
**AUCTION OF
1800 MHZ SPECTRUM RIGHTS (2013)
AND 2.5 GHZ SPECTRUM RIGHTS
(2013)**

**APPENDIX 4 – APPLICATION FORM
FOR INFORMATION ON 2.5 GHZ
EXCLUSION ZONES**

26 APRIL 2013

INFO-COMMUNICATIONS DEVELOPMENT AUTHORITY
REPUBLIC OF SINGAPORE

APPLICATION FORM FOR INFORMATION ON 2.5 GHZ EXCLUSION ZONES

IF YOU REQUIRE ADDITIONAL SPACE FOR YOUR RESPONSES, PLEASE CONTINUE EACH SUCH RESPONSE ON A SEPARATE BLANK PAGE, WITH THE NUMBER OF THE PARAGRAPH TO WHICH YOU ARE RESPONDING CLEARLY MARKED.

1.1 Applicant:

*(See
Note
1.1)*

Name of Applicant: _____

Legal form of Applicant: _____

Place of Incorporation: _____

Registration Number: _____

Registered Address: _____

Please tick box if Applicant is not an existing operator providing nationwide mobile system and service coverage in Singapore. If this box is ticked, please complete information as requested in the Schedule to this Application Form.

1.2 Applicant's contact details:

Address: _____

Telephone No.: _____

Fax No.: _____

The Applicant hereby acknowledges that any notification or other communication given by IDA to the Applicant shall be delivered by hand to the address provided above or sent by fax to the fax number provided above and shall be deemed received by the Applicant at the time of delivery or transmission, provided that where delivery or transmission occurs after 6.00 pm on a Business Day or on a day which is not a Business Day, receipt shall be deemed to occur at 9.00 am on the following Business Day.

1.3 Applicant's Designated Representative:

*(See
Note
1.3)*

Full name of Designated Representative: _____

NRIC of Designated Representative: _____

Current position in Applicant: _____

Address: _____

Telephone No.: _____

Fax No.: _____

1.4 Conditions for Provision of Information

The Applicant and its Designated Representative hereby acknowledge that the information on exclusion zones for the provision of nationwide 4G telecommunication systems and services in the 2.5 GHz spectrum band ("Information") is provided by IDA pursuant to paragraph 70 of IDA's Decision on the Framework for Reallocation of Spectrum for 4G Telecommunication Systems and Services published on 16 January 2013 ("Decision") and Section A paragraph 18 of IDA's Information Memorandum for the Auction of 1800 MHz Spectrum Rights (2013) and 2.5 GHz Spectrum Rights (2013) ("Auction"). Both the Applicant and its Designated Representative further understand and agree that:

- (a) The Information is protected under the Official Secrets Act (Cap. 213), in particular, section 5 of the Act which relates to the safeguarding of secret official information and information which has been entrusted to both Applicant and its Designated Representative in confidence by IDA;
- (b) The Information disclosed by IDA is solely for the purpose of aiding the Applicant's spectrum valuation and network planning for the purpose of providing nationwide 4G services pursuant to IDA's Decision and may only be used by the Applicant for such purpose;
- (c) The Information is of a strictly secret and confidential nature, and is not to be published or communicated directly or indirectly to any other person in any form whatsoever except in the course of the Designated Representative's official duties on a strictly "need-to-know" basis for the purpose stated in paragraph 1.4 (b);
- (d) The Applicant and its Designated Representative shall take all reasonable precautions to prevent unauthorised access to the Information by any person or party;
- (e) The Applicant and its Designated Representative shall notify IDA in writing immediately upon discovery of any unauthorised use or disclosure of the Information, or any other breach of the conditions for provision of the Information or the Undertaking to Safeguard Official Information, and to co-operate with IDA in every reasonable way to help IDA regain possession of the Information and prevent further unauthorised use and/or disclosure of the same;
- (f) IDA may, by way of a written notice, request that the Applicant and/or its Designated Representative return or destroy all copies of the Information in whatever form which are in their possession, custody or control notwithstanding that the Applicant may not have completed its use of the Information for the purpose(s) set out above. The Applicant and/or Designated Representative shall, upon receipt of a notice issued pursuant to this clause, immediately cease the use of the Information and shall act in accordance with the said notice to return or destroy all copies of the Information; and
- (g) Any disclosure of the Information by the Applicant or its Designated Representative, except as and to the extent permitted herein, may result in irreparable injury and damage to IDA which cannot be adequately compensated in monetary damages alone. The Applicant and its Designated Representative therefore agree that IDA may, in addition to any other legal remedies which may be available, seek such injunctive or other equitable relief as may be necessary to protect itself against any such

breach or threatened breach of the conditions for the provision of the Information or the Undertaking to Safeguard Official Information, including but not limited to obtaining an injunction to prevent any unauthorised disclosure of the Information by the Applicant, its Designated Representative, officer and/or employees, and shall be indemnified against any costs (on a full indemnity basis), expenses, losses and damages incurred or sustained as a result of such breach or threatened breach.

