

IDA's reference: IDA.INTC.05.0011
(Please quote this in all correspondence on this matter)

13 June 2011

OpenNet Pte Ltd
152 Beach Road
Gateway East #31-05/08
Singapore 189721

Attention: Mr Khoo Chin Hean
Chief Executive Officer

Dear Sirs

FURTHER DIRECTION OF THE INFOCOMM DEVELOPMENT AUTHORITY OF SINGAPORE MADE PURSUANT TO SECTION 27 OF THE TELECOMMUNICATIONS ACT IN RESPECT OF OPENNET PTE LTD'S MANDATED SERVICES INFORMATION

1. Reference is made to the Direction of the Infocomm Development Authority of Singapore made pursuant to Section 27 of the Telecommunications Act (Cap. 323) (the "**Act**") in respect of OpenNet Pte Ltd's Mandated Services Information issued on 18 January 2011 ("**Initial Direction**").
2. Pursuant to an Initial Direction issued by IDA to OpenNet Pte Ltd ("**OpenNet**"), OpenNet has submitted its draft amendments to its Interconnection Offer ("**ICO**"), to provide for its proposed remedy framework to Qualifying Persons ("**QPs**") who have relied on OpenNet's erroneous or inaccurate Mandated Services Information ("**MSI**") and whose requests for service to OpenNet are subsequently rejected by OpenNet due to the erroneous or inaccurate MSI, for IDA's consideration.
3. As the remedy framework for erroneous or inaccurate MSI in the ICO is of significant importance to the QPs, IDA has sought industry feedback on the draft amendments to the ICO proposed by OpenNet under the Initial Direction. Having carefully reviewed OpenNet's proposed remedy framework and taking into consideration the comments received from the industry via the consultation process conducted by IDA, IDA is of the view that OpenNet's proposed remedy framework for the erroneous or inaccurate MSI requires modifications to ensure that they are relevant and responsive to the industry's needs.

4. Accordingly, pursuant to Sections 27(1)(c) and 27(1)(d) of the Act, IDA hereby directs OpenNet to comply with the following:

(a) Submit for IDA's consideration, within fourteen (14) calendar days from the date of this direction, OpenNet's proposed modifications to its ICO to give effect to IDA's required modifications specified in the following (see attached):

(i) Appendix 1 – Required Modifications to Schedule 1 (Residential End-User Connection); and

(ii) Appendix 2 – Required Modifications to Schedule 2 (Non-Residential End-User Connection).

OpenNet is also required to make such editorial changes as are necessary to ensure that all references used in the ICO and its schedules are applicable, correct and relevant.

(b) To the extent that any ancillary or consequential modifications 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 modifications for IDA's approval.

(c) Within one (1) business day of discovering any errors or inaccuracies in its MSI or of having the same being brought to its attention, OpenNet is required to:

(i) Correct/rectify such errors and inaccuracies; and

(ii) Notify all the Qualifying Persons ("QPs"), who have executed the ICO and/or Customised Agreements with OpenNet, of such errors or inaccuracies in its MSI and inform them of the corrected/rectified MSI.

(the "**Further Direction**").

5. The reasons for this Further Direction are set out in the accompanying Explanatory Memorandum to this Further Direction as well as the directed modifications stated in the Appendices.

6. OpenNet must submit a softcopy (in Microsoft Word format) of its ICO incorporating OpenNet's modifications, in clean and marked-up versions, to effect IDA's required modifications. The marked-up version must clearly indicate the proposed modifications made by OpenNet to its ICO. In proposing modifications to OpenNet's ICO to give effect to the Further Direction, IDA reminds OpenNet that:

(a) 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 may direct OpenNet to adopt specific drafting language; and

- (b) IDA will reject any proposed modifications by OpenNet that is not for the purpose of giving effect to IDA's required modifications as set out in the Further Direction.
- 7. Nothing in this Further Direction shall prevent IDA from taking enforcement action against OpenNet for its failure to provide MSI in accordance with the Code of Practice for Next Generation National Broadband Network NetCo Interconnection ("**NetCo Interconnection Code**"), regardless of whether OpenNet has provided remedies to the QPs for such failure.
- 8. OpenNet is reminded of its obligation to comply with IDA's Further Direction under Section 27(5) of the Act.
- 9. If you should require any clarification on this Further Direction, please direct your queries in writing to our Ms Aileen Chia (Deputy Director-General (Telecoms & Post)). Please note that any query or clarification from OpenNet shall not affect OpenNet's obligation to comply fully with this Further Direction.

Yours faithfully



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