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5 October 2012

OpenNet Pte Ltd  
152 Beach Road  
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Singapore 189721

Attention: Mr Mark Blake  
Chief Executive Officer

Dear Sirs

**DECISION ON RECONSIDERATION AND VARIATION OF DIRECTION IN  
RELATION TO DIRECTION OF THE INFOCOMM DEVELOPMENT  
AUTHORITY OF SINGAPORE MADE PURSUANT TO SECTION 27 OF THE  
TELECOMMUNICATIONS ACT (CHAPTER 323) IN RESPECT OF THE  
REVIEW OF OPENNET PTE LTD'S INTERCONNECTION OFFER ("ICO")  
FOR THE PROVISION OF SERVICES OVER THE NEXT GENERATION  
NATIONWIDE BROADBAND NETWORK**

1. Please refer to the following:

- (a) IDA's direction dated 27 February 2012 in respect of the review of OpenNet Pte Ltd's ("**OpenNet**") ICO for the provision of services over the Next Generation Nationwide Broadband Network;
- (b) IDA's direction dated 3 July 2012 on the above captioned matter, in respect of the review of OpenNet's ICO for the provision of services over the Next Generation Nationwide Broadband Network ("**Further Direction**");
- (c) OpenNet's request to IDA dated 17 July 2012 to reconsider certain aspects of the Further Direction ("**Reconsideration Request**"); and
- (d) OpenNet's emails ("**Emails**") dated 8 August 2012, 22 August 2012 and 27 August 2012 to further clarify the timeline on "Operations Support Systems and Business Support Systems ("**OSS/BSS**") Delivery Timeframe for ICO" ("**Implementation Timeline**").

Capitalised terms not specifically defined herein shall have the meanings ascribed to the terms in the Further Direction (including the accompanying explanatory memorandum).

2. Pursuant to Section 69(6) of the Telecommunications Act (Cap. 323) (the "**Act**"), IDA hereby issues its decision on OpenNet's Reconsideration Request ("**Decision on Reconsideration**").
3. In arriving at this Decision on Reconsideration, IDA has carefully considered the issues that OpenNet has raised in the Reconsideration Request. IDA's Decision on Reconsideration and the accompanying grounds for the decision are set out in the attached Explanatory Memorandum.
4. In addition, in furtherance of IDA's Decision on Reconsideration, IDA hereby varies paragraph 11(b) of the Further Direction, in relation to the timeline for the implementation of the Approved ICO, by substituting the original paragraph 11(b) with the following:

*"11 Accordingly, IDA directs OpenNet to implement the Approved ICO within the following timeframe:*

*(b) by no later than 30 April 2013, all other aspects of the Approved ICO."*
5. If you should require any clarification, please direct your written queries to Ms Aileen Chia, Deputy Director-General (Telecoms & Post), via email at IDA\_ILO@ida.gov.sg. Please note that any query from OpenNet to IDA for clarification shall not affect OpenNet's obligation to fully comply with this Decision on Reconsideration.

Yours faithfully



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

## EXPLANATORY MEMORANDUM

1. This Explanatory Memorandum sets out IDA's decision and the accompanying grounds for the decision on the Reconsideration Request submitted by OpenNet dated 17 July 2012 in respect of IDA's Further Direction dated 3 July 2012 on the review of OpenNet's ICO.
2. Pursuant to Section 69(1) of the Act, OpenNet has sought IDA's reconsideration on the following two issues in the Further Direction:
  - (a) Timeline for implementation of the Approved ICO; and
  - (b) Inter-operator testing charges due to implementation of the Approved ICO.

### ISSUE (A): TIMELINE FOR IMPLEMENTATION OF THE APPROVED ICO

3. OpenNet has submitted that it would need additional time to complete the implementation of certain aspects of the Approved ICO. OpenNet indicated that some aspects of the Approved ICO can be offered/provided manually or via some interim arrangements within the three (3) month timeframe under the Further Direction. However, there are other aspects of the Approved ICO covered under paragraph 11(b) of the Further Direction ("**Other Aspects**") (captured as **Annex A**), which OpenNet is unable to implement within the three (3) month timeline due to the following reasons:
  - (a) the duration of a software development cycle typically takes about nine (9) to ten (10) months to implement (i.e., gathering requirements, verifications, bug fixing and additional testing);
  - (b) the new requirements under the Approved ICO are significant and extensive, and OpenNet will need more time to assess the changes required to minimise impact to the existing business processes; and
  - (c) the changes to the OSS/BSS to support the new requirements are extensive.

OpenNet proposed for these Other Aspects to be offered/provided in two phases (end November 2012 and end April 2013) via the OSS/BSS.

