

Our Ref: 20160831/05/5B/STG/TA & MDAA Amendment

31 August 2016

Ministry of Communications and Information
140 Hill Street
Singapore 179369
Attention: Mr Jason Bay
Director, Economic Regulation Division

Dear Mr Bay

REVIEW OF THE TELECOMMUNICATIONS ACT (Cap. 323) AND RELATED AMENDMENTS TO THE MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE ACT (Cap. 172)

1. Singapore Telecommunications Limited, Singtel Mobile Singapore Pte Ltd and SingNet Pte Ltd (collectively **Singtel**) refer to the Public Consultation Paper on Review of the Telecommunications Act (Cap. 323) and Related Amendments to the Media Development Authority of Singapore Act (Cap. 172) issued by the Ministry of Communications and Information (**MCI**) on 5 August 2016 (**Consultation Paper**).
2. Singtel provides its comments to the Consultation Paper in Annex 1.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sean Slattery", with a horizontal line extending to the right.

Sean Slattery
Vice President
Regulatory and Interconnect
for and on behalf of Singtel

Encl.

**REVIEW OF THE TELECOMMUNICATIONS ACT (Cap. 323) AND RELATED
AMENDMENTS TO THE MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE
ACT (Cap. 172)**

1. CONTENTS

1.1. This submission is structured as follows:

Section 2 – Introduction

Section 3 – Executive Summary

Section 4 – Specific Comments

2. INTRODUCTION

- 2.1. Singtel refers to the Public Consultation Paper on Review of the Telecommunications Act (Cap. 323) and Related Amendments to the Media Development Authority of Singapore Act (Cap. 172) issued by the Ministry of Communications and Information on 5 August 2016.
- 2.2. Singtel has a comprehensive portfolio of services that includes voice and data services over fixed, wireless and Internet platforms. Singtel services both business and residential customers and is committed to bringing the best of global information communications to its customers in the Asia Pacific and beyond.
- 2.3. Singtel is also a leading Internet service provider (**ISP**) in Singapore and has been at the forefront of Internet innovation since 1994, being the first ISP to launch broadband services in Singapore. It is licensed to offer IPTV services under a nationwide subscription television licence granted by the Media Development Authority of Singapore (**MDA**).
- 2.4. Singtel welcomes the opportunity to make this submission on the Consultation Paper.
- 2.5. Singtel would be pleased to clarify any of the views and comments made in this submission, as appropriate.



3. EXECUTIVE SUMMARY

- 3.1. The amendments proposed by MCI to the *Telecommunications Act* (Cap. 323) (**TA**) and *Media Development Authority of Singapore Act* (Cap. 172) (**MDAA**) in MCI's Consultation Paper cover a range of different areas and vary significantly in terms of their scope, from minor definitional changes that introduce greater clarity to the TA to amendments that would bring about new regulatory concepts and significant changes to the telecommunications and media sectors, such as the proposed alternative dispute resolution (**ADR**) scheme.
- 3.2. As outlined in greater detail in section 4 of this submission, Singtel supports the majority of the amendments proposed by MCI in its Consultation Paper. In particular, Singtel considers that many amendments in the Consultation Paper would refine and improve the operation of the TA and MDAA and bring it into line with existing practices in the telecommunications and media sector, including under subsidiary legislation such as codes issued by the Info-communications Development Authority of Singapore (**IDA**).
- 3.3. However, Singtel submits that certain amendments may be further enhanced and suggests that MCI consider refinements in the following areas:
 - a) **Access to mobile deployment space (MDS)**: Singtel supports amendments to sections 19 and 21 of the TA, as well as to the Code of Practice for Info-Communications Facilities in Buildings 2013 (**COPIF**), to specifically regulate access to rooftop space for mobile deployments. However, Singtel considers that the minimum MDS allocation should be increased and that access to locations required for the deployment of small cells and new technologies be specifically included as part of the MDS (akin to the proposals for rooftop space). This amendment would future-proof the COPIF and prevent the need for further amendments regarding new technologies for mobile deployments. In addition, Singtel considers that amendments in relation to rooftop space and spaces for the deployment of new technologies should be incorporated directly in sections 19 and 21 of the TA, rather than only in the COPIF.
 - b) **Notification and objection process for entry to land/buildings**: Singtel supports MCI's proposed amendments to sections 14 and 21 of the TA. However, Singtel considers that additional provisions be introduced allowing telecommunication licensees to have urgent access to land or buildings where required for service maintenance and/or restoration works. This would bring about further improvements in the speed of restoration and quality of telecommunication services.

