



CONSULTATION DOCUMENT

PROPOSED MODEL CONFIDENTIALITY AGREEMENT FOR THE PROVISION OF SERVICES ON THE NEXT GENERATION NATIONWIDE BROADBAND NETWORK – OPERATING COMPANY

18 AUGUST 2009

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BACKGROUND / INTRODUCTION

1. The Info-communications Development Authority of Singapore (“IDA”) requested for proposals for an Operating Company (“OpCo”) to develop the active infrastructure of Singapore’s Next Generation Nationwide Broadband Network (“Next Gen NBN”) on 7 April 2008. The Next Gen NBN shall act as a strategic enabler for Singapore to exploit new economic opportunities in this digital age, through much faster broadband access and higher broadband take-up by households and businesses, leading to greater productivity gains. From this competitive process, StarHub Ltd (“StarHub”) was subsequently selected based on its OpCo bid proposal. Under its proposal, StarHub will establish the Next Gen NBN OpCo, called Nucleus Connect Pte Ltd (“Nucleus Connect”), to design, build and operate the active infrastructure.
2. Pursuant to the requirements under the Next Gen NBN OpCo Request for Proposal (the “RFP”), Nucleus Connect has submitted to IDA for approval, its proposed Interconnection Offer (“ICO”) for the provision of services on the Next Gen NBN as well as the proposed Model Confidentiality Agreement (“MCA”). Before IDA grants approval for the proposed ICO and MCA, IDA would like to seek views on the said documents (elaborated below).

MODEL CONFIDENTIALITY AGREEMENT

3. Nucleus Connect has submitted for IDA’s approval, a proposed MCA to regulate the disclosure of information by one party to another, where such information is confidential. This information could be disclosed in connection with the negotiation of a Customised Agreement between the parties (i.e., the negotiation of an agreement for the provision of services on prices, terms and/or conditions which varies from those under the ICO).
4. The MCA contains the necessary provisions to protect and govern the preservation of commercially sensitive information disclosed by the parties during their negotiations in connection with the proposed provision of services by Nucleus Connect.

REQUEST FOR COMMENTS

5. IDA hereby invites interested parties to submit written comments regarding the proposed MCA.
6. IDA requests that comments be presented in the following format:
 - a. Description of the respondent and its interest in the proceeding;
 - b. Summary of the respondent's position;
 - c. General comments; and
 - d. Views regarding specific provisions of the MCA.
7. In all comments, respondents should identify the specific provisions of the MCA (by paragraph/section number, where provided) to which comments are being made. Where appropriate, respondents may suggest additional or alternative language, provided always that any such suggestions should be accompanied by an explanation of the reason for the proposal. All respondents are requested to keep comments clear and succinct.
8. All views and comments should be submitted in writing and in both hard and soft copies (preferably in Microsoft Word format), and reach IDA by **12 noon, 28 August 2009**.

For each set of comments, respondents are required to include their personal/company particulars as well as their correspondence addresses. Views and comments should be addressed to:

Mr Andrew Haire
Deputy Director-General (Telecoms & Post)
Infocomm Development Authority of Singapore
8 Temasek Boulevard
#14-00 Suntec Tower Three
Singapore 038988

Please submit soft copies via email to: IDA_Consultation@ida.gov.sg.
Hard copies may be submitted via fax to +65 6211 2116.

9. IDA reserves the right to make public all or parts of any written submissions made in response to this consultation, and to disclose the identity of the respondent. Any part of the submission which the respondent considers is commercially sensitive must be clearly marked and placed as a separate annex to the comments raised. IDA will take this into consideration when disclosing the information submitted.