

IDA's reference: IDA.INTC.05.0011

(Please quote this in all correspondences on this matter)

3 July 2009

OpenNet Pte Ltd
152 Beach Road Gateway East
#31-02/04
Singapore 189721

Attention: Mrs Tan Kah-Rhu
Chief Executive Officer

Dear Sir

DIRECTION OF THE INFO-COMMUNICATIONS DEVELOPMENT AUTHORITY OF SINGAPORE: IDA'S PUBLIC CONSULTATION ON PROPOSED INTERCONNECTION OFFER FOR THE PROVISION OF SERVICES ON THE NEXT GENERATION NATIONAL BROADBAND NETWORK

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) and Condition 32.1 of OpenNet's Licence to Provide Facilities-Based Operations issued on 1 April 2009, hereby issues this Direction to OpenNet Pte Ltd ("**OpenNet**").
2. Pursuant to the requirements under the NGNBN NetCo Request for Proposal (the "**RFP**"), and in compliance with the Code of Practice for Next Generation National Broadband Network NetCo Interconnection ("**Code**") issued on 25 February 2009, OpenNet submitted to IDA for approval, its proposed Interconnection Offer ("**ICO**") for the provision of services on the NGNBN.
3. IDA issued a consultation paper titled "Proposed Interconnection Offer and Model Confidentiality Agreement for the Provision of Services on the Next Generation National Broadband Network" on 25 February 2009, to elicit public comments in connection with IDA's review of OpenNet's ICO. At the close of the public consultation on 9 April 2009, IDA received comments from 3 respondents (namely, BT Singapore Pte Ltd, MobileOne Ltd and StarHub Ltd).
4. Having carefully reviewed OpenNet's ICO taking into consideration the public comments received, IDA has concluded that the terms and conditions of OpenNet's ICO require modification to ensure that they are relevant to the industry's needs and comply with the requirements of the Code.
5. Accordingly, IDA hereby directs OpenNet as follows:-

(a) OpenNet must submit to IDA for review and approval, OpenNet's proposed modifications to the following components of its ICO to give effect to IDA's required modifications as specified in the following appendices to this Direction (see attached) by **3 August 2009**:-

- (i) Appendix 1 - Required modifications to the Main Body;
- (ii) Appendix 2 - Required modifications to Schedule 1;
- (iii) Appendix 3 - Required modifications to Schedule 2;
- (iv) Appendix 4 - Required modifications to Schedule 3;
- (v) Appendix 5 - Required modifications to Schedule 4;
- (vi) Appendix 6 - Required modifications to Schedule 5;
- (vii) Appendix 7 - Required modifications to Schedule 6;
- (viii) Appendix 8 - Required modifications to Schedule 7;
- (ix) Appendix 9 - Required modifications to Schedule 8;
- (x) Appendix 10 - Required modifications to Schedule 9;
- (xi) Appendix 11 - Required modifications to Schedule 10;
- (xii) Appendix 12 - Required modifications to Schedule 11;
- (xiii) Appendix 13 - Required modifications to Schedule 12;
- (xiv) Appendix 14 - Required modifications to Schedule 13;
- (xv) Appendix 15 - Required modifications to Schedule 15;
- (xvi) Appendix 16 - Required modifications to Schedule 16;
- (xvii) Appendix 17 - Required modifications to Schedule 17; and
- (xviii) Appendix 18 - Required modifications to Schedule 18.

IDA also directs OpenNet to make such editorial changes as are necessary to ensure, for instance, that all references used in the ICO and Schedules of the ICO are applicable, correct and relevant.

(Unless the context requires otherwise, all capitalised terms used in the appendices to this Direction shall have the same meanings as in OpenNet's ICO.)

- (b) To the extent that any ancillary or consequential modification to any provision in OpenNet's ICO is necessary in order to give effect to this Direction and/or the modifications required hereunder, IDA requires OpenNet to propose such modification for IDA's approval.
- (c) In proposing modifications to OpenNet's ICO to give effect to this Direction, IDA reminds OpenNet that:-
 - (i) to the extent that any of OpenNet's proposed modifications fails to effectively implement IDA's required modifications or, in IDA's view, is not acceptable, IDA will direct OpenNet to adopt specific drafting language; and
 - (ii) IDA will reject any proposed modification by OpenNet that is not for the purpose of giving effect to IDA's required modifications as set out in this Direction.
- (d) IDA further directs OpenNet, pursuant to OpenNet's obligations under Section 6.1, Minimum Requirements for ICO, Appendix 1 of the Code, Condition 16 of OpenNet's Licence and OpenNet's Dominant Licence obligations under Section 6 of the Telecom Competition Code 2005, to negotiate in good faith a Customised Agreement with any NetCo Qualifying Person ("**NetCo QP**") who is a Facilities Based Operator where such person requests for access to OpenNet's infrastructure to deploy its own telecommunication cables to any identified Connectivity Point in OpenNet's Network in order to access the Layer 1 Services provided by OpenNet. For example, where the Connectivity Point is at OpenNet's Central Office, OpenNet shall ensure that the Customised Agreement provides for the following, at the minimum, to facilitate deployment of the relevant NetCo QP's cables into the Central Office:-
 - (i) access to lead-in ducts and associated manholes connecting to the Central Office;
 - (ii) cable trays;
 - (iii) trunking to route cables from lead-in ducts to the NetCo QP's Fibre Distribution Frame in the Co-Location Space; and
 - (iv) any other necessary supporting services.

For the avoidance of doubt, OpenNet shall not be required to provide a service offering in its ICO for the provision of access described above but shall only be required to negotiate and enter into a Customised Agreement when such access is specifically requested by a relevant NetCo QP. In negotiating and entering into a Customised Agreement, the Parties shall comply with the process set out in Section 6 of the Code save that references to the ICO shall not apply in respect of such process. Nothing in the foregoing shall prejudice IDA's right to subsequently require OpenNet to include the relevant service offering under its ICO.

6. The reasons for this Direction are set out in the accompanying Explanatory Memorandum to this Direction as well as the directed modifications stated in the Appendices.
7. OpenNet must submit one hardcopy and one softcopy, both in clean and marked-up versions, of its ICO incorporating OpenNet's proposed modifications to effect IDA's required modifications. The marked-up version must clearly identify the proposed modifications made by OpenNet to its ICO. The softcopy submission must be in Adobe PDF and Microsoft Word format and emailed to Lee_Noog@ida.gov.sg, at the same time that OpenNet submits to IDA the hardcopy of the proposed modifications.
8. Any clarification required on this Direction must be made in writing and marked for the attention of our Mr Andrew J. Haire (Deputy Director-General (Telecoms & Post)) and faxed to 6211 2116. Please note that any query directed by OpenNet to IDA for clarification shall not affect OpenNet's obligation to comply fully with this Direction.

Yours faithfully



Leong Keng Thai
Deputy Chief Executive Officer and Director General (Telecoms & Post)