

IDA's reference: IDA.INTC.05.0011
(Please quote this in all correspondence on this matter)

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

Attention: Mr Khoo Chin Hean
Chief Executive Officer

Dear Sirs

**FURTHER DIRECTION OF THE INFOCOMM DEVELOPMENT AUTHORITY
OF SINGAPORE – REVIEW OF OPENNET PTE LTD'S
INTERCONNECTION OFFER FOR THE PROVISION OF SERVICES OVER
THE NEXT GENERATION NATIONWIDE BROADBAND NETWORK**

1. The Info-communications Development Authority of Singapore (“**IDA**”), pursuant to Section 27(1) of the Telecommunications Act (Chapter 323) (the “**Act**”), hereby issues this direction (“**Further Direction**”) to OpenNet Pte Ltd (“**OpenNet**”).
2. Please refer to the following:
 - (a) OpenNet’s Interconnection Offer (“**ICO**”) incorporating various proposed changes, as submitted by OpenNet to IDA on 3 November 2011 (“**Draft Revised ICO**”);
 - (b) IDA’s direction dated 27 February 2012 (“**Direction**”), setting out IDA’s required modifications (“**Required Modifications**”) to the Draft Revised ICO and requiring OpenNet to submit further proposed modifications (“**Further Proposed Modifications**”) thereto;
 - (c) OpenNet’s request to IDA, dated 12 March 2012, to reconsider certain parts of the Required Modifications (“**Reconsideration Request**”);

- (d) OpenNet's Draft Revised ICO incorporating the Further Proposed Modifications, as submitted by OpenNet to IDA in batches on 28 March 2012 and 11 April 2012 ("**Revised Proposed ICO**");
- (e) OpenNet's letter dated 11 April 2012 enclosing part of OpenNet's Revised Proposed ICO ("**OpenNet's Letter**");
- (f) the public consultation on OpenNet's Letter and OpenNet's Revised Proposed ICO, from 18 April 2012 to 7 May 2012 ("**Public Consultation**"); and
- (g) IDA's decision on OpenNet's Reconsideration Request ("**Decision on Reconsideration**") dated 3 July 2012.

Directed Amendments

- 3. Having carefully reviewed OpenNet's Revised Proposed ICO, IDA has found the majority of OpenNet's proposed modifications to be in conformity with IDA's requirements as expressed in the Direction. However, IDA is of the view that certain aspects of OpenNet's Revised Proposed ICO have failed to give full effect to IDA's Required Modifications. In the premises, IDA will direct OpenNet to incorporate specific language to give effect to IDA's requirements.
- 4. In addition, arising from IDA's Decision on Reconsideration, certain parts of the Required Modifications have been varied. The variations to the Required Modifications are summarised in the accompanying Explanatory Memorandum to this Further Direction. In order to ensure that the review of OpenNet's ICO is completed in a timely manner, IDA will herein direct OpenNet to incorporate specific language to give effect to the variations to the Required Modifications.
- 5. Accordingly, IDA hereby directs OpenNet as follows:
 - (a) OpenNet must modify its Revised Proposed ICO to incorporate the specific drafting language set out in the enclosed appendices comprising:
 - (i) Appendix 1 – Directed amendments to the Main Body;
 - (ii) Appendix 2 – Directed amendments to Schedule 1;
 - (iii) Appendix 3 – Directed amendments to Schedule 2;
 - (iv) Appendix 4 – Directed amendments to Schedule 3;
 - (v) Appendix 5 – Directed amendments to Schedule 4;

- (vi) Appendix 6 – Directed amendments to Schedule 5;
 - (vii) Appendix 7 – Directed amendments to Schedule 6;
 - (viii) Appendix 8 – Directed amendments to Schedule 7;
 - (ix) Appendix 9 – Directed amendments to Schedule 8;
 - (x) Appendix 10 – Directed amendments to Schedule 9;
 - (xi) Appendix 11 – Directed amendments to Schedule 10;
 - (xii) Appendix 12 – Directed amendments to Schedule 11;
 - (xiii) Appendix 13 – Directed amendments to Schedule 12;
 - (xiv) Appendix 14 – Directed amendments to Schedule 12A;
 - (xv) Appendix 15 – Directed amendments to Schedule 13;
 - (xvi) Appendix 16 – Directed amendments to Schedule 14;
 - (xvii) Appendix 17 – Directed amendments to Schedule 15;
 - (xviii) Appendix 18 – Directed amendments to Schedule 16;
 - (xix) Appendix 19 – Directed amendments to Schedule 17; and
 - (xx) Appendix 20 – Directed amendments to Schedule 18,
- (together, the “**Directed Amendments**”).

(Unless the context requires otherwise, all capitalised terms used in this Further Direction, including the Appendices, shall have the same meanings as in OpenNet’s ICO.)