- 3.4. Singtel also considers that certain amendments proposed in the Consultation Paper are either not necessary (and should be removed entirely) or should be narrowed in scope:
- a) **ADR scheme:** Singtel considers that the proposed ADR scheme is not necessary and that its costs would outweigh its benefits. There are already a range of consumer protection mechanisms in the telecommunications and media sectors, ranging from regulatory measures designed to deal with systemic issues (such as the Telecom Competition Code and Media Market Conduct Code) to mechanisms for dealing with individual contractual disputes (including through the Courts, Small Claims Tribunal, IDA and MDA). There is no evidence that these mechanisms are not working satisfactorily; indeed, the telecommunications and media sectors do not record a particularly high level of consumer complaints compared to other sectors of the economy.
 - b) **Prohibition on exclusive arrangements:** Singtel supports the principle and intention behind proposed section 21A of the TA, which is to prohibit exclusive arrangements that deny end-users' choice of, or access to, their preferred telecommunications services. However, certain aspects of section 21A are drafted in such a way as to potentially apply to data centres or telecommunications exchanges. The market for access to data centres in Singapore is highly competitive and does not require additional regulation. Further, access to telecommunications exchanges is already subject to IDA regulation. Accordingly, section 21A should be amended to clarify that it does apply to data centres or telecommunications exchanges.
 - c) **Approval conditions for CEO and Board Appointments:** In principle, Singtel supports allowing IDA to conditionally approve the CEO and Board Appointments of designated telecommunication licensees (rather than only being able to approve or reject such appointments). However, IDA should not have an unfettered discretion to impose any conditions it wishes, as is proposed in the amendments to section 32F of the TA. The conditions that may be imposed by IDA should be limited to those set out in proposed section 32F(1A)(a) of the TA.
- 3.5. In respect of each section where Singtel considers that a further amendment is required to the Telecommunications (Amendment) Bill, Singtel has suggested wording to be incorporated into the TA for MCI's consideration.

4. SPECIFIC COMMENTS

Question 1

MCI invites views and comments on the proposal to revise Sections 19 and 21 of the TA to provide IDA with the powers to establish a framework to regulate and facilitate the use of/access to rooftop space for mobile deployments.

- 4.1. Singtel supports MCI's proposed amendments to provide IDA with the powers to establish a framework to regulate and facilitate the use of/access to rooftop spaces for mobile deployment.
- 4.2. Singtel supports MCI's position that it would be reasonable to require IDA-prescribed rooftop space to be provided on a rent-free basis in order to improve nationwide mobile coverage, i.e. to serve the identified building and/or the surrounding areas, given mobile coverage in a building or development may be served by mobile rooftop deployments from adjacent buildings. This means that every mobile user, building and development can enjoy the benefits of enhanced mobile coverage and quality from interdependent rooftop deployments.
- 4.3. Singtel also supports the MCI's view that not all the existing rooftop sites can be used by all mobile operators due to site limitations and differences in network topology. As such, as the mobile networks evolve, it is an important and accurate concern that mobile network operators (**MNOs**) will need to secure the necessary spaces required for the timely deployment of mobile networks, in order for them to ensure nationwide coverage and good Quality of Service (**QoS**) standards.

Size and use of Mobile Deployment Space

- 4.4. Aside from amending the framework to ensure that MNOs have specific access to rooftop space, Singtel is of the view that the minimum mobile deployment space (**MDS**) allocation in the COPIF should be reviewed.¹ MCI and IDA are aware that demand for better telecommunication quality and capacity is set to increase. IDA's upcoming spectrum auction may see the entry of a fourth MNO which will further deploy its own set of equipment. There will be increased small cell and time division duplex (**TDD**) technology deployment needed by MNOs to cope with spectrum scarcity and meet IDA's stringent QoS standards. This demand is further fuelled by IDA's ongoing Smart Nation and Heterogeneous Network initiatives.

¹ MDS size requirements are currently set out in Table 2.2.1 of the COPIF.

