiare Port Moresby gateway is a major disincentive to the establishment of regional PoPs by ISPs. However it should be noted that the Code, including the encouragement to establish regional PoPs, applies to ISGs (Tiare) as well as to ISPs.

Final Decision

The Commission will be working with Telikom and the ISPs to develop ways of providing commercially viable telecommunications carrier services to ISPs in establishing PoPs in regional locations outside Port Moresby to enable customers in those locations to have access to the internet without having to pay long distance call charges.

10. Internet Connection and Interconnection

Interconnection arrangements between ISPs and ISGs shall be on mutually agreed terms and conditions. This includes peering interconnection arrangements and other arrangements such as transit interconnection arrangements. In the event, the parties not being able to reach agreement on the terms of an interconnection agreement, the provisions of Part XI of the *Telecommunications Act* shall be taken to apply to those interconnection arrangements, as if the ISP and ISG parties to those interconnection arrangements were both interconnecting carriers. ISP and ISG interconnection arrangements shall be organized so as to allow ISPs to establish PoPs in geographically diverse locations and to enable the ISPs customers to access the internet from as many towns within PNG as possible without needing to dial up a long distance call. ISPs and ISGs shall make every effort to ensure that sufficient bandwidth, domestically and internationally, is made available to ISPs, and that ISPs lease sufficient bandwidth from ISGs or carriers, to provide quality, reliable, high speed internet access to all customers at all times.

Submission

Dr. Kelegai commented that Internet Café operators should be a subclass of the ISPs. As such, they must make clear internet use policies.

Daltron commented that they fully support the peering interconnection arrangement between ISPs and this can be introduced immediately, if the ISPs are given the approval to do so.

Telikom's main concern of licensing ISPs and ISGs is the increase in use of Voice Over Internet by the ISPs and ISGs. This will basically mean bypassing of the public telephone network thereby eroding Telikom's revenue and thus affecting the return on past and future investments. Telikom therefore requests that the terms of VAS licence issued include prohibiting ISPs and ISGs carrying voice over internet. Telikom is also concerned that it would cost Telikom significantly to invest in extension of its network monitoring system to monitor the traffic carried by the ISPs and ISGs.

Telikom also indicated that for the purpose of monitoring by Telikom and other appropriate government agencies, it would be cost effective to have ISPs and ISGs come through the Telikom Network or Telikom arranged network to access internet.

Discussion of Issues

Internet cafe's are not ISPs, but merely retail outlets where individuals who do not have access to their own computer can access the internet through the cafe's computer terminals. As such they are not licensed, and are not required to comply with the ISP Code of Practice, nor should they be required to participate in the Code.

The Commission encourages peer to peer interconnection, as is clear from the draft Code, though the current arrangements between ISPs and Telikom do not provide

for peering. The Commission notes Telikom's objections to the use of VoIP, but it is not appropriate for this ISP Code to prohibit any internet content for commercial reasons; that is, to protect the commercial interests of a carrier. The Code relates to the content of internet communications only where it may involve illegality, but VoIP is not illegal. In any event, Telikom claims that it would cost it a significant amount to monitor traffic carried by ISPs and ISGs to ensure that VoIP was not carried by ISPs, so if VoIP were to be prohibited under the Code, there would be significant additional costs incurred.

Final Decision

Internet cafés will not be covered by the Code. Carriers will not be permitted to monitor or otherwise interfere with the privacy of internet traffic carried by ISPs or ISGs to detect VoIP or for any other reason, except in the limited circumstances relating to law enforcement assistance or illegality referred to elsewhere in the Code.

11. GENERAL

Obligation to inform Customers about adherence to Code

All ISPs shall ensure that customers are informed of the ISP's adherence to the Code, including at the time the ISP or its agent makes an internet service agreement with a customer. Further, ISPs shall ensure that the Code is easily accessible to customers, including through a prominent link to the terms of this Code on the ISP's homepage.

12. ATTACHMENTS

Submissions received by the Commission from the draft report released to the public for comments are attached.