Code of Practice for Competition in the Provision of Telecommunication Services

Table of Contents

Enacting Formula

- 1 Introduction
- 2 Classification of Facilities-based Licensees
- 3 Duty of Licensees to Their End Users
- **4 Required Cooperation Amongst Licensees to Promote Competition**
- **5 Interconnection With Dominant Licensees**
- **6 Infrastructure Sharing**
- 7 Unfair Methods of Competition
- 8 Agreements Involving Licensees That Unreasonably Restrict Competition
- 9 Consolidations by Facilities-based Licensees That Are Likely to Unreasonably Restrict Competition
- 10 Enforcement of This Code
- I Principles Governing the Pricing of Interconnection Related Services

TWO Prices, Terms and Conditions at Which a Dominant Licensee Must Offer to Provide Interconnection Related Services

TELECOMMUNICATIONS ACT 1999 (ACT 43 OF 1999)

CODE OF PRACTICE FOR COMPETITION IN THE PROVISION OF TELECOMMUNICATION SERVICES

In exercise of the powers conferred by section 26(1) of the Telecommunications Act 1999, the Info-communications Development Authority of Singapore hereby issues the following Code:

	TABLE OF CONTENTS
1.	INTRODUCTION
1.1	Goals of This Code
1.2	Legal Authority to Promulgate this Code
1.3	Legal Effect of This Code
1.4	Application of This Code to Specific Categories of Licensees
1.5	Regulatory Principles
1.5.1	Reliance on Market Forces
1.5.2	Promotion of Competition
1.5.3	Proportionate Regulation
1.5.4	Technological Neutrality
1.5.5	Elimination or Modification of Unnecessary Provisions of this Code
1.5.5.1	Regulatory Review
1.5.5.2	Petitions for Elimination or Modification of Provisions of this Code
1.5.6	Open and Reasoned Decision Making
1.5.7	Avoidance of Unnecessary Delay
1.5.8	Non-discrimination
1.5.9	Opportunity for Review
1.6	Reservations of Authority
1.6.1	Right to Grant Exemptions
1.6.2	Right to Modify
1.6.3	Right to Waive or Suspend Code Provisions Where Necessary in the Public Interest
1.7	Rule of Construction

1.8	Effective Date of this Code
1.9	Short Title
2.	CLASSIFICATION OF FACILITIES-BASED LICENSEES
2.1	Introduction
2.1.1	Application
2.1.2	Over-view
2.2	Categories of Licensees
2.2.1	Dominant Licensees
2.2.2	Non-dominant Licensees
2.3	Designation of Dominant Licensees
2.4	Assets Transfers
2.5	Classification and Reclassification of Licensees
2.5.1	Procedures
2.5.1.1	Grant or Renewal of the Licence
2.5.1.2	Reclassification by IDA of a Licensee
2.5.1.3	Petitions for Reclassification
2.5.2	Evidence to be Considered
2.5.2.1	Ability of Competitors to Replicate Facilities
2.5.2.2	Ability of Licensee to Restrict Output and Raise Prices
2.6	Exemption from Application of Special Dominant Licensee Requirements
2.6.1	Request for Exemption
2.6.2	IDA Review
3.	DUTY OF LICENSEES TO THEIR END USERS
3.1	Introduction
3.1.1	Application
3.1.2	Over-view
3.2	Duties of All Licensees
3.2.1	Duty to Comply with Minimum Quality of Service Requirements
3.2.2	Duty to Provide Periodic, Accurate and Timely Bills
3.2.2.1	Advanced Disclosure of All Prices, Terms and Conditions
3.2.2.2	Billing Timeliness
3.2.2.3	Billing Clarity

3.2.2.4	Compliance with Tariff or Contract Rates
3.2.2.5	No Charges for Unsolicited Telecommunication Services or Equipment
3.2.2.6	No Charges by Unauthorised Providers
3.2.3	Duty to Provide Procedures to Contest Charges
3.2.3.1	Right to Withhold Payment
3.2.3.2	Initiation of Challenge
3.2.3.3	Licensee Review
3.2.3.4	Conciliation
3.2.3.5	Private Dispute Resolution
3.2.4	Suspension or Termination of Service by Licensee
3.2.5	Prohibition on Excessive Early Termination Liabilities
3.2.6	Duty to Protect End User Service Information
3.2.6.1	Definition
3.2.6.2	Restriction on Use
3.2.6.3	End User Authorisation
3.2.7	Reporting Requirement
3.3	Special Duties of Dominant Licensees
3.3.1	Duty to Provide Service on Demand
3.3.2	Duty to Provide Service at Just and Reasonable Prices, Terms and Conditions
3.3.3	Duty to Provide Service on a Non-discriminatory Basis
3.3.4	Duty to File and Provide Service Pursuant to Tariffs
3.3.4.1	Information to be Included
3.3.4.2	Review Criteria
3.3.4.3	Review Procedures
3.3.4.4	Status of Effective Tariffs
3.3.5	Duty to Provide Unbundled Telecommunication Services
4.	REQUIRED COOPERATION AMONGST LICENSEES TO PROMOTE COMPETITION
4.1	Introduction
4.1.1	Application
4.1.2	Over-view
4.2	Minimum Interconnection Duties

4.2.1	Duty to Interconnect With Other Licensees
4.2.2	Duty to Establish Compensation Agreements for the Origination, Transit and Termination of Telecommunication Traffic
4.2.3	Duty to Provide Non-discriminatory Interconnection Quality
4.2.4	Duty to Prevent Technical Harm to the Network
4.2.5	Duty to Provide Billing Information
4.2.6	Duty to Preserve Confidential Information Provided by Other Licensees
4.2.7	Duty to Comply with Singapore Law
4.2.8	Duty to Submit to IDA All Interconnection Agreements
4.3	Enforcement of Interconnection Agreements
4.3.1	Duty to Co-operate
4.3.2	IDA Conciliation
4.3.3	Private Enforcement
4.4	Modification, Suspension or Termination of Interconnection Agreements by Mutual Agreement
4.4.1	Notification to IDA
4.4.2	Review by IDA
4.4.3	IDA Authorisation
4.4.4	Approval by IDA
4.5	Status of Agreements Entered Into Prior to the Effective Date of this Code
4.6	Other Duties
4.6.1	Duty to Disclose Interfaces
4.6.2	Duty to Comply With Mandatory Technical Standards
4.6.3	Duty to Facilitate Change of Service Providers
4.6.4	Duty to Assist in the Provision of Integrated Printed Directories and Directory Enquiry Service
4.6.5	Duty to Reject Discriminatory Preferences Regarding Support Facilities
4.6.6	Duty to Reject Discriminatory Preferences Regarding Space and Support at End User Premises
5.	INTERCONNECTION WITH DOMINANT LICENSEES
5.1	Introduction
5.1.1	Application
5.1.2	Over-view