



**DECISION IN RELATION TO
THE REQUEST FOR RECONSIDERATION OF IMDA'S DECISION
ISSUED BY THE INFO-COMMUNICATIONS MEDIA DEVELOPMENT AUTHORITY
ON THE REVIEW OF NETLINK TRUST'S INTERCONNECTION OFFER FOR THE PROVISION OF
NATIONWIDE BROADBAND NETWORK SERVICES AND INTERCONNECTION RELATED
SERVICES**

11 APRIL 2023

IMDA'S DECISION IN RELATION TO THE REQUEST FOR RECONSIDERATION OF IMDA'S DECISION ON THE ICO REVIEW

1. On 17 May 2022, IMDA sought comments from the public on the Draft Revised ICO ("**Public Consultation**"). IMDA issued its decision on the Public Consultation on 31 January 2023 (the "**Decision**").
2. Further to IMDA's Decision and Notification of Direction, NetLink Trust had submitted a request on 14 February 2023 to reconsider certain aspects of ICO Schedule 21 of IMDA's Decision dated 31 January 2023 relating to the cost recovery, installation and sub-licensing of ducts (the "**Reconsideration Request**").
3. IMDA has reviewed the Reconsideration Request from NetLink Trust. IMDA's decision had remained unchanged except for its decision regarding installation of new ducts and sub-ducts in clause 9.3 of ICO Schedule 21.
4. The sections below henceforth summarise IMDA's decision on the Reconsideration Request pertaining to the installation of new ducts and sub-ducts in clause 9.3 of ICO Schedule 21. Unless otherwise defined, capitalised terms used herein shall have the same meanings assigned to them in the Consultation and Decision. Unless the context requires otherwise, all capitalised terms used in this Explanatory Memorandum shall have the same meanings as in the ICO, the Decision and the Common Service Duct Framework (the "**CSD Framework**") published on IMDA's website.

Installation of New Trenches, Ducts and Sub-Ducts

5. In its Decision, IMDA had required NetLink Trust to remove clause 9.3 in Schedule 21. Given that FBOs' (including PTLs') licence allows them to install trenches and ducts, it is not for NetLink Trust to deny FBOs, their right to deploy new trenches and ducts. Moreover, FBOs would need to obtain approval from the relevant authorities for building new ducts or manholes in areas which are already served by Common Service Ducts ("**CSD**")¹.
6. IMDA notes from NetLink Trust's reconsideration submission that it does not have any intention to deny FBO's rights to trench and install ducts along any general/approved service corridors. NetLink Trust's concerns were on installations by RLs in or within existing CSD trenches owned by NetLink Trust or connecting newly constructed duct to NetLink Trust's manhole in existing CSD network as such new installations by RLs (including excavation, digging, construction works) may adversely affect the integrity of NetLink Trust's CSD network, causing service disruption to "live" cables inside the existing CSD ducts and manholes.

¹ Refers to the common service ducts defined in IMDA's CSD Framework.

7. NetLink Trust would like to retain clause 9.3 but had proposed to amend the clause to the following instead:

“The Requesting Licensee shall only be allowed to install its Underground Equipment in the allocated Common Service Duct and/or Telecom Manhole. For the avoidance of doubt, the Requesting Licensee shall not install new ducts and/or sub-ducts in any Common Service Duct or Telecom Manhole.”

8. IMDA understands that NetLink Trust needs to have control in terms of the work being done by RLs within its CSD ducts and manholes. As such, IMDA agrees and accepts NetLink Trust’s proposed amendment to clause 9.3 as the amended clause provides greater clarity on NetLink Trust’s intent. Accordingly, **NetLink Trust shall replace clause 9.3 with the amended proposed clause 9.3.**

Conclusion

9. IMDA will direct NetLink Trust to submit to IMDA, further proposed modifications to the ICO to give effect to IMDA’s Decision and the revised abovementioned decision.