- 4.5. As MCI has rightly noted, land scarcity has made MDS provision critical to achieving quality telecommunication service to support IDA's objectives. As such, it is important that the need for more MDS is recognised by MCI's framework, and incorporated in IDA's subsequent review of the COPIF. In particular, Singtel considers that the minimum space requirements set out in Table 2.2.1 of the COPIF needs to be revised upwards as more space will be required for transmitting equipment, such as antennas and small cells, in areas beyond the rooftop that will be required to support TDD and small cell rollouts.
- 4.6. Singtel is of the view that, in line with the objectives of the amendments proposed by MCI, the framework should also recognise that, with newer technology, the use of MDS needs to be more encompassing and diversified. This is due to deployment of antennas and small cell technology required to cope with increasing coverage requirements, often in areas not limited to rooftops. Small cells are required to be mounted near the high crowd areas for both in-building and outdoor locations. These can be deployed at locations such as lamp posts, sides of buildings and/or pillars and columns.
- 4.7. MNOs often encounter rejections to requests to install small cells at developments, in place or in addition to the traditional combined antenna system. This limits each MNO's ability to innovate and deploy newer technologies (e.g. HetNet) to benefit customers. Singtel therefore requests that the framework facilitates such deployment. Accordingly, the review of IDA's COPIF should not only ensure that MNOs have specific access to rooftop space as part of MDS, but also to other locations required for the deployment of small cells and other new technologies. Singtel considers that this would future-proof the TA and the COPIF and prevent the need for further amendments every time a new technology is deployed.

Explicit incorporation of proposed amendments in TA

- 4.8. Singtel notes that MCI's amendments to sections 19 and 21 of the TA (as set out in the Telecommunications (Amendment) Bill attached to the Consultation Paper) do not themselves create a right to access rooftop space or include any specific reference to rooftop space. This is a matter that MCI intends to operationalise through IDA amending the existing COPIF or issuing a new COPIF.²
- 4.9. However, to prevent disputes on the right to access rooftop space, Singtel considers that sections 19 and 21 of the TA should make it clearer that a developer or building owner's obligation to provide access to space for telecommunication installations specifically

² MCI Consultation Paper, [12].



includes rooftop space as well as other space for small cell deployment and the deployment of new technologies that may arise from time to time.

Costs

- 4.10. Under the existing COPIF, no charges or rent shall be imposed on or collected from a licensee (except as expressly provided for under the COPIF) for its use of or access to the MDS, which should be provided at the expense of the developer or owner of the development. Singtel supports MCI's decision to expand the provisions to cover use of MDS for surrounding areas; and not limited to MDS used for primarily serving the identified building or development.
- 4.11. Singtel submits that this is critical in achieving MCI and IDA's aims to ensure optimal QoS and support its Smart Nation and HetNet objectives. As IDA has rightly recognised, due to factors such as land scarcity, site limitations and network topology, it is necessary to ensure mobile operators can secure the necessary space to enable efficient mobile deployment to meet increasing capacity demand and the growth of new technology. It is not reasonable for QoS and coverage of surrounding areas to be compromised, delayed or eventually deprived due to potential commercial gain to be extracted by disputing the extent to which the mobile coverage serves primarily the building selected.
- 4.12. By ensuring that MDS used for serving external/surrounding properties should also remain rent-free and that no additional charges should be imposed, as is the case for MDS used primarily to serve the development itself, it will effectively address the problem of building owners' rejection of MNOs' mobile deployment on their building rooftops, especially if such deployment does not primarily serve the building itself, even when the mobile operators have existing mobile deployments on a rooftop. It is important that the framework provide clarity on this principle, so as to prevent potential disputes of artificial rental claims made in bad faith, or the imposition of unjustifiable access fees/charges, that will delay negotiations and deployment of mobile coverage to the benefit of the public. This standardisation is also in recognition of the nature and inherent benefits of overlapping coverage from mobile communication equipment technology.
- 4.13. Singtel notes that the installation of mobile telecommunication equipment by MNOs within or on top of a building benefits mobile coverage in and around that building, thereby enhancing the commercial value of the building. Accordingly, even where access to MDS is provided rent-free, Singtel still considers that land or building owners derive a benefit from the installation of telecommunication equipment on their premises.