1.5 In consideration of IDA agreeing to release the Information to the Applicant, the Applicant and its Designated Representative hereby confirm and undertake that:

- (a) Each signatory to this Application Form has read and understood the Decision, the Telecommunications (Radio-communication) Regulations, the Info-communications Development Authority Act (Cap. 137A) and the Telecommunications Act (Cap. 323), and has the requisite corporate authority to sign this Application Form on behalf of the Applicant;
- (b) The Applicant and its Designated Representative understand and will be legally capable of satisfying their obligations under the conditions for provision of the Information, as well as the Undertaking to Safeguard Official Information;
- (c) The factual information provided in this Application Form submitted by the Applicant, and in any supporting documentation submitted to IDA, are true and complete in all material respects to the best of the knowledge and belief of the Applicant, its Designated Representative and each signatory to this Application Form, and any opinion expressed is honestly held. The Applicant will promptly inform IDA of any change in such information or opinion; and
- (d) The Applicant and its Designated Representative hereby irrevocably submit to the exclusive jurisdiction of the courts of Singapore for the settlement of any disputes which may arise in connection with the creation, validity, effect, interpretation or performance of, or the legal relationships established by, the provision of this Information.

1.6 Signed for and on behalf of

*(See
Note
1.6)*

By:

Director

Director/Secretary

Designated Representative

Date: _____

NOTES TO APPLICATION FORM

Defined terms used in the Application Form and these Notes to the Application Form shall have the meanings given to such terms in the Decision and the Information Memorandum to the Auction, unless expressly specified otherwise.

NOTE 1.1: Provide the full name of the organisation wishing to obtain the Information (“**Applicant**”) and of the legal form of the Applicant (e.g. private limited company, public limited company).

If the Applicant proposes that the Information is to be provided to a party which is not an existing operator providing nationwide mobile system and service coverage in Singapore:

- (a) please tick the box indicating that the Information is to be provided to a party which is not an existing operator providing nationwide mobile system and service coverage in Singapore;
- (b) please complete the information requested in the Schedule to the Application Form;

Supporting documentation (including copies of relevant contracts) may be submitted.

If the Applicant is an existing operator providing nationwide mobile system and service coverage in Singapore, there is no need to complete the Schedule to the Application Form.

NOTE 1.3: Provide the full name and other required details of the person who is the Applicant’s Designated Representative to whom IDA will disclose the Information. The Designated Representative must be a Singapore citizen.

NOTE 1.6: If the Applicant is a company, the Application Form must be signed by two directors or one director and the company secretary of the Applicant, who must be clearly identified and must have authority to bind the Applicant for purposes of the provision of Information by IDA. If the Applicant is not a company, the Application Form must be signed by one or more persons who must be clearly identified and must have authority to bind the Applicant.

The Application Form must also be signed by the Applicant’s Designated Representative.

SCHEDULE TO APPLICATION FORM

Please note that this Schedule to the Application Form should be completed only if the Applicant is not an existing operator providing nationwide mobile system and service coverage in Singapore.

Where the Applicant is requesting for the Information on behalf of another entity ("**Organisation**"), it must also provide the corresponding information in this Schedule for the Organisation in the fields indicated with an asterisk(*).

