

SCHEDULE 1

GENERAL CONCERNS

This Schedule 1 identifies IDA's general concerns in relation to the Proposed Schedule 4B. SingTel must make changes throughout the Proposed Schedule 4B to address these general concerns.

1. The provision of Connection Services under Schedule 4B cannot be limited to equipment that are co-located within the submarine cable landing station

- 1.1 As drafted, the proposed Schedule 4B only provides for a specific configuration model – that is, the Requesting Licensee must co-locate its equipment within SingTel's cable landing station by accepting Schedule 8D of SingTel's RIO before SingTel will provide Connection Services to the Requesting Licensee to connect its co-located equipment with the Cable System.
- 1.2 IDA recognises that the Requesting Licensee may want to site its equipment outside of SingTel's cable landing station (for example, in the Requesting Licensee's own site) and run an interconnection cable to SingTel's cable landing station to connect to the Cable System. If the Requesting Licensee chooses to implement such a configuration, SingTel must not deny the Requesting Licensee connection to the Cable System under Schedule 4B. IDA's requirement is consistent with the provisions of the Code. Section 5.3.5.2 of the Code provides that the Dominant Licensee must offer to allow the physical linking of facilities-based networks at any technically feasible point. Further, Section 5.3.5.5.1 of the Code recognises that, if physical co-location is not feasible due to actual space constraints or technical or operational considerations, the Dominant Licensee must allow virtual (distant) co-location.
- 1.3 In addition, it is IDA's requirement that SingTel's RIO must be modular, thereby allowing a Requesting Licensee to purchase only those Interconnection Related Services that it wants to obtain under any of the separate schedules to SingTel's RIO (see Section 5.3.2 of the Code). If the Requesting Licensee decides not to accept SingTel's offer of co-location under Schedule 8D of SingTel's RIO and instead concludes an alternative agreement with SingTel for co-location at SingTel's cable landing station by any other means, SingTel must not deny the Requesting Licensee connection to the Cable System by accepting Schedule 4B of SingTel's RIO.
- 1.4 In the case where the Requesting Licensee decides to site its equipment outside of SingTel's cable landing station and run an interconnection cable to SingTel's cable landing station to connect to the Cable System, SingTel must further provide for a process in Schedule 4B pursuant to which the Requesting Licensee will have the means to do so – including acquiring any necessary elements that SingTel is required to offer to provide under the Code (for example, access to

lead-in ducts and man-holes to the cable landing station) for the purpose of running an interconnection cable to SingTel's cable landing station.

1.5 Accordingly, IDA requires SingTel to amend the proposed Schedule 4B to comply with IDA's requirements above.

2. The provision of Connection Services under Schedule 4B cannot be limited to existing Cable Systems

2.1 As drafted, the Proposed Schedule 4B only relates to the provision of Connection Services by SingTel to the following Cable Systems: APCN, APCN2, C2C and SEA-ME-WE 3.

2.2 However, as a Dominant Licensee, SingTel's obligation to offer to provide Connection Services is not restricted to the above four existing Cable Systems (see Section 6.3.1.1 of Appendix Two of the Code). As and when new cable systems land at any of SingTel's cable landing stations, SingTel will have to offer to provide Connection Services to such cable systems pursuant to Schedule 4B of SingTel's RIO.

2.3 Accordingly, IDA requires SingTel to amend the Proposed Schedule 4B to provide for Connection Services to any new cable system that may land at SingTel's cable landing stations from time to time and not restrict Schedule 4B to the above four existing Cable Systems.

3. The forecasting, ordering, activation and de-activation processes and procedures in Schedule 4B are onerous and burdensome

3.1 The terms of the Dominant Licensee's RIO must be "just, reasonable and non-discriminating" (see Section 5.1.2 of the Code). To satisfy this requirement, the procedures, processes and timeframes specified in Schedule 4B must be no more than reasonably necessary to enable SingTel to adequately, effectively and in a timely manner respond to the Requesting Licensee's request for provision of Connection Services.

