

IDA's reference: IDA.INTC.05.0011/KK

15 February 2013

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

**By Mail & Email**

No. of Pages: 4  
(Including this page  
and enclosure)

Attention: Mr Mark Blake  
Chief Executive Officer

Dear Sirs

**DECISION ON RECONSIDERATION AND DIRECTION OF THE INFOCOMM DEVELOPMENT AUTHORITY OF SINGAPORE IN RESPECT OF OPENNET PTE LTD'S ("OPENNET") PROPOSED MODIFICATIONS TO SCHEDULE 12 (CO-LOCATION SERVICE), SCHEDULE 12C (CO-LOCATION SPACE & SERVICE IN NEW CO-LOCATION ROOM), SCHEDULE 15 (CHARGES) AND SCHEDULE 18 (DICTIONARY) TO OPENNET'S INTERCONNECTION OFFER ("ICO")**

1. Please refer to the following documents:
  - (a) IDA's direction dated 4 January 2013 ("**Direction on Directed Modifications**"), requiring OpenNet to propose modifications to Schedule 12C (Co-Location Space & Service in New Co-Location Room) and Schedule 18 (Dictionary) in relation to OpenNet's proposed Co-Location Space & Service in New Co-Location Room under its ICO ("**Required Modifications**");
  - (b) OpenNet's letter dated 18 January 2013 submitting its proposed modifications to Schedule 12 (Co-Location Service), Schedule 12C (Co-Location Space & Service in New Co-Location Room), Schedule 15 (Charges) and Schedule 18 (Dictionary) to its ICO (collectively referred to herein as the "**Proposed ICO Modifications**"); and
  - (c) OpenNet's request to IDA dated 18 January 2013 to reconsider certain parts of the Required Modifications ("**Reconsideration Request**").

For the avoidance of doubt, unless the context requires otherwise or unless specifically defined herein, all capitalised terms herein shall have the same meanings ascribed to them in the Direction on Directed Modifications and the Explanatory Memorandum to the Direction on Directed Modifications.

## **IDA Decision on Reconsideration Request**

2. Pursuant to Section 69(6) of the Telecommunications Act (Cap. 323) (the “Act”), IDA hereby issues its decision on the Reconsideration Request (“**Decision on Reconsideration**”) as follows:
  - (a) Reinstate and amend sub-clause 1.5.3 (i) of Annex 12D-1 to Schedule 12 C to “Power requested by the Requesting Licensee and provided by OpenNet to that particular rack must only be used for Co-Location Equipment in that particular rack. Where the Requesting Licensee wishes to pull and use the power designated for a rack for another rack, the Requesting Licensee shall seek OpenNet’s approval and such approval shall not be unreasonably withheld.”; and
  - (b) Remove the sub-clause 1.5.3(ii) of Annex 12D-1 to Schedule 12C.
3. In arriving at this Decision on Reconsideration, IDA has carefully considered OpenNet’s representations in the Reconsideration Request. The accompanying grounds for the IDA’s Decision on Reconsideration are set out in the attached Explanatory Memorandum. The variations to the Required Modifications are also explained in the accompanying Explanatory Memorandum to this direction.

## **Directed Amendments**

4. Having carefully reviewed OpenNet’s Proposed ICO Modifications, IDA has found the majority of OpenNet’s proposed modifications to be in conformity with IDA’s requirements as expressed in the Direction on Directed Modifications. However, IDA is of the view that certain aspects of OpenNet’s Proposed ICO Modifications have failed to give full effect to IDA’s Direction on Directed Modifications. In the premises, IDA herein directs OpenNet to incorporate specific language to give effect to IDA’s requirements.
5. In addition, arising from IDA’s Decision on Reconsideration, certain parts of the Proposed ICO Modifications have been varied. In order to ensure that the review of OpenNet’s proposed Co-Location Space & Service in New Co-Location Room is completed in a timely manner, IDA herein directs OpenNet to incorporate specific language to give effect to the variations to the Proposed ICO Modifications.

6. Accordingly, pursuant to Sections 27(1) of the Act and Condition 32.1 of OpenNet's Licence to Provide Facilities-Based Operations issued on 1 April 2009 ("**Licence**"), IDA hereby directs OpenNet to modify its Proposed ICO Modifications to incorporate the specific drafting language set out in the enclosed appendices comprising:

(a) Appendix 1 - Directed amendments to Schedule 12C (Co-Location Space & Service in New Co-Location Room) to OpenNet's ICO; and

(b) Appendix 2 - Directed amendments to Schedule 15 (Charges) to OpenNet's ICO

(together, the "**Directed Amendments**")

(the "**Direction**").

IDA's grounds for the Directed Amendments are annotated in the respective appendices.

7. Subject to paragraph 6, IDA hereby approves:

(a) OpenNet's revised Schedule 12 (Co-Location Service) and revised Schedule 18 (Dictionary); and

(b) OpenNet's revised Schedule 12C (Co-Location Space & Service in New Co-Location Room) and revised Schedule 15 (Charges) incorporating the Directed Amendments

(the "**Approved Revised ICO Amendments**") with effect from the date of this Direction.

8. In connection with the above, as part of the Direction, IDA further requires OpenNet to submit to IDA, for posting on IDA's website, one (1) clean softcopy of the Approved Revised ICO Amendments within **three (3) working days** from the date of this Direction. The softcopy submission must be in Microsoft Word format and emailed to IDA\_ILO@ida.gov.sg.

9. In submitting its Approved Revised ICO Amendments to IDA for public posting, OpenNet must make all necessary editorial corrections for possible typographical, cross referencing and pagination errors.

10. OpenNet is reminded of its obligation to comply with the Direction under Section 27(5) of the Act.

11. If you should require any clarification, please direct your written queries to our Ms Aileen Chia (Deputy Director-General (Telecoms & Post)) via email at IDA\_ILO@ida.gov.sg. Please note that any request from OpenNet to IDA for clarification shall not affect OpenNet's obligation to fully comply with the Direction.

Yours faithfully



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