S.1. Name of Applicant* _____

S.2 Directors of Applicant*:

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

S.3 Applicant's Designated Representative:

Full name of Designated Representative: _____

NRIC of Designated Representative: _____

Current position in Applicant: _____

Address: _____

Telephone No.: _____

Fax No.: _____

S.4 Diagram of Applicant's ownership structure*:

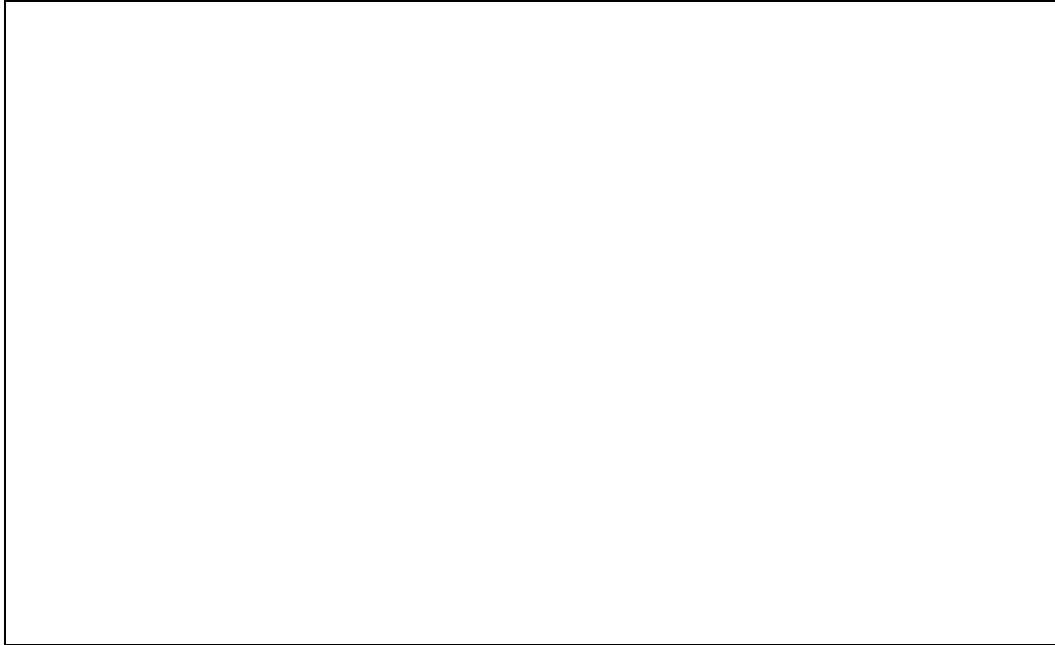
(See
Note
S.4)



S.5 Applicant's Track Record*:

(See
Note
S.5)

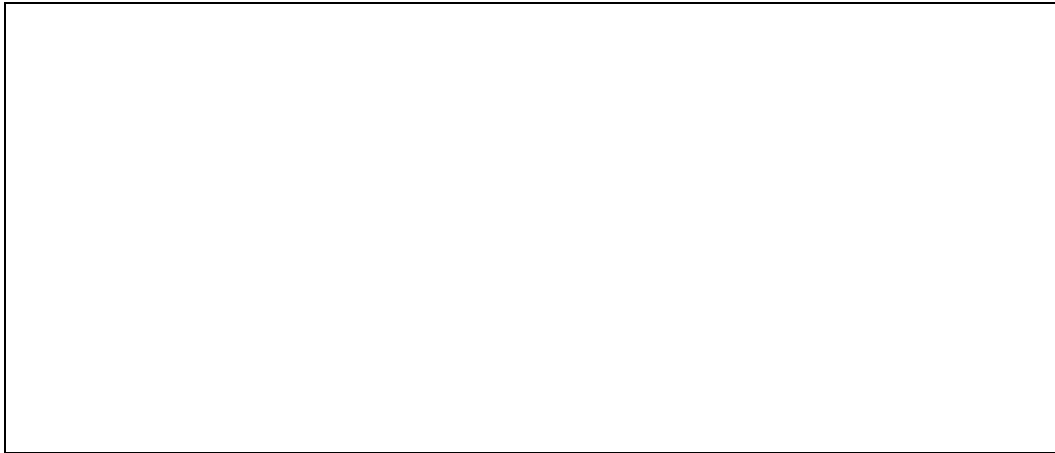
A brief summary of the Applicant's relevant track record and capability to provide nationwide 4G telecommunication systems and services is set out below:



S.6 Applicant's Financial Ability*:

*(See
Note
S.6)*

A brief summary of the Applicant's financial ability for acquiring sufficient spectrum to provide nationwide 4G telecommunication systems and services is set out below:



S.7 The Applicant hereby confirms and undertakes, to the Applicant's best knowledge and belief, having made all reasonable enquiries, that:

