

<b>Case Reference</b>	R/E/I/127
<b>Title</b>	Singapore Telecommunications Limited's (" <b>Singtel</b> ") Contravention of Section 4.4.1 of the Telecom Competition Code 2012 (" <b>TCC</b> ")
<b>Case Opened</b>	9 December 2016
<b>Case Closed</b>	18 April 2017
<b>Complainant</b>	IMDA initiated enforcement proceedings
<b>Respondent</b>	Singapore Telecommunications Limited
<b>Case Summary</b>	<p>On 9 December 2016, Singtel informed IMDA that it had allowed four customers to continue to subscribe to Dark Fibre services at customised prices, beyond the expiry dates of their respective contracts. This was not in conformance with the tariff that was approved by IMDA, and Singtel had not sought IMDA's prior approval for the extension.</p> <p>In mitigation, Singtel explained that the continuation of the Dark Fibre services at customised prices for the four customers caused no harm to third parties or other customers, as they were more likely to sign up for Dark Fibre services based on more recent prices, which were lower. Singtel had also voluntarily alerted IMDA of the infringement, and took prompt action to rectify it by expediting the submission of new customised schemes for these customers to IMDA for approval.</p>
<b>IMDA's Determination</b>	<p>Section 4.4.1 of the TCC provides as follows: -</p> <p><i>"Services for Which A Dominant Licensee Must File Tariffs</i></p> <p><i>(a) A Dominant Licensee must file a tariff with IMDA and obtain IMDA's written approval prior to offering, or modifying the terms on which it offers, any of the following Services (including any offer on a trial basis):</i></p> <p><i>(i) End User Services, including standardised Services designed for residential customers, standardised Services designed for</i></p>

*business customers, Services designed for specific customers (“Customised Tariff”) and promotional Services;*

*(ii) resale Services offered under Sub-section 4.2.2.2 of this Code;*

*(iii) wholesale Services offered under Sub-section 4.3 of this Code; and*

*(iv) any other Service that IMDA directs the Dominant Licensee to offer pursuant to a tariff.”*

*(b) A Dominant Licensee must obtain IMDA’s written approval prior to withdrawing any Service that it provides pursuant to an effective tariff.*

Contravention of Section 4.4.1 of the TCC

The above provisions require a Dominant Licensee to file tariffs for IMDA’s prior approval before offering, or modifying the terms of, any services to its customers. This also applies to a situation where the Dominant Licensee wishes to extend the provision of services beyond their approved contract periods as it constitutes a modification to the approved terms of the services.

In this case, Singtel failed to seek IMDA’s approval to extend the contract terms of the Dark Fibre circuits for the four customers. **IMDA therefore determined that Singtel had contravened Section 4.4.1 of the TCC.**

In determining the appropriate enforcement action against Singtel, IMDA considered all the relevant facts and circumstances, including the mitigating factors submitted by Singtel.

Taking into consideration all the facts of the case, IMDA issued a **warning** to Singtel for its contravention of Section 4.4.1 of the TCC.