3.2 IDA views the adoption of onerous and burdensome forecasting, ordering, activation and de-activation procedures and processes provided for in the Proposed Schedule 4B as unreasonable. In particular, IDA does not view the requirement for the Requesting Licensee to submit an Initial Capacity Order to SingTel as reasonable, justified or necessary to enable SingTel to respond to a Requesting Licensee's request for Connection Services. Accordingly, IDA requires SingTel to remove all forecasting requirements and further simplify the procedures and processes provided for in the Proposed Schedule 4B in relation to link and capacity activation and deactivation.

- 3.3 SingTel must also carefully review all time frames specified in the Proposed Schedule 4B and where appropriate, reduce the time frames to the extent necessary to meet the standards specified above.
- 3.4 IDA is also concerned about the stringent limits on the number of requests for Connection Services that SingTel will process each day (i.e. a maximum of 5 requests per day from all Requesting Licensees). IDA's position is that SingTel must deploy adequate personnel to meet the demand for Connection Services in a commercially reasonable manner, given that SingTel may recover the reasonable costs of meeting such demand through cost-based, non-discriminatory charges. SingTel must increase the limit on the number of requests that it will process each day to meet the above standards.
- 4. SingTel must specify in Schedule 4B a detailed fault escalation, management and rectification process, and the applicable quality of service standards in relation to its provision of Connection Services**
- 4.1 Section 5.3.2(m) of the Code requires that the Dominant Licensee's RIO must contain, among others, a description of the means by which the provisioning of Interconnection Related Services will be monitored (including quality of service testing procedures), the procedures for reporting operational and technical problems, the procedures and time frames for correcting any such problems and the means by which the Dominant Licensee will compensate the Requesting Licensee for any material adverse impact resulting from unreasonable delays.
- 4.2 As drafted, Schedule 4B does not satisfy the requirements of Section 5.3.2(m) of the Code.
- 4.3 While SingTel has in clause 11.2(b) correctly applied the standard of non-discriminatory treatment to addressing faults, SingTel failed to set out in any detail the actual procedure and process including response time that SingTel will apply to escalating, managing and rectifying faults. SingTel must provide in Schedule 4B sufficient details of the actual procedure and process that it will apply to escalating, managing and rectifying faults and such procedure and process must satisfy the standard of non-discriminatory treatment.
- 4.4 Similarly, it is not sufficient for SingTel to provide in clause 11.2(c) that the Connection Services that it will provide to the Requesting Licensee is of a quality comparable to what it provides to itself and its affiliates without providing details of the applicable quality of service standards. SingTel must specify objective quality of service standards including descriptions of the manner in which SingTel's compliance with these standards will be measured.

SCHEDULE 2

IDA ANNOTATION OF THE PROPOSED SCHEDULE 4B

SCHEDULE 3

OTHER AMENDMENTS TO SINGTEL'S RIO

This Schedule sets out IDA's decision in relation to SingTel's proposed amendments to the Main Body, Schedule 9 (Charges) and Schedule 12 (Dictionary) of SingTel's RIO.

In addition, this Schedule also sets out IDA's required consequential amendments to Schedule 8D of SingTel's RIO.

1. Main Body

1.1 IDA conditionally approves SingTel's proposed amendments to the following provisions of the Main Body of SingTel's RIO, as set out in SingTel's submissions to IDA dated 20 May 2002:

- (a) Clause 1.8 - Part 1;
- (b) Clause 28.1(c) – Part 2;
- (c) Attachment A; and
- (d) Attachment B.

2. Schedule 9 (Charges)

2.1 As the process of auditing SingTel's proposed charges applicable to Schedule 4B has not been completed, IDA will not approve SingTel's proposed amendments to Schedule 9 until completion of the audit process.

3. Schedule 12 (Dictionary)

3.1 SingTel must amend Schedule 12 (Dictionary) to give effect to, and be consistent with, the amendments required by IDA to the Proposed Schedule 4B.

4. Schedule 8D

4.1 SingTel must amend clause 1.4 of Schedule 8D to state that Connection Services will be provided by SingTel pursuant to Schedule 4B of SingTel's RIO and not, as currently worded, pursuant to a tariff.