- (a) neither the Applicant (or Organisation, as the case may be) nor any of the persons referred to in the information provided by the Applicant (or Organisation, as the case may be) in paragraph S.4, nor any of their directors, officers or representatives are the subject of criminal investigations or proceedings in Singapore or any other jurisdiction which might reasonably be expected to adversely affect their business or materially affect the Applicant's (or Organisation's, as the case may be) ability to deploy nationwide 4G telecommunication systems and services, and that there is no reason to believe that such investigations or proceedings might occur in the next six (6) months;

- (b) neither the Applicant (or Organisation, as the case may be) nor any of the persons referred to in the information provided by the Applicant (or Organisation, as the case may be) in paragraph S.4 have had any telecommunication or radiocommunication licence, consent, authority, permission, concession agreement or other such document or allocation of radio spectrum in Singapore or any other jurisdiction removed or revoked owing to default or breach by the Applicant (or Organisation, as the case may be) or any of the aforementioned persons of the terms of that licence, consent, authority, permission, concession agreement or other such document or allocation of radio spectrum in Singapore; and
- (c) neither the Applicant (or Organisation, as the case may be) nor any of the persons referred to in the information provided by the Applicant (or Organisation, as the case may be) in paragraph S.4 are party to any civil litigation or proceedings which may be expected to have a material adverse impact on the Applicant's (or Organisation's as the case may be) ability to deploy nationwide 4G telecommunication systems and services.

S.8 Please enclose copies of the following documents with the Application Form:

- (a) the Applicant's memorandum and articles of association*;
- (b) the Applicant's most recent annual report and accounts*; and
- (c) the most recent annual report and accounts of all ultimate holding companies referred to in the information provided by the Applicant (in paragraph S.4*.

NOTES TO SCHEDULE TO APPLICATION FORM

NOTE S.4: Describe the ownership structure of the Applicant in diagrammatic form, including a reference to each of the following persons (where applicable):

- (a) the Applicant;
- (b) each person who controls the Applicant;
- (c) each person who holds, is beneficially entitled to, or has a right to acquire or subscribe for more than 20 per cent of a class of shares in the Applicant or a member of the Applicant's group;
- (d) each person who has a right to acquire or subscribe for shares which, aggregated together with such shares which it holds or to which it is beneficially entitled, represent or would represent more than 20 per cent of that class of shares in the Applicant or a member of the Applicant's group;
- (e) each person who possesses voting power in respect of more than 20 per cent of a class of shares in the Applicant or a member of the Applicant's group;
- (f) each person who has an indirect interest of more than 20 per cent in the share capital of the Applicant or a member of the Applicant's group;
- (g) each person who controls, or is controlled by, a person falling within any of sub-paragraphs S.4(b), (c), (d), (e) or (f) above;
- (h) each person who is controlled by a person who controls a person falling within any of sub-paragraphs S.4(b), (c), (d), (e) or (f) above; and
- (i) each person who is controlled by the Applicant.

Do the same for the Organisation, if the Applicant is applying on behalf of the Organisation.

For purposes of paragraph S.4:

- (i) a person *controls* another entity if, directly or indirectly, it holds or is beneficially entitled to 50 per cent or more of the equity share capital in that other entity or possesses 50 per cent or more of the voting power in that other entity or if it is otherwise reasonable to expect, having regard to all the circumstances, that it will be able to achieve the result (by whatever means and whether directly or indirectly) that the affairs of that other entity are conducted in accordance with its wishes;
- (ii) *group* means;
 - (a) any holding company of the Applicant (or Organisation, as the case may be);
 - (b) any subsidiary of the Applicant (or Organisation, as the case may be);
 - (c) any subsidiary of any holding company of the Applicant (or Organisation, as the case may be); and
 - (d) any other company in which two or more of the shareholders or directors (directly or indirectly) own more than 50 per cent of or control more than 50 per cent of the voting rights attaching to, shares of the Applicant (or Organisation, as the case may be).

and *holding company* and *subsidiary* shall have the meanings given in the Companies Act (Cap. 50).

NOTE S.5: Provide brief details only of

- (a) the track record of the Applicant (or Organisation, as the case may be) in operating public cellular mobile telecommunication services, including brief details of similar experience and/or technical expertise of, or which is available to, the Applicant (or Organisation, as the case may be) or its shareholders; and
- (b) the Applicant's (or Organisation's, as the case may be) capability to provide nationwide 4G telecommunication systems and services.

NOTE S.6: Provide brief details only of the Applicant's (or Organisation's, as the case may be) proposals to finance the acquisition of the necessary spectrum for the provision of nationwide 4G telecommunication systems and services.