

4 January 2013

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

Attention: Mr Mark Blake
Chief Executive Officer

Dear Sirs

**DIRECTION OF THE INFO-COMMUNICATIONS DEVELOPMENT
AUTHORITY OF SINGAPORE: PUBLIC CONSULTATION ON THE
PROPOSED CO-LOCATION SPACE & SERVICE IN NEW CO-LOCATION
ROOM UNDER OPENNET PTE LTD'S INTERCONNECTION OFFER**

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 OpenNet Pte Ltd's ("**OpenNet**") Licence to Provide Facilities-Based Operations issued on 1 April 2009, hereby issues this direction to OpenNet. Unless the context requires otherwise or unless specifically defined herein, all capitalised terms in this direction shall have the same meanings as in OpenNet's Interconnection Offer ("**ICO**") for the provision of services over the Next Generation Nationwide Broadband Network ("**Next Gen NBN**").
2. Under OpenNet's existing ICO, among others, OpenNet provides Co-Location Space of up to 120 square metres per Central Office. As the current Co-Location Space at several of OpenNet's Central Offices is fully utilised or near full utilisation, new Co-Location Space is needed. OpenNet has submitted a proposed set of terms and conditions, to offer additional Co-Location Space at the Central Offices (i.e. Schedule 12C (Co-Location Space & Service in New Co-Location Room) ("**Schedule 12C**")), for IDA's review and approval. OpenNet has also provided the associated changes to Schedule 18 (Dictionary) for IDA's review and approval.

3. To ensure that OpenNet's proposed changes to the ICO are appropriate and adequate to address the concerns and needs of the industry, IDA sought feedback from the industry via a public consultation. At the close of the consultation, IDA received comments from four (4) respondents (namely, M1 Limited, Nucleus Connect Pte Ltd, Singapore Telecommunications Limited and StarHub Ltd).
4. Having carefully reviewed OpenNet's proposed Schedule 12C and Schedule 18 to the ICO and having taken into consideration the public comments received, IDA requires OpenNet to modify the terms and conditions of OpenNet's proposed Schedule 12C and Schedule 18 to the ICO to ensure that they are relevant to the industry's needs and comply with all regulatory requirements, including those under the NetCo Interconnection Code and Telecom Competition Code.
5. Accordingly, IDA hereby directs OpenNet to comply with the following:
 - (a) Submit for IDA's review and approval, within **fourteen (14) calendar days** from the date of this direction, OpenNet's proposed modifications to Schedule 12C (Co-Location Space & Service in New Co-Location Room) and Schedule 18 (Dictionary) to the ICO to give effect to IDA's required modifications specified in Appendix 1 – Required Modifications to Schedule 12C (Co-Location Space & Service in New Co-Location Room) to the ICO and Appendix 2 – Required Modifications to Schedule 18 (Dictionary) to the ICO. OpenNet is also required to make such editorial changes as are necessary to ensure that all references used in Schedule 12C (Co-Location Space & Service in New Co-Location Room) and Schedule 18 (Dictionary) to the ICO and in all other parts of the ICO are applicable, correct and relevant.
 - (b) To the extent that any ancillary or consequential modifications to any provision in OpenNet's ICO are 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 review and approval.
 - (c) IDA further directs OpenNet to:
 - i. Negotiate in good faith a Customised Agreement with any Requesting Licensee who might have unique requirements, including matters concerning the heat load limit per rack and procuring 3-phase power for the Requesting Licensee's own DC power rectifier. In this regard, OpenNet is required to comply with its Duties Related to the Provision of Mandated Services under the NetCo Interconnection Code as well as its obligations as a Dominant Licensee under the Telecom

Competition Code, including having to treat all Requesting Licensees in a non-discriminatory manner with respect to the prices, terms and conditions for all arrangements under the Customised Agreement; and

- ii. Provide the detailed plan and schedule for OpenNet's alternative solution once the new Co-Location Space for each Central Office reaches the level of 70% utilisation. With regard to the Orchard Central Office specifically, IDA notes that there is a limitation on the floor loading in the new Co-Location Room for Orchard Central Office and 50% of the Co-Location Space cannot be loaded up to 5kN per square metre. Therefore, OpenNet is required to provide the detailed plan and schedule for OpenNet's alternative solution for Orchard Central Office once the new Co-Location Space for Orchard Central Office reaches the level of 50% utilisation.

(the "**Direction**".)

6. OpenNet shall submit softcopies (in Microsoft Word format) of Schedule 12C (Co-Location Space & Service in New Co-Location Room) and Schedule 18 (Dictionary) to the ICO incorporating OpenNet's modifications, in clean and marked-up versions, to effect IDA's required modifications. The marked-up version shall clearly indicate the proposed modifications made by OpenNet to its ICO. In proposing modifications to OpenNet's ICO to give effect to the 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 modification by OpenNet that is not for the purpose of giving effect to IDA's required modifications as set out in the Direction.
7. The reasons for this Direction are set out in the accompanying Explanatory Memorandum to this Direction and the directed modifications stated in Appendices 1 and 2 to this Direction.
8. OpenNet is reminded of its obligation to comply with this Direction under Section 27(5) of the Act.

9. If you should require any clarification on this Direction, please direct your queries 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 OpenNet shall not affect OpenNet'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)