

IDA.INTC.03.0303

22 February 2007

Singapore Telecommunications Limited  
31 Exeter Road,  
#18-00 Comcentre  
Singapore 239732

Attention: Mr Lee Hsien Yang  
Group Chief Executive Officer

Dear Sirs

**DIRECTION OF THE INFO-COMMUNICATIONS DEVELOPMENT  
AUTHORITY OF SINGAPORE: AMENDMENTS TO THE SINGTEL  
REFERENCE INTERCONNECTION OFFER ("RIO") CONCERNING USE OF  
CERTAIN SERVICES FOR SELF-PROVISIONING PURPOSES**

1. The Info-communications Development Authority of Singapore ("IDA"), pursuant to the Info-communications Development Authority of Singapore Act (Chapter 137A), Section 27(1) of the Telecommunications Act (Chapter 323) ("the Act") and Condition 34.1 of the Licence to Provide Facilities-Based Operations issued to Singapore Telecommunications Limited ("SingTel") on 1 April 1992, hereby issues this Direction to SingTel.
2. Please refer to the following:
  - (i) Minister's decision dated 25 January 2007 on SingTel's appeal ("**Minister's 25 January 2007 Decision**"), in particular paragraph 18 as reproduced below:

"In accordance with the Minister's determination that RLs should be allowed to acquire the relevant IRS/MWS under SingTel's RIO for the provision of a telecom product or service and supplying that telecom product or service to themselves or their affiliates so long as the intention of the RL concerned is to offer the same type of telecom product or service to non-affiliated third party customers, the Minister's decision is that Clause 1.1 in the relevant Schedules should be amended in the manner set out below. This final amendment to Clause 1.1 supersedes the earlier version in the Minister's letter dated 6 June 2006:

This Schedule [relevant input] sets out the terms and conditions under which SingTel will provide the

Requesting Licensee with [...]. Notwithstanding anything in this Schedule, the Requesting Licensee may:

- (a) use the [relevant input] as an input for the provision of any telecommunication product or service for its private internal use, and/or
- (b) acquire the [relevant input] as inputs to the provision of any telecommunication product or service to its affiliates,

where the Requesting Licensee offers or intends to offer that kind of telecommunication product or service (whether or not using the same [relevant input]) to non-affiliated third party [Customers/End Users]. For this purpose, any reference in this Schedule to the term [Customer/End User] shall, where appropriate, also refer to the Requesting Licensee or its affiliates.

For the avoidance of doubt, SingTel is not required to provide the Requesting Licensee with a licence to use [relevant input] for the provision of any telecommunication product or service to itself [the Requesting Licensee] if the Requesting Licensee does not intend to offer that kind of telecommunications product or service to non-affiliated third party customers."

- (ii) Minister's decision dated 9 February 2006 on SingTel's appeal ("**Minister's 9 February 2006 Decision**"), in particular paragraph 11 as reproduced below:

"The Minister notes that lead-in ducts and lead-in manholes are classified as Essential Support Facilities ("**ESF**") or passive support infrastructures, for which no practical or viable alternatives exist, that enable the deployment of telecom infrastructure. The Minister considered the definition for ESF, and agrees with IDA that there is no reference of a "competing service" criterion in the definition. The Minister has therefore determined that the use of ESF shall not be subject to the constraint set out in paragraph 8<sup>1</sup> and in doing so, decided to uphold IDA's decision in relation to clauses 1.1 and 1.2 of Schedule 5A of the RIO<sup>2</sup>."

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<sup>1</sup> The "constraint" referred to by the Minister is the requirement that the Requesting Licensee ("RL") must show that it has an intention of offering a telecommunication service using the ESF obtained from SingTel before the RL can acquire that same ESF for the provision of telecommunication service to itself and its affiliates.

<sup>2</sup> In relation to Clauses 1.1 and 1.2 of Schedule 5A of SingTel's RIO, the Minister's 9 February 2006 Decision affirmed IDA's 8 August 2005 Decision on Reconsideration. In turn, IDA's 8 August 2005 Decision on Reconsideration required SingTel to adopt the specific amendments set out in IDA's 3 June 2005 Direction. The specific amendments directed by IDA in the 3 June 2005 Direction, for which the Minister has upheld and required SingTel to incorporate, are reiterated in paragraph 3(ii) above.

3. For the purposes of implementing the Minister's 25 January 2007 and 9 February 2006 Decisions, IDA hereby directs SingTel as follows:
- (i) SingTel must modify Schedules 3A, 3B, 3C and 4C of its RIO to give effect to the Minister's 25 January 2007 Decision by amending Clause 1.1 of these Schedules to incorporate the specific drafting language determined by the Minister in paragraph 18 of the Minister's 25 January 2007 Decision (as reproduced at paragraph 2(i) above);
  - (ii) SingTel must modify Clauses 1.1 and 1.2 of Schedule 5A of its RIO to give effect to the Minister's 9 February 2006 Decision by deleting the phrase "to the Requesting Licensee's customers" in these clauses, so as to enable an RL to acquire a licence for the use of Building Lead-in Ducts and their associated Lead-in Manholes to provide telecommunication services to itself, its affiliates and/or its customers without any restriction in the manner as upheld in the Minister's 9 February 2006 Decision; and
  - (iii) SingTel must submit its proposed modifications to the RIO for IDA's approval by **5.00pm 5 March 2007**.
4. In revising the RIO, IDA reminds SingTel that:
- (i) To the extent that any of SingTel's proposed modifications fail to give effect to the Minister's 25 January 2007 and 9 February 2006 Decisions or, in IDA's view, is not acceptable, IDA will direct SingTel to adopt specific drafting language;
  - (ii) IDA will reject any proposed modification by SingTel that is not for the purpose of giving effect to the required modifications as set out in this Direction;
  - (iii) Any non-compliance with this Direction constitutes a contravention of Section 8 of the Act for which IDA will not hesitate to take strong enforcement action; and
  - (iv) SingTel must submit to IDA one hardcopy and one softcopy, both in clean and marked-up versions, of the applicable RIO schedules referred to in Paragraph 3 above, incorporating SingTel's proposed modifications to effect IDA's requirements. The marked-up version must clearly identify each modification made by SingTel to these Schedules. The softcopy submission must be in Microsoft Word format and emailed to [liau\\_chie\\_kiong@ida.gov.sg](mailto:liau_chie_kiong@ida.gov.sg), at the same time SingTel submits to IDA the hardcopy of its proposed modifications.
5. Any clarification required on this Direction must be made in writing and marked for the attention of our Mr Andrew J Haire (Assistant Director-General (Telecoms)) and faxed to 6211-2116. Please note that any query directed by SingTel to IDA for clarification shall not affect SingTel's

obligation to comply fully with this Direction (including the timelines stipulated).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Leong Keng Thai', is written over the printed name.

Leong Keng Thai  
Deputy Chief Executive Officer / Director-General (Telecoms)