Proposed amendments

Singtel suggests that section 19 be amended by inserting, immediately after subsection (12), the following subsection:

(13) *For the purposes of this section 19, “space” or “facility” includes:*

- (a) *a rooftop space or facility;*
- (b) *a space or facility for small cell deployment; and*
- (c) *a space or facility for the deployment of new technologies that may arise from time to time.*

Singtel suggests that section 21 be amended by inserting, immediately after subsection (7), the following subsection:

(8) *For the purposes of this section 21, “space” or “facility” includes:*

- (a) *a rooftop space or facility;*
- (b) *a space or facility for small cell deployment; and*
- (c) *a space or facility for the deployment of new technologies that may arise from time to time.*

In addition, Singtel seeks confirmation from MCI that the subsequent review of the COPIF will:

- (i) increase the minimum allocation for MDS;
- (ii) provide specific access to spaces required for the deployment of small cells and other new technologies (alongside specific access to rooftop space, as proposed by MCI);
- (iii) ensure that access to MDS, including access to specific spaces (such as rooftop space or space for the deployment of small cells), is provided on a rent-free basis.

Question 2

MCI invites views and comments on the proposal to amend Sections 14 and 21 of the TA to clarify the notifications and objection process for telecommunication licensees' entry to land/buildings.

- 4.14. Singtel supports MCI's proposal to amend sections 14 and 21 of the TA to clarify and align the notification and objection process for telecommunication licensees' entry to land and buildings.
- 4.15. As consumers and businesses' reliance on telecommunication services has increased significantly over the past few years, it is also critical that telecommunication licensees be able to access land or buildings on an urgent basis for service maintenance and restoration purposes. Singtel has encountered situations where specific building owners impose "house rules" or guidelines that potentially restrict telecommunication licensees' ability to access the land/building to maintain or restore service in a timely manner (e.g. during service outages).
- 4.16. Hence, aside from the proposed amendments to sections 14 and 21, Singtel suggests that MCI consider introducing legislative changes to the TA to require building owners to fully cooperate with telecommunication licensees to facilitate urgent access to land or buildings where required for undertaking service maintenance and/or restorations works. Accordingly, urgent access should not be subject to the 14-day notice period and the 14-day objection period that currently exists under section 14 of the TA.
- 4.17. Singtel considers that an urgent access provision would improve the speed at which maintenance of telecommunication networks is performed and at which services are restored. This would have benefits for the quality of telecommunication services and ultimately for end-users in Singapore.

Proposed amendments

Singtel suggests that section 14 be amended by inserting, immediately after proposed subsection (10), the following subsection:

- (11) *Subsections (4) to (9) do not apply if a public telecommunication licensee intends to engage in activities under subsection (1) and:*
- (a) *those activities need to be carried out without delay in order to protect:*
 - (i) *the integrity of a telecommunication system;*
 - (ii) *the health or safety of persons;*
 - (iii) *the environment;*
 - (iv) *property; or*
 - (v) *the maintenance of an adequate level of service; or*

(b) following the process in subsections (4) to (9) is impracticable in the circumstances.

Consequently, proposed subsection 14(10) needs to be expanded to cover the situation contemplated by the exception in subsection 14(11) proposed above. Singtel suggests that proposed subsection 14(10) be amended by inserting, immediately after subsection 14(10)(b), the following subsection:

(c) where the public telecommunication licensee enters the land or building in compliance with subsection (11).

Question 3

MCI invites views and comments on the proposed inclusion of the new Section 21A of the TA to provide IDA the powers to prohibit exclusive arrangements that deny end-users' choice of, or access to, telecommunication services.

- 4.18. Singtel supports empowering IDA to regulate and prohibit arrangements that deny end-users choice of, or access to, their preferred telecommunication service providers. Singtel considers the proposed section 21A of the TA is important to ensure residential end-users can access to their preferred telecommunication services and will have positive effects on the availability of competitive telecommunications services for residential end-users.
- 4.19. However, Singtel submits that the proposed section 21A of the TA should only be applicable to arrangements made between property owners and telecommunication licensees for the provision of telecommunication services to residential and non-residential buildings, specifically excluding data centres and telecommunication exchanges.
- 4.20. Singtel considers that there is no rationale for regulating or prohibiting exclusivity arrangements in respect of data centres and telecommunications exchanges. The market for data centre services in Singapore is highly competitive and there is a wide choice of carrier neutral, carrier diverse or carrier specific data centres. Singapore has a large number of data centres, many of which are carrier-neutral and not operated by telecommunications licensees.
- 4.21. As of July 2015, there were approximately 50 providers of data centre services in Singapore (including resellers), with no single provider having a majority share of the market.³ Accordingly, market forces ensure that telecommunications licensees have

³ Yevgeniy Sverdlik, 'Report: Singapore is a \$1b Data Center Market and Growing Fast', *Data Center Knowledge*, 28 July 2015, <http://www.datacenterknowledge.com/archives/2015/07/28/report-pegs-singapore-data-center-market-size-at-1b/>

access to a variety of data centres to install their equipment in order to provide data centre services. Similarly, customers of data centres have sufficient choice between data centre providers.

