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No. S 320

MEDIA DEVELOPMENT AUTHORITY OF SINGAPORE ACT (CHAPTER 172)

VARIATION OF CODE OF PRACTICE FOR MARKET CONDUCT IN THE PROVISION OF MEDIA SERVICES

In exercise of the powers conferred by section 17(3) of the Media Development Authority of Singapore Act, the Media Development Authority of Singapore hereby varies the Code of Practice for Market Conduct in the Provision of Media Services (G.N. No. S 148/2010) as follows, with effect from 10th July 2012:

Deletion and substitution of paragraph 5.2.2 of Appendix 4

1. Paragraph 5.2.2 of Appendix 4 of the Code is deleted and the following paragraph substituted therefor:

“5.2.2. To determine the rate of the most cost efficient Relevant Platform in the Singapore market, MDA will compare the efficiencies of all Relevant Platforms of all Receiving Qualified Licensees, using for each either the Directly Attributable Incremental Cost Methodology or the Long Run Incremental Cost Methodology; and will, in using either methodology, take into account any leasing costs payable by the Receiving Qualified Licensee based on such rates as at 21st June 2012 in respect of that Relevant Platform for leasing:

- (a) optical dark fibre strands in Singapore Telecommunications Limited’s network of optical fibre cables; and
- (b) duct space in Singapore Telecommunications Limited’s underground ducting network,

which are attributable to enabling the Receiving Qualified Licensee to cross-carry the Qualified Content of the Supplying Qualified Licensee for the purpose of fulfilling its duties under paragraph 2.7 of this Code, under any arrangement with Singapore Telecommunications Limited entered into before 2nd July 2011 and any subsequent amendment or variation to the arrangement,

provided that such leasing costs are incurred before the first of the following dates which applies:

- (i) 1st April 2020;
- (ii) 1st April 2017, if any change is made (directly or indirectly) before that date to the provision as at 2nd July 2011 in respect of the automatic renewal of the arrangement for the period from 1st April 2017 to 31st March 2020; or
- (iii) the date of termination of the arrangement.

For the avoidance of doubt, any leasing costs payable by the Receiving Qualified Licensee to Singapore Telecommunications Limited to enable the Receiving Qualified Licensee to cross-carry the Qualified Content of the Supplying Qualified Licensee shall be passed through to the Supplying Qualified Licensee by the Receiving Qualified Licensee without any mark-up, variation or additional charge. ”.

Amendment of paragraph 5.2.3 of Appendix 4

2. Paragraph 5.2.3 of Appendix 4 of the Code is amended —

- (a) by deleting the words “that is not excluded under paragraph 5.2.2” in sub-paragraph (b) and substituting the words “referred to in paragraph 5.2.2”;
- (b) by deleting the words “the Authority may allow” and substituting the words “the Authority will take into account”; and
- (c) by deleting the words “payable by the Receiving Qualified Licensee for its Relevant Platform that relates to its cross-