

**M1'S RESPONSE TO MCI'S PUBLIC CONSULTATION
ON REVIEW OF THE TELECOMMUNICATIONS
ACT (CAP. 323) AND RELATED AMENDMENTS TO
THE MEDIA DEVELOPMENT AUTHORITY OF
SINGAPORE ACT (CAP. 172)**



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Introduction

1. M1 is Singapore's most vibrant and dynamic communications company, providing mobile and fixed services to over 2 million customers. With a continual focus on network quality, customer service, value and innovation, M1 links anyone and anything; anytime, anywhere.

M1's view on the Regulatory Environment

2. The provision of info-communication services in Singapore is regulated under the Telecommunications Act. The Info-Communications Development Authority of Singapore ("IDA") is the regulatory authority and has powers to establish standards, codes and regulations to be observed by operators of info-communication systems and services and to regulate the conduct of licensees.

3. M1 supports the development of a proportionate and stable regulatory environment as it will catalyse a sustainable and growing info-communications industry where long term planning and decisions can be undertaken.

4. M1 welcomes the opportunity to submit our comments to MCI on the proposed review of the Telecommunications Act (cap. 323) and related amendments to the Media Development Authority of Singapore Act (cap. 172).

PART II: ENHANCEMENTS TO FACILITATE THE DEVELOPMENT OF TELECOMMUNICATION SYSTEMS TO ENSURE CONTINUED ACCESSIBILITY AND GOOD QUALITY OF TELECOMMUNICATIONS SERVICES

Revisions to Provide IDA with the Powers to Include the Use of Rooftop Space for Mobile Deployments under its Current Regulatory Framework

1. MCI has proposed to revise the Telecommunications Act ("TA") to provide IDA with the powers to establish a framework to regulate and facilitate the use of / access to rooftop space for mobile deployments.

2. M1 welcomes MCI's move to allow IDA to regulate and facilitate the use of / access to rooftop space for mobile deployments. The inclusion of rooftop space as Mobile Deployment Space ("MDS") will help to facilitate deployment of mobile equipment in operators' continuing efforts in enhancement of mobile coverage and improving QoS standards.

3. M1 notes that MCI intends to have the proposed regulatory framework operationalized either through IDA amending the existing COPIF 2013 or issuing a new COPIF. Regardless of the legislative approach, we like to emphasize that the COPIF must be binding and there should be strong enforcement mechanism by the relevant authorities and compliance requirements from various stakeholders to ensure that the proposed regulatory framework will achieve its policy intent and desired outcomes.

4. In this respect, we wish to highlight the following points for MCI's consideration in the revisions of the TA to establish the proposed regulatory framework.



Definition of Mobile Deployment Space (MDS)

5. When IDA issued the COPIF 2013 in May 2013, mobile operators faced challenges in implementing the COPIF 2013 provisions with developers and building owners. One of the main challenges is the dispute between the parties on the location of MDS. Some developers and building owners had refused the mobile operators' requests to use rooftop space or sought to impose charges on the basis that rooftop space is not classified as MDS. The lack of clarity and slow resolution of the disputes during the implementation of COPIF 2013 had affected deployment and QoS standards for mobile services.

6. While MCI is seeking to address the above issue in this consultation, we would suggest that the revisions to TA and the proposed regulatory framework provide greater clarity on the scope of MDS. For example, when a mobile equipment is being deployed on rooftop space, operators would also require space (e.g. in telecommunication risers) to install the transmission cables that connects to the mobile equipment. We believe that the policy intent is to include all necessary space and facilities that are required to deploy the mobile equipment to provide the relevant coverage. Greater clarity on the definition of MDS will help to avoid potential disputes between the parties when the proposed regulatory framework takes effect.

Powers to enforce COPIF

7. The COPIF 2013 stipulates requirements (including the compensation principles) that govern the provision, access to and use of the relevant space and facilities provided by developers and building owners. For example, Section 2.5.5 of the COPIF 2013 states that the developer or building owner shall not impose any charge or rent on the operators (e.g. administrative charges, security escort charges, costs to reinstate access panels or openings) or to impose additional requirements on the operators (e.g. requiring any insurance policy or additional insurance coverage to be taken) in connection with the grant of access to and use of the relevant space and facilities.

