

In the National Court
of Justice at Waigani
Papua New Guinea

OS No. 156 of 2008

BETWEEN:
DIGICEL (PNG) LIMITED

Plaintiff

AND:
TELIKOM PNG LIMITED

First Defendant

AND:
**HON. PATRICK TAMMUR M.P., Minister
for Communications and Information**

Second Defendant

AND:
**THE INDEPENDENT STATE OF PAPUA
NEW GUINEA**

Third Defendant

AND:
**THE INDEPENDENT CONSUMER AND
COMPETITION COMMISSION**

Fourth Defendant

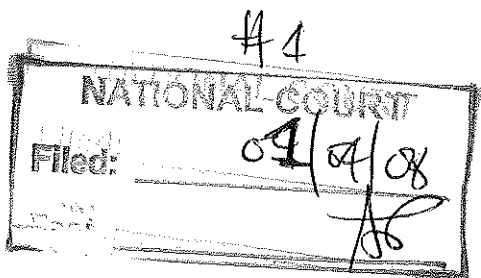


ORIGINATING SUMMONS

Dated: April 2008
Filed: *JSF* April 2008

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File Ref: DIG70207/GJS/FAG

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RUH C238314

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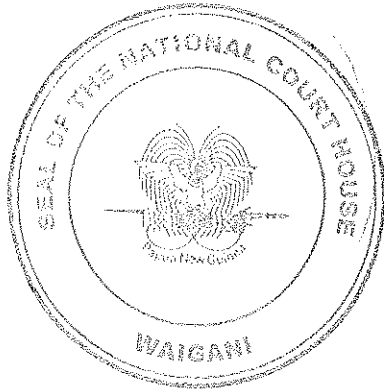
Second Defendant

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THE PLAINTIFF claims—

1. A declaration that Telikom PNG Limited (“Telikom”) does not, by operation of law, have the exclusive right or exclusive authority to:
 - (a) operate as a general carrier;
 - (b) hold a licence as a general carrier,within the meaning of the term “general carrier” in the Telecommunications Act 1996 (PNG) (as amended).
2. A declaration that Telikom does not, by operation of law, have the exclusive right or exclusive authority to install and operate an international gateway by which public mobile telecommunications networks in Papua New Guinea are connected to international networks.
3. A declaration that the Revised Information Communications and Technology Government Policy approved by the National Executive Council on or about 13 February 2008 (“the Government Policy”) is based on an incorrect premise, namely that Telikom, immediately prior to the date of the approval of the Government Policy, had an exclusive right to install and operate an international gateway by which telecommunications networks in Papua New Guinea are connected to international networks.
4. A declaration that the Independent Consumer and Competition Commission (“ICCC”) is not required to ensure the carrying out or implementation of the Government Policy insofar as it, in effect, purports to require the ICCC to:

- (a) issue no new general carrier or mobile carrier licences;
 - (b) ensure that Telikom shall continue to have the exclusive right to install and operate the international gateway by which telecommunications networks in Papua New Guinea are connected to international networks;
 - (c) ensure that Telikom will be the sole holder of a general carrier licence;
- as the Government Policy in those respects is unlawful and of no force and effect.
- 5. Such further or other orders or relief, including consequential orders or relief, as this Honourable Court considers appropriate.
 - 6. Costs.
 - 7. Time be abridged to the time of settlement with the Registrar, which shall take place forthwith.

To the Defendants: **TELIKOM PNG LIMITED** (First Defendant);
 HON. PATRICK TAMMUR M.P., Minister for
 Communications and Information (Second Defendant
 THE INDEPENDENT STATE OF PAPUA NEW GUINEA
 (Third Defendant);
 THE INDEPENDENT CONSUMER AND COMPETITION
 COMMISSION (Fourth Defendant);

If there is no attendance before the Court by you or by your counsel or solicitor at the time and place specified below, the proceedings may be heard and you will be liable to suffer judgment or an order against you in your absence.

Before any attendance at that time you must give notice of your intention to defend this claim.

Time: 21st April ~~April~~ **MAY** 2008, at 9.30 A.M.

Place: National Court of Justice, Waigani, NCD


Plaintiff: **DIGICEL (PNG) LIMITED**

Lawyer **G.J. SHEPPARD** of Young & Williams Lawyers
 Suite 1, Ground Floor, Investwell Building (off Cameron Road) New Hohola Commercial Estate, Allotment 30
 Section 38, Gordons
 PO Box 1475, Port Moresby
 Tel: 311 2311
 Fax: 311 2322

Plaintiff's address for service: C/- Its lawyer, above

Address of Registry National Court of Justice, Waigani

- Note: The defendants may give notice of their intention to defend in person or by a lawyer either:
- (1) by filing it in the appropriate form, duly completed at the Registry, or
 - (2) by sending it to that office by post.



G.J. SHEPPARD of YOUNG & WILLIAMS
Lawyers for the Plaintiff

Dated: 1st April 2008

Filed: April 2008