

31 December 2012

Nucleus Connect Pte Ltd
3 Tai Seng Drive # 04-00
Da Vinci Building
Singapore 535216

Attention: Mr David Storrie
Chief Executive Officer

Dear Sirs

**DIRECTION OF THE INFO-COMMUNICATIONS DEVELOPMENT
AUTHORITY OF SINGAPORE MADE PURSUANT TO SECTION 27 OF THE
TELECOMMUNICATIONS ACT (CHAPTER 323) IN RESPECT OF THE
REVIEW OF NUCLEUS CONNECT PTE LTD'S INTERCONNECTION
OFFER FOR THE PROVISION OF SERVICES OVER THE NEXT
GENERATION NATIONWIDE BROADBAND NETWORK**

1. The Info-communications Development Authority of Singapore ("**IDA**"), pursuant to Section 27(1) of the Telecommunications Act (Chapter 323) (the "**Act**") and Condition 32.1 of the Licence to Provide Facilities-Based Operations issued to Nucleus Connect Pte Ltd ("**Nucleus Connect**") on 30 October 2009, hereby issues this direction to Nucleus Connect.
2. Reference is made to the following:
 - (a) The Code of Practice for Next Generation National Broadband Network OpCo Interconnection (the "**OpCo Code**");
 - (b) Nucleus Connect's Interconnection Offer ("**ICO**") incorporating various proposed changes, as submitted by Nucleus Connect on 27 September 2012 ("**Draft Revised ICO**"); and
 - (c) The Public Consultation titled "Interconnection Offer for the Provision of Services on the Next Generation Nationwide Broadband Network – Review of Nucleus Connect Pte Ltd's Interconnection Offer", issued by IDA on 8 October 2012 ("**Public Consultation**").

3. Following the close of the Public Consultation on 7 November 2012, IDA has carefully reviewed the Draft Revised ICO, as well as the views and comments submitted in response to the Public Consultation. IDA has assessed that certain parts of the Draft Revised ICO require further modifications to ensure that they are appropriate as well as relevant and responsive to the needs of the industry.
4. Accordingly, IDA hereby directs Nucleus Connect as follows:
 - (a) Nucleus Connect shall submit to IDA for review and approval, Nucleus Connect's further proposed modifications ("**Nucleus Connect's Further Proposed Modifications**") to the following components of its ICO to give effect to IDA's required modifications as specified in the accompanying **Explanatory Memorandum** and the following **Appendices** to this direction (see attached) by **30 January 2013**:
 - (i) Appendix 1: Required modifications to the Master ICO Agreement;
 - (ii) Appendix 2: Required modifications to General Service Terms and Conditions;
 - (iii) Appendix 3: Required modifications to Service Schedule – Residential Per-End-User Connection;
 - (iv) Appendix 4: Required modifications to Service Schedule – Non-Residential Per-End-User Connection;
 - (v) Appendix 5: Required modifications to Service Schedule – NBAP Per-End-User Connection;
 - (vi) Appendix 6: Required modifications to Service Schedule – L2 VPN Service;
 - (vii) Appendix 7: Required modifications to Service Schedule – L3 VPN Service;
 - (viii) Appendix 8: Required modifications to Service Schedule –E-LAN Service ; and
 - (ix) Appendix 9: Required modifications to Service Schedule – Co-location Service.

(together, the "**Required Modifications**").

(Unless the context requires otherwise, all capitalised terms used in the Explanatory Memorandum and Appendices to this direction shall have the meanings as in Nucleus Connect's ICO.)

- (b) In Nucleus Connect's Further Proposed Modifications, Nucleus Connect shall also propose, for IDA's review and approval, such editorial changes to Nucleus Connect's ICO as are necessary, including ensuring that all references used in the ICO and Schedules to the ICO are applicable, correct and relevant.
- (c) To the extent that any ancillary or consequential modification to any provision in Nucleus Connect's ICO is necessary in order to give effect to this direction and/or the Required Modifications hereunder, Nucleus Connect shall propose such modification for IDA's review and approval.

(the "**Direction**".)

- 5. The reasons for this Direction are set out in the accompanying **Explanatory Memorandum** and **Appendices** to this Direction.
- 6. IDA reminds Nucleus Connect that:
 - (a) to the extent that any of Nucleus Connect's Further Proposed Modifications fails to implement IDA's Required Modifications or, in IDA's view, is not acceptable, IDA will direct Nucleus Connect to adopt specific drafting language; and
 - (b) IDA may reject any of Nucleus Connect's Further Proposed Modifications that is not for the purpose of giving effect to IDA's Required Modifications as set out in this Direction.
- 7. Nucleus Connect shall submit one marked-up softcopy of its ICO incorporating Nucleus Connect's Further Proposed Modifications to give effect to IDA's Required Modifications. The marked-up version shall clearly identify each of Nucleus Connect's Further Proposed Modifications made by Nucleus Connect to its Draft Revised ICO. The softcopy submission shall be in Microsoft Word format and emailed to IDA_ILO@ida.gov.sg.
- 8. Nucleus Connect is reminded of its obligation to comply with this Direction under Section 27(5) of the Act.

9. Any clarification required on this Direction shall be made in writing, addressed to our Ms Aileen Chia (Deputy Director-General (Telecoms & Post)), and emailed to IDA_ILO@ida.gov.sg. Please note that any query or clarification from Nucleus Connect shall not affect Nucleus Connect's obligation to comply fully with this Direction, including, in particular, the timelines to be complied with.

Yours faithfully



Leong Keng Thai

Deputy Chief Executive Officer / Director-General (Telecoms & Post)