4. IDA has reviewed OpenNet's submission. Having considered the following factors:
  - (a) the extent of work required to implement the changes to the OSS/BSS to support the changes to the Approved ICO for the Other Aspects, and the significant impact of such changes to the industry; and

- (b) some aspects of the Approved ICO can be offered/provided manually or via some interim arrangements within the three (3) month timeframe,

IDA agrees to extend the timeframe so that OpenNet has sufficient time to implement the Other Aspects via its OSS/BSS. IDA's decision is therefore to extend the implementation timeframe to two phases (i.e., end November 2012 and end April 2013) in respect of the Other Aspects.

- 5. As stated in OpenNet's Reconsideration Request and clarifications, IDA notes that OpenNet will: (a) offer/provide the Other Aspects in two phases (end November 2012 and end April 2013) via the OSS/BSS; and (b) be separately engaging the industry on its OSS/BSS implementation timeframe. IDA will therefore expect OpenNet to offer/provide the Other Aspects in two phases (end November 2012 and end April 2013) via its OSS/BSS. In addition, as part of OpenNet's engagement, IDA expects OpenNet to share with the industry the aspects of the Approved ICO that can be progressively provided/offered manually or via some interim arrangements as stated in paragraph 4(b).
- 6. For the avoidance of doubt, there is no variation to the implementation timeline for those aspects of the Approved ICO covered under paragraph 11(a) of the Further Direction.

#### **ISSUE (B): INTER-OPERATOR TESTING CHARGES DUE TO IMPLEMENTATION OF THE APPROVED ICO**

- 7. OpenNet submitted that the Requesting Licensee's ("RL's") cooperation would be required to ensure that inter-operator testing between its OSS/BSS and the RL's system can be completed in a timely manner for the purpose of implementing the necessary changes to the Approved ICO. OpenNet further submitted that it should be allowed to impose the relevant charges as defined in Schedule 15 (Charges) to OpenNet's ICO, if: (a) the RL chooses not to perform the inter-operator testing within the specified test schedule<sup>1</sup>; or (b) the inter-operator testing is unduly delayed and such delay is not attributable to OpenNet (where the RL has decided to perform the inter-operator testing within the specified test schedule).
- 8. IDA notes that OpenNet would be committing resources for inter-operator testing during the scheduled period. If RLs choose not to perform the testing during this period, OpenNet may have to incur additional expenses for such RLs which would otherwise not be incurred. In IDA's view, it is thus reasonable for OpenNet to recover these costs from the RLs. Accordingly, where OpenNet has determined

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<sup>1</sup> OpenNet will consider the relevant feedback from the RLs in determining the scope and schedule of the inter-operator testing.

the schedule of inter-operator testing and the RLs have chosen not to perform the testing within the schedule, IDA considers that it is reasonable for OpenNet to impose the relevant charges as defined in Schedule 15 (Charges) to OpenNet's ICO. The above is however subject to the following conditions: (a) the inter-operator testing schedule must be reasonable; (b) OpenNet has taken into account the relevant feedback from the RLs when determining the schedule; and (c) the RLs have been given sufficient notice of the inter-operator testing schedule for them to prepare for the same.

9. Where inter-operator testing is performed during the scheduled period, IDA notes that delays may arise but these delays may be due to or caused by different parties, i.e., OpenNet, the RLs, or other third parties. In this regard, the imposition of charges as requested by OpenNet may not be the most effective and constructive way of managing the delay in inter-operator testing. On the contrary, such charges may in fact create further disagreements or disputes on the matter, and distract the industry from completing the necessary inter-operator testing. Considering that it is in the interest of all parties to ensure that inter-operator testing can be completed in a timely manner so as to minimise costs and the resources expended, IDA expects all parties to work together to minimise any delay. In view of the above, IDA will therefore maintain its position in the Further Direction on this matter. IDA will nevertheless monitor the situation and may allow such a charge to be imposed at a later stage if there is evidence to substantiate that a party has consistently caused the inter-operator testing to be delayed unnecessarily where such delays are not attributable to OpenNet.

## ANNEX A

S/No	ICO Change	System Implementation Timeline
1	Allowing RL to re-open a closed trouble ticket for relevant schedules	Nov 2012
2	Change of deactivation notification period for Schedules 1 & 2	Nov 2012
3	Allow RLs to re-select an appointment date or cancel without charges due to insufficient capacity	Nov 2012
4	Revised SAP; (FTTB node -5 days, riser 7 days, end user premise 10 days)	Nov 2012
5	Re-location of TP within same premise, Repair & Removal	Nov 2012
6	Second TP for Schedule 1 (no site survey is required)	Apr 2013
7	Allow RL to download Service Report Form (which shall include the length of internal cabling for cases where internal cabling exceeds 15 metres within 5 business days of provisioning)	Apr 2013
8	Fibre Takeover Process	Apr 2013
9	Change of classification of premise type under Schedule 1 & 2 (Network Configuration and MSI to be updated)	Apr 2013
10	Express Service for Schedules 1 and 2	Apr 2013