

9 February 2006

THE MINISTER'S DECISION IN SINGTEL'S APPEAL AGAINST THE IDA'S DECISION DATED 8 AUGUST 2005 REQUIRING SINGTEL TO MAKE CERTAIN AMENDMENTS TO ITS REFERENCE INTERCONNECTION OFFER

1. On 22 August 2005, Singapore Telecommunications Limited ("SingTel") submitted an appeal to the Minister for Information, Communications and the Arts against the Infocomm Development Authority of Singapore's ("IDA") decision on two issues. The two issues are:

- a. The provision of Local Loops/Sub Loops, Line Sharing, Internal Wiring, access to Lead-in Ducts and associated Lead-in Manholes, Tail Local Leased Circuits and Full Local Leased Circuits for the Requesting Licensee's ("RL") own private use and the direction made in respect of clause 1.1 and clause 1.2 of Schedules 3A, 3B, 3C, 5A, 7A and 7B of SingTel's Reference Interconnection Offer ("RIO"); and
- b. The provision of Roof Space for the purposes of accessing Tail Local Leased Circuits and the direction made in respect of clause 1.1, clause 3.1(m) and clause 11.7(i) of Schedule 5C of the RIO.

2. MICA Minister carefully considered the submissions from the IDA and SingTel. The Minister also took into account the policy objectives of promoting efficiency and competitiveness of the telecommunications market through the adoption of just, reasonable and non-discriminatory Interconnection Agreements involving a Dominant Licensee.

3. The Minister's decision is as follows:

- a. SingTel should comply with IDA's Decision on Reconsideration except for the following variations:
 - (i) SingTel is not required to provide Requesting Licensees ("RLs") with the relevant Unbundled Network Elements ("UNE") or Mandated Wholesale Services ("MWS") when these are used as inputs to a telecommunications ("telecom") product or service for the RL's private internal use where the RL has no intention of offering that telecom product or service to non-affiliated third party customers.
 - (ii) In relation to the RL's acquisition of Local Loops/Sub Loops, Line Sharing and Internal Wiring as inputs to a telecom product or service for the RL's private internal use, clauses 1.1 and 1.2

of Schedules 3A, 3B and 3C of the RIO are to be amended to give effect to (i);

- b. In respect of the provision of Tail Local Leased Circuits (“LLCs”) and Full LLCs for the RL’s own private internal use, SingTel’s appeal against the IDA’s Decision on Reconsideration pertaining to clauses 1.1 and 1.2 of Schedules 7A and 7B of the RIO is rejected as these clauses were not raised in SingTel’s Reconsideration Request of 17 June 2005 to IDA. However, IDA may wish to review clauses 1.1 and 1.2 of Schedules 7A and 7B of the RIO to ensure their consistency with the Minister’s decision in (i) and (ii).

4. The Minister’s Decision is to meet the policy intent of fostering greater competition in the telecommunications market, and not to make the RIO more complex. If SingTel is able to show by evidence that the provision of the relevant UNE or MWS is not consistent with the Minister’s decision on self-provisioning, SingTel may raise the matter to IDA for dispute resolution.

5. The Minister has instructed IDA to implement the above decision expeditiously.