



CONSULTATION DOCUMENT

**PROPOSED INTERCONNECTION OFFER AND MODEL
CONFIDENTIALITY AGREEMENT FOR THE PROVISION OF
SERVICES ON THE NEXT GENERATION NATIONAL
BROADBAND NETWORK**

25 FEBRUARY 2009

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CONFIDENTIALITY AGREEMENT FOR THE PROVISION OF SERVICES
ON THE NEXT GENERATION NATIONAL BROADBAND NETWORK**

BACKGROUND / INTRODUCTION

1. The Info-communications Development Authority of Singapore (“IDA”) requested for proposals for a Network Company (“NetCo”) to develop the passive infrastructure of Singapore’s Next Generation National Broadband Network (“NGNBN”) on 11 December 2007. The NGNBN 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 tender process, the OpenNet Consortium was subsequently selected based on its NetCo bid proposal.
2. Pursuant to the requirements under the NGNBN NetCo Request for Proposal (the “RFP”), OpenNet Private Limited (“OpenNet”) has submitted to IDA for approval, its proposed Interconnection Offer (“ICO”) for the provision of services on the NGNBN 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).

INTERCONNECTION OFFER

3. As aforementioned, the proposed ICO is submitted based on certain requirements in the RFP¹ and is the result of a competitive tender process initiated by IDA, to which IDA has accepted OpenNet’s bid proposal and its terms therein. Hence, the prices of all services offered under the ICO (i.e., Schedule 15 (Charges)) are not part of this consultation and any comments received on the prices will be disregarded by IDA. Notwithstanding the foregoing, IDA retains the right to conduct a scheduled review of the prices, terms and conditions of the ICO, which is expected to occur between three to five years from the date the ICO is first offered by OpenNet.
4. In addition, prices in Schedule 15 (Charges) will only be provided to NetCo Qualifying Persons, i.e., existing Facilities-Based Operators, Services-Based Operators and broadcasting licensees, subject to the signing of an IDA-prescribed non-disclosure agreement. A respondent who is not a NetCo Qualifying Person, but wishes to obtain the prices in Schedule 15, shall make a specific request to the IDA for the said document and provide a concise statement setting out the reasons for

¹ The ICO related requirements in the RFP has been translated into the NetCo Interconnection Code. The Code is available on IDA’s website.

its request. IDA will consider the request before deciding on whether to make available the requested schedule. Please submit all requests relating to Schedule 15 (Charges) via email to: Lew_Wei_Qing@ida.gov.sg.

5. The contents of the proposed ICO are as follows:

a. Main Body of the ICO; and

b. Schedules of the ICO:

- Schedule 1 - Residential End-User Connection
- Schedule 2 - Non-Residential End-User Connection
- Schedule 3 - Non-Building Access Point (“NBAP”) Connection
- Schedule 4 - Central Office (“CO”) to CO Connection
- Schedule 5 - CO to Building Main Distribution Frame (“MDF”) Room Connection
- Schedule 6 - Building MDF Room to Fibre-To-The-Building (“FTTB”) Node Connection
- Schedule 7 - FTTB Node to Distribution Point (“DP”) Connection
- Schedule 8 - Building MDF Room to Residential Premise Connection
- Schedule 9 - Building MDF Room to Non-Residential Premise Connection
- Schedule 10 - CO to NBAP DP Connection
- Schedule 11 - NBAP DP to NBAP Termination Point (“TP”) Connection
- Schedule 12 - Co-location Service
- Schedule 13 - Patching Service
- Schedule 14 - [intentionally left blank]²
- Schedule 15 - Charges³

² This schedule would be meant for the future OpenNet BSS/OSS Connection & Professional Service.

- Schedule 16 - Billing
- Schedule 17 - Dispute Resolution
- Schedule 18 - Dictionary

MODEL CONFIDENTIALITY AGREEMENT

6. Additionally, OpenNet 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 and is 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).
7. The MCA contains the necessary provisions to protect and govern the preservation of commercially sensitive information disclosed by the parties during their negotiations on Customised Agreements.

REQUEST FOR COMMENTS

8. Save as indicated in paragraph 3 above, IDA hereby invites interested parties to submit written comments regarding:
 - a. the proposed ICO; and
 - b. the proposed MCA.(collectively referred to as the "Consultation Documents").
9. 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 Consultation Documents.
10. In all comments, respondents should identify the specific provisions of the Consultation Documents (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

³ As explained in paragraph 4 above, the prices in this schedule will only be provided on request to non NetCo Qualifying Persons.

explanation of the reason for the proposal. All respondents are requested to keep comments clear and succinct.

11. All views and comments should be submitted in writing and in both hard and soft copies (preferably in Microsoft Word format). The following timeframes shall be adhered to:
 - a. All comments on the proposed ICO to reach IDA by **12 noon, 27 March 2009**; and
 - b. All comments on the proposed MCA to reach IDA by **12 noon, 9 March 2009**.

For each set of comments, respondents are required to include their personal/company particulars as well as their correspondence address. 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.

12. 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.