8. However, despite the COPIF 2013 requirements, operators had encountered many instances where cooperation from developers and building owners was not forthcoming. Some developers and building owners do not consider COPIF to be binding under the law but a matter purely between IDA and operators¹. On matters relating to the operation and use of relevant space and facilities, building owners had imposed charges for access, with even attempts by some to impose multiple charges for access to different places within the same building. There were also cases where the building owners did not provide adequate manpower to facilitate access for works (e.g. after office hours). This had resulted in delays, including in some critical situations where urgent access is required to undertake works at the mobile equipment.

9. M1 believes that in order for the policy and regulatory frameworks to stay relevant and effective with growing expectations for better quality and reliable telecommunication services, the

¹ Section 19(4) of the TA states that a code of practice issued under subsection (1) shall not have legislative effect.



COPIF, where practical, should be made part of the law. This, together with a strong enforcement mechanism, will help to achieve its policy intent and desired outcomes.

10. The revisions to the TA should also provide greater clarity on the parties' obligations with regard to the provision and use of relevant space and facilities, and powers for IDA to regulate and enforce requirements on matters relating to the operation of the space and facilities (e.g. having minimum requirements to support 24x7 access, set or standardise the access charges to avoid disputes between building owners and operators).

Notification and Objection Process for Telecommunication Licensees' Entry to Land and Buildings

11. MCI has proposed to amend Section 14 and 21 of the TA to clarify the notification and objection process for telecommunication licensees' entry to land / buildings.

12. The proposed amendments to Section 21 of the TA provides for telecommunication licensees' entry to a land or building and to do all or any of the acts mentioned in their notices if no objection is lodged by the owner / occupier of a land or building within the 14 day timeframe. Given that the cooperation of the owner / occupier is still required to enter their land or building which are deemed to be private premises, M1 would like to clarify the process for entry and resolution when the owner / occupier refuses to cooperate with or facilitate entry by telecommunication licensees.

13. M1 would also suggest that where an owner / occupier of a land or building objects to a telecommunication licensee's entry to the land or building, the TA should stipulate the timeline for resolution of such objection. There should also be a timeline for IDA to resolve the matter if the objection cannot be resolved between the telecommunication licensee and the owner / occupier of the land or building.

14. These timelines will provide certainty on when the matter could be resolved and avoid any prolonged delay in the provision of telecommunication services to end-users.

PART III: POWERS TO ESTABLISH AN ALTERNATIVE DISPUTE RESOLUTION ("ADR") SCHEME FOR TELECOMMUNICATION AND MEDIA SECTORS

15. MCI has proposed to provide IDA and MDA with the respective powers under the TA and MDAA to establish an ADR scheme, to appoint independent ADR organisation(s) to manage the ADR scheme, and to mandate specific telecommunication or media service providers to participate in the ADR scheme.

16. M1 is of the view that the current resolution processes on consumers' complaints are adequate and effective in resolving complaints. Compared to 2014, we note that the total number of complaints received by IDA has decreased in 2015². A significant portion of the complaints are related to fibre broadband services, due to service provisioning issues. We believe that the number

² Statistics on Consumer Complaints/Feedback received by IDA in 2015.



of complaints will reduce when the fibre broadband service provisioning issues are ironed out, and consumer education is enhanced to minimise disputes.

17. However, should the ADR scheme be established, we request that adequate safeguards be put in place to prevent abuse of the scheme by consumers in raising frivolous complaints. Such safeguards should include a framework for assessing complaints that can be raised under the ADR scheme, the responsibilities for bearing the costs of resolution and penalties for abuse of the scheme.

PART IV: ENHANCEMENTS TO STRENGTHEN OVERSIGHT OF THE TELECOMMUNICATION INDUSTRY

18. MCI has proposed several administrative amendments to the TA to strengthen the regulatory oversight of the telecommunication industry. These include, amongst others, to provide IDA's powers to impose conditions for approval of CEO and Board Appointments.

19. Currently, IDA's written approval is required for CEO and Board Appointments. Such appointments are also approved and held accountable by the Board and shareholders respectively. We would request that MCI clarify further the reasons and circumstances whereby IDA may impose certain conditions on CEO and Board Appointments, as well as the scope of the conditions.

PART V: AMENDMENTS TO PROVIDE GREATER CLARITY TO SELECTED PROVISIONS OF THE TELECOMMUNICATION ACT

20. IDA has proposed several amendments to provide greater clarity to the TA. These include, amongst others, to provide IDA's powers to authorise collection / use / disclosure of personal data. For better clarity, we would request that MCI clarify the circumstances whereby IDA would require telecommunication licensees to collect / use / disclose personal data, without subscribers' consent.