

Case Reference	R/E/098
Title	OpenNet Pte Ltd's Contravention of IDA's Direction on Co-Location Supplementary Cooling Service (the " Direction ")
Case Opened	13 January 2012
Case Closed	6 March 2012
Complainant	IDA initiated this proceeding pursuant to the Telecommunications Act (Chapter 323)(the " Act ")
Respondent	OpenNet Pte Ltd (" OpenNet ")
Case Summary	<p>On 13 January 2012, OpenNet failed to submit its proposed modifications to the OpenNet Interconnection Offer as required by IDA in the Direction.</p> <p>Under the Direction, which was issued by IDA pursuant to Section 27(1) of the Act on 27 October 2011, IDA had directed OpenNet to propose certain modifications to the relevant schedules in its Interconnection Offer to ensure that the prices, terms and conditions of the proposed Co-Location Supplementary Cooling Service are appropriate and relevant to the industry's needs and comply with all regulatory requirements.</p> <p>Subsequently, OpenNet requested IDA to extend the deadline for the submission of its proposed modifications on three occasions. Considering that the changes required were extensive, IDA agreed to the requests for extension of deadline. On the final extended deadline of 13 January 2012, OpenNet failed to provide the full required modifications to IDA.</p>
IDA's Determination	<p>IDA finds that by its failure to submit the full required modifications to IDA by the extended deadline of 13 January 2012, OpenNet has contravened IDA's Direction.</p> <p>In determining the appropriate amount of the financial penalty to be imposed on OpenNet, IDA took into account all relevant factors, including the seriousness of the contravention and the potential impact of the delay of the availability of OpenNet's Co-Location Supplementary Cooling Service on the continuity and safety of services provided over the equipment installed in OpenNet's Co-Location Space, and the relevant mitigating factors.</p> <p>Taking into consideration all of the above, IDA imposed a financial penalty of \$100,000 on OpenNet.</p> <p>On 20 March 2012, OpenNet submitted an appeal to the Minister for Information, Communications and the Arts on IDA's decision. On 12 September 2012, the Minister issued his decision to uphold IDA's decision.</p>