- (b) OpenNet must submit to IDA the clean softcopy of its ICO (including the Main Body and all the Schedules) incorporating the Directed Amendments **by no later than 10 July 2012**. The softcopy submission must be in Microsoft Word format, and emailed to IDA_ILO@ida.gov.sg. In submitting the Directed Amendments to IDA, OpenNet must make all necessary editorial corrections for typographical, cross referencing and pagination errors.
6. The reasons for the Directed Amendments are set out in the accompanying **Explanatory Memorandum** and **Appendices** to this Further Direction.

7. Unless otherwise notified by IDA, OpenNet's Revised Proposed ICO incorporating the Directed Amendments and necessary editorial corrections (the "**Approved ICO**") is hereby approved with effect from 10 July 2012. Following such approval, OpenNet shall adhere to the implementation timelines as set out below.

Timeline for Implementation of Approved ICO

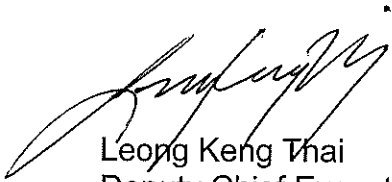
8. With reference to OpenNet's Letter, IDA notes that OpenNet has proposed a three-stage timeline for implementing the changes to the ICO following IDA's approval of the same.
9. IDA has carefully considered OpenNet's submissions on this issue. Given that the NetCo plays a crucial role in the successful implementation of the Next Generation Nationwide Broadband Network ("**Next Gen NBN**"), IDA considers that there is a need to ensure the timely implementation of the Approved ICO so as to meet the needs of the industry. On the other hand, IDA also recognises that several changes would need to be made to OpenNet's systems, which may require time to implement.
10. In the premises, IDA considers that it would be reasonable to require OpenNet to implement the Approved ICO in two stages. In this regard, IDA considers that services in the Approved ICO that are of greater urgency should be accorded greater priority.
11. Accordingly, IDA directs OpenNet to implement the Approved ICO within the following timeframe:
 - (a) within **thirty (30) days** from the date of the Further Direction, OpenNet must implement the changes relating to:
 - (i) OpenNet's quota;
 - (ii) Intermediate point between FTTB Node/MDF Room and Non-Residential Premise;
 - (iii) Cancellation charge waiver for Non-Residential End-User Connections for long unresolved delays; and
 - (iv) Self-provisioning of the NBAP Termination Point from the FTTB Node where OpenNet's Network ends,as set out in the respective schedules of the Approved ICO; and
 - (b) unless OpenNet can justify otherwise, within **three (3) months** from the date of the Further Direction, all other aspects of the Approved ICO (including the differentiated Service Activation Period for Non-Residential End-User Connections).

Change Management

12. IDA further notes that, in OpenNet's Letter, OpenNet has requested that the required changes to the OpenNet Platform Application Programming Interface ("**API**") be exempted from the change management process set out under Schedule 14 to the ICO (OSS/BSS Connection & Professional Service) and that such changes not be subject to Requesting Licensees' acceptance. OpenNet further requested that Requesting Licensees bear their own costs in having to modify their respective systems to support the required changes.
13. IDA notes that under clause 14.6 of Schedule 14 to the ICO, it is expressly stated that any modifications by OpenNet to the OpenNet Platform APIs to comply with legal or regulatory obligations are not subject to the change management process set out therein. In this respect, it is not necessary for OpenNet to seek further exemption from IDA.
14. Following from the above, IDA considers that it would not be unreasonable to expect OpenNet to ensure that any changes made to the OpenNet Platform API as a result of the Approved ICO will only be to such extent as is necessary to implement the same.
15. In the circumstances, IDA further considers that it would be fair and reasonable that:
 - (a) OpenNet should not be made to bear the Requesting Licensees' costs in modifying their systems to support the required changes in respect of the OpenNet Platform API as a result of the implementation of the Approved ICO; and
 - (b) OpenNet should not impose any charges on Requesting Licensees, who are currently connected to OpenNet's Platform, for the inter-operator testing between OpenNet's Platform and the Requesting Licensee's respective system as a result of the implementation of the Approved ICO.
16. IDA reserves the right to make public all or parts of any correspondence/submission received in response to this Further Direction. In this regard, any part of any correspondence/submission which the sender (whether OpenNet or another party) considers is commercially sensitive must be clearly marked and placed in a separate annex. IDA will take the above into consideration when deciding whether to disclose the information submitted.
17. OpenNet is reminded of its obligation to comply with IDA's directions as set out in this Further Direction under Section 27(5) of the Act.

18. If you should require any clarification, please direct your written queries to Ms Aileen Chia, Deputy Director-General (Telecoms & Post) via email at IDA_ILO@ida.gov.sg. Please note that any query from OpenNet to IDA for clarification shall not affect OpenNet's obligation to fully comply with this Further Direction.

Yours faithfully



Leong Keng Thai

Deputy Chief Executive Officer and Director-General (Telecoms & Post)