

NetLinkTrust

NLT/REG/0816/0126

31 August 2016

MINISTRY OF COMMUNICATIONS AND INFORMATION (“MCI”)

140 Hill Street

Singapore 179369

Via email: TA_Public_Consult2016@mci.gov.sg

Attention: Mr Jason Bay
Director, Economic Regulation Division

Dear Mr Bay

PUBLIC CONSULTATION ON REVIEW OF THE TELECOMMUNICATIONS ACT (CAP. 323) AND RELATED AMENDMENTS TO THE MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE ACT (CAP. 172)

1. We refer to the public consultation paper issued by MCI dated 5 August 2016 on review of the Telecommunications Act (Cap. 323) (“TA”) and related amendments to the Media Development Authority of Singapore Act (Cap. 172) (“Consultation Document”).
2. NetLink Trust welcomes the opportunity to offer our views and comments on MCI’s proposed revisions to the TA (as set out in the Consultation Document). As a public telecommunication licensee¹ and the appointed Network Company (“NetCo”) for the Next Generation Nationwide Broadband Network (“NGNBN”), NetLink Trust is cognisant of end-users’ increasing reliance on info-communications services, and the importance of ensuring that sufficient safeguards are in place to protect critical info-communications infrastructure.
3. NetLink Trust’s views and comments are primarily focused on Part II and Part IV of the Consultation Document, in particular the proposal by MCI and the Info-communications Development Authority of Singapore (“IDA”) to increase the maximum compoundable amount to more effectively deter future occurrences of cable cut incidents, as well as other compoundable offences under the TA.

¹ NetLink Trust is designated as a public telecommunication licensee pursuant to Section 6 of the Telecommunications Act (Cap. 323).

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4. Broadly, the key points of NetLink Trust's comments are summarised as follows:

- (a) NetLink Trust is supportive of MCI's proposals to provide greater clarity to the notification and objection process for telecommunication licensees' entry to land and buildings. NetLink Trust believes that the proposed enhancements will promote better understanding of the use of space in land and buildings by telecommunication licensees, and thereby smoothen the access approvals from building owners;
- (b) NetLink Trust is supportive of MCI's and IDA's proposal to amend Section 64(1) of the TA to increase the maximum compoundable amount. The existing maximum compoundable amount of \$5,000 clearly does not commensurate with the extent of service impact and network infrastructure damage that cable cut incidents inflict on consumers, businesses and telecommunication licensees; and
- (c) IDA's regulatory framework needs to be further strengthened to target the root cause of cable cut incidents – errant contractors who damage underground plant and/or equipment of telecommunication licensees when carrying out earthworks. In this regard, NetLink Trust submits that MCI and/or IDA should consider prescribing a set of deterrent regulatory measures to (amongst others): (i) deter civil work contractors from circumventing their obligation to ensure that telecommunication cable detection work is performed or carried out by licensed telecommunication cable detection workers, prior to the commencement of any earthwork; and (ii) ensure that all exposed telecommunication cables are clearly identified and adequately protected by civil work contractors to prevent accidental damage.

5. NetLink Trust's specific comments on the Consultation Document are set out in the following sections.

Notification and Objection Process for Telecommunication Licensees' Entry to Land and Buildings (Question 2 of Consultation Document)

6. NetLink Trust is supportive of MCI's proposals to clarify and align the process for notification and dispute resolution under Sections 14 and 21 of the TA, and to provide more clarity under Section 21 of the TA as to the information that telecommunication licensees are required to include in their notifications to building owners.

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7. As the NGNBN NetCo, NetLink Trust requires access to Springboard sites on a periodic basis, for service provisioning and/or network maintenance purposes. The proposed enhancements will promote better understanding of the use of space in land and buildings by telecommunication licensees, and thereby smoothen the access approvals from building owners.

Increasing Maximum Compoundable Amount (Question 6 of Consultation Document)

8. NetLink Trust is supportive of MCI's and IDA's proposal to amend Section 64(1) of the TA to increase the maximum compoundable amount to one half of the amount of the maximum fine that is prescribed for the offence or \$10,000, whichever is lower.
9. Since 2015, NetLink Trust has observed an increasing number of major cable cut incidents by errant civil work contractors, resulting in damages to NetLink Trust's fibre network infrastructure and service disruptions to end-users on the NGNBN. In 2015, there were eight cable cut incidents, four of which affected more than 500 end-users. This was a significant increase from the number of major cable cut incidents recorded in 2013 and 2014.
10. Cable cut incidents are avoidable. They are a result of the failure of civil work contractors to comply with their statutory obligation to ensure that telecommunication cable detection work is performed or carried out by licensed telecommunication detection workers, prior to the commencement of any earthwork and in accordance with the requirements prescribed in the TA. Specifically, the TA stipulates that civil work contractors must ascertain and confirm the location of telecommunication cable(s) in the vicinity of their earthworks, prior to commencing the same.
11. NetLink Trust has studied MCI's and IDA's proposal, and agrees that the existing maximum compoundable amount of \$5,000 for offences under the TA is too low. Clearly, the existing maximum compoundable amount of \$5,000 does not commensurate with the extent of service impact and network infrastructure damage that cable cut incidents inflict on consumers, businesses and telecommunication licensees.
12. In addition to the proposed increase in maximum compoundable amount (from \$5,000 to \$10,000), NetLink Trust submits that there is also a need for MCI and/or IDA to strengthen the regulatory framework against errant civil work contractors who damage underground plant and/or equipment in the course of carrying out earthworks. In this regard, NetLink Trust notes that IDA currently does not impose

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any regulation or service standard on civil work contractors who undertake ground excavation work. For example, there is currently no prescribed deterrent regulatory measure to deter civil work contractors from circumventing the statutory requirement to engage licensed telecommunication cable detection workers prior to the commencement of any earthwork.

13. NetLink Trust submits that MCI and/or IDA should consider prescribing a set of deterrent regulatory measures to address the root cause of cable cut incidents – errant contractors who damage underground plant and/or equipment of telecommunication licensees when carrying out earthworks, in addition to the proposal to increase the maximum compoundable amount. The prescribed regulatory measures should include (but not limited to): (i) a deterrence to deter civil work contractors from circumventing their obligation to ensure that telecommunication cable detection work is performed or carried out by licensed telecommunication cable detection workers, prior to the commencement of any earthwork; and (ii) ensure that all exposed telecommunication cables are clearly identified and adequately protected by civil work contractors to prevent accidental damage.
14. NetLink Trust thanks MCI for this opportunity to provide our views and comments on the matters raised in the Consultation Document. Please do not hesitate to contact the undersigned if MCI should require any clarification with regards to this submission.

Thank you.

Yours sincerely,



Lee Khoon Aik
Director (Regulatory & Interconnect)
NetLink Trust
(managed by CityNet Infrastructure Management Pte Ltd as its Trustee-Manager)