- 4.22. In respect to access to telecommunication exchanges, the Telecom Competition Code already prescribes regulatory measures designed to permit telecommunication licensees access to telecommunication exchanges managed by a telecommunication licensee. Dominant licensees such as CityNet Infrastructure Management Pte Ltd (as Trustee-Manager of the NetLink Trust) and Singtel offer telecommunication licensees access to their telecommunication exchanges through their respective Interconnection Offer and the Reference Interconnection Offer approved by the IDA.
- 4.23. Singtel therefore submits that section 21A be amended to clarify that it applies only to exclusive arrangements that have the effect of denying end-users in a residential or non-residential building their choice of or access to retail telecommunications service provider and excludes data centres and telecommunication exchanges.

Proposed amendments

Singtel suggests that proposed section 21A be amended by inserting, immediately after proposed subsection (1), the following subsection:

- (2) *Subsection (1) does not apply to any agreements or arrangements in respect of a data centre or telecommunication exchange.*

As a consequential change, Singtel suggests that proposed subsections 21A(2) to 21A(5) be renumbered as 21A(3) to 21A(6).

Question 4

MCI invites views and comments on the proposal to revise Section 2 of the TA to incorporate the definition of “owner” and to make it clear that such “owner” includes person(s) having the day-to-day charge, management or control of the premise, land or building.

- 4.24. Singtel supports MCI’s proposed revision to amend the definition of ‘owner’ in section 2 of the TA to include person(s) having the day-to-day charge, management or control of the premises, land or building (e.g. Management Corporations or managing agents). Singtel considers that this would improve the practical and effective access of telecommunications licensees to land and buildings for the purposes of installing

equipment, which would have positive effects on the availability and quality of telecommunications services in Singapore.

Question 5

MCI invites views and comments on the proposed inclusion of the new Part VC of the TA and corresponding changes to the MDAA to provide IDA and MDA with the powers to establish an ADR scheme for the telecommunication and media sectors.

- 4.25. Singtel notes that MCI's policy intention in the establishment of an alternative dispute resolution (**ADR**) scheme is to give consumers access to an alternative platform to resolve their disputes. MCI's Consultation Paper also states that such schemes are common overseas, in jurisdictions such as the UK, Hong Kong and Australia.
- 4.26. Singtel submits that the proposed ADR scheme is not necessary in Singapore for the reasons set out below.
- 4.27. First, as correctly pointed out in the Consultation Paper, both IDA and MDA have already put in place various consumer protection measures to safeguard consumer interests in the telecommunications and media sectors. Telecommunications service providers are obliged to comply with the mandatory contractual obligations set out in the Telecom Competition Code; these address, among other things, billing periods, prices and non-price terms and conditions of service(s), avenues for private dispute resolution, procedures to contest charges, how the end-users' information may be used, circumstances under which suspension or termination can take place, etc. There are similar provisions in the Media Market Conduct Code for media service providers.⁴
- 4.28. There are also specific restrictions placed on licensees in the Telecom Competition Code and the Media Market Conduct Code (**Codes**) (e.g. prohibitions on charging for unsolicited services).⁵ In short, the Codes place regulatory obligations on licensees and breaches of such obligations may attract penalties from IDA and/or MDA. Any shortcomings by licensees in respect of their compliance with the Codes should therefore remain a matter to be determined by IDA or MDA in their review with the licensees.
- 4.29. Where a licensee has complied with the obligations of the Codes, but a complaint arises in relation to the provisions of a contract between a licensee and an end-user, this should be left as a matter to be dealt with between the licensees and the customer, particularly since both parties have entered willingly into the contract. Singtel considers that the

⁴ MDA, Code of Practice for Market Conduct in the Provision of Media Services.

⁵ IDA, Telecom Competition Code 2012, clause 3.2.8; MDA, Code of Practice for Market Conduct in the Provision of Media Services, clause 3.4.2.

Codes already provide a sufficient degree of consumer protection. Creating a new mechanism to regulate individual contracts with end-users would impose an unnecessary level of regulatory oversight on licensees,

- 4.30. Second, the establishment of an ADR scheme is not necessary given the various channels (e.g. the Courts, Small Claims Tribunal, IDA and MDA, etc.) through which consumers can already seek assistance in resolving individual disputes with their service providers. All such avenues are provided for under the law and/or contracts.
- 4.31. Singtel submits that the existing dispute resolution mechanisms have performed to a satisfactory level. The Consultation Paper does not provide any evidence or justification why establishing an ADR scheme would be beneficial to consumers, apart from the claim that this will “*give consumers access to an alternative platform to resolve their disputes*”. In addition, the Consultation Paper does not identify any specific shortcomings in the existing processes for dispute resolution (including the Courts and the Small Claims Tribunal), such as to necessitate the creation of an additional ADR mechanism.
- 4.32. Singtel notes that there are already other groups which facilitate the resolution of consumer disputes with service providers – the Consumers Association of Singapore (CASE) is a non-profit, non-governmental organisation that is committed towards protecting consumers’ interest. CASE assists consumers in making and lodging complaints and facilitates the mediation and arbitration process, with more than 22,000 complaints received in 2015. CASE arranged for mediation between disputed parties for 190 cases, of which 145 cases were resolved.⁶ This shows that consumers are aware of the services offered by CASE, including the use of its mediation services.
- 4.33. In fact, CASE’s statistics show that the telecommunications sector only accounted for 6% of the total complaints received by CASE in 2015. Telecommunications was not an industry that reflected high incidence of breaches against the Consumer Protection (Fair Trading) Act.⁷ Hence, Singtel submits that the level of complaints directed against the telecommunications and media service providers do not appear high so as to warrant a separate ADR scheme.
- 4.34. In determining whether an ADR scheme is needed, MCI should weigh up the expected benefits of such a scheme against its costs. An ADR scheme would increase the regulatory burdens and costs imposed on telecommunications licensees in Singapore, which would ultimately be passed down to consumers. Given that no specific need for

⁶ https://www.case.org.sg/consumer_guides_statistics.aspx

⁷ CASE’s statistics did not contain cases listed against media service providers.

an ADR scheme has been identified, nor any specific benefits of such a scheme, Singtel considers that the benefits of establishing an ADR scheme would not outweigh the costs.

4.35. Third, the establishment of the ADR scheme may not be efficient in resolving consumer disputes for the following reasons:

(a) For the ADR scheme to function properly, it requires specialised industry practitioners who also have a working knowledge of law and regulations – these are actually features of the mediation and arbitration regime that is already provided for in the Courts today; accordingly, establishing an ADR scheme just for the telecommunications and media sectors adds no further value.

(b) The ADR scheme would undermine the certainty of contracts, as consumers would be able to initiate a dispute even where there has been no breach of the contractual terms that they voluntarily entered into with their service provider. Singtel considers that a lack of contractual certainty would negatively affect the telecommunications and media sectors and would potentially increase costs.

(c) MCI proposes to only mandate specific (“declared”) telecommunications and media service providers to join the ADR scheme. This would create an unequal playing field between service providers who are required to comply with the ADR scheme and those that will be able to freely manage their disputes with consumers. Singtel considers that consumers would be confused and misled by the different treatment. If an ADR scheme is to be implemented, Singtel submits that all telecommunications and media service providers should be required to participate.

4.36. MCI’s Consultation Paper refers to practices in overseas jurisdictions, such as the UK, Hong Kong and Australia, in supporting its proposal for an ADR scheme.⁸ However, mechanisms for dealing with consumer disputes in the telecommunications and media sectors differ significantly across jurisdictions.

4.37. For example, in Hong Kong, the Customer Complaint Settlement Scheme (CCSS) is an independent mediation service centre established to provide mediation services.⁹ Unlike the ADR scheme proposed by MCI, membership in the CCSS is voluntary for service providers, and mediation is limited to billing disputes between the consumer

⁸ MCI, Consultation Paper on the Review of the Telecommunications Act (Cap. 323) and Related Amendments to the Media Development Authority of Singapore Act (Cap. 172), [23].

⁹ Office of the Communications Authority, Customer Complaint Settlement Scheme (CCSS) for the Telecommunications Industry, http://www.ofca.gov.hk/mobile/en/consumer_focus/fixed_telecom/ccss/index.html

and the service provider. The ADR scheme proposed for Singapore would be significantly broader than the CCSS, extending to disputes relating to “*contractual terms, request for compensation, and customer care and support services*”.¹⁰ This would impose a higher regulatory burden on the sector compared to the CCSS scheme in Hong Kong.

- 4.38. Singtel also notes that, in footnote 14 of the Consultation Paper, IDA or MDA may consider expanding the ADR scheme’s scope of coverage to include more customer segments (i.e. business customers) should the need arise. Singtel submits that business customers should not be covered under the ADR scheme as they are clearly more sophisticated, have greater bargaining power as compared to consumers (as noted by MCI in footnote 14) and have the resources to use existing dispute resolution mechanisms.
- 4.39. Notwithstanding our view and comments, should MCI proceed to establish an ADR scheme under the TA and MDAA, we would welcome the opportunity to provide our views and comments on the details of the ADR scheme, including aspects such as the charges for consumers and service providers who use the ADR scheme, rules relating to the retention of records, scope of disputes to be handled by the operator, appeal process on rulings made by the scheme operator, etc.

Proposed amendments

Singtel suggests that proposed Part VC of the TA be removed from the Telecommunications (Amendment) Bill.

Question 6

MCI invites views and comments on the proposed amendments in relation to the new Section 32DA and Sections 32F, 64(1), and 69 of the TA as described above.

Approval Conditions for CEO and Board Appointments of DTLs

- 4.40. Proposed section 32F(1A)(a) of the TA sets out two examples of the conditions that IDA may impose, including specifying the period of appointment for which the approval is granted and specifying the actions to be taken by the designated telecommunications licensee or the person appointed. However, the list of conditions in section 32F(1A)(a) is inclusive rather than exhaustive – under the proposed drafting, IDA would have an unfettered discretion to impose any conditions it wishes on the

¹⁰ MCI, Consultation Paper on the Review of the Telecommunications Act (Cap. 323) and Related Amendments to the Media Development Authority of Singapore Act (Cap. 172), [25].

approval of CEO and Board Appointments. It is unclear why such a high degree of regulatory oversight by IDA is required, particularly as the MCI's Consultation Paper does not identify any instances of the current regime being deficient in this regard.

- 4.41. Singtel considers that the conditions set out in paragraphs (i) and (ii) of section 32F(1A)(a) should be the only conditions that the IDA may impose on the approval of CEO and Board Appointments. This would promote greater certainty for designated telecommunications licensees.

Proposed amendments

Singtel suggests that the words of proposed section 32F(1A)(a) be replaced with the following:

“grant its approval, with or without conditions, such conditions to be limited to:”

Increase Maximum Compoundable Amount

- 4.42. In view of the increase in the number of cable cut offences as a result of road works and construction projects across Singapore arising from contractors failing to follow the prescribed procedures before commencing any earthworks, Singtel supports the increase of 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 to serve as a notice and to correct the behaviour of contractors going forward.

Question 7

MCI invites views and comments on the proposed amendments in relation to the new Section 11A, and Sections 2, 5, 5B, 8, 26, 32D, 33(1), and 74 of the TA as described above.

Sharing of Radio Frequencies

- 4.43. Singtel is of the view that spectrum interference issues may become more apparent as MNOs deploy License Assisted Access (**LAA**) and WiFi (using shared-spectrum bands) solutions.
- 4.44. Proposed section 11A(1)(b) provides that IDA is not responsible for any interference that may arise from shared use of spectrum. Singtel recognises that the proper use of shared spectrum to provide services (including management of interference) is the onus of MNOs. However, Singtel wishes to confirm that in the event of interference, the IDA

will still continue to act in accordance to provisions under the Telecommunications (Radio-Communication Regulations) Regulations (Regulations 72 to 74), under which the IDA may by notice of writing require the necessary inspection, investigation and direction to the responsible party to take necessary measures so as to remedy the fault or cause of interference.

Scope of the Telecommunications (Internal Wiring) Regulations

- 4.45. Singtel supports MCI's proposal to amend section 74 of the TA to make it clear that IDA can issue regulations on installation, wiring, cabling and other types of works to be carried out on the telecommunications systems of telecommunication system licensees generally, rather than being restricted to telecommunication cables in the public switched telephone network (**PSTN**) belonging to public telecommunication licensees.
- 4.46. Singtel also submits that it is important to make clear the following:
- (a) end-users or building owners may engage their own licensed contractor (i.e. Certified 3rd party contractor) to install or maintain the liberalised portion of the in-building/premises wiring; and
 - (b) residential end-users may engage their own contractor to install fibre cable from the home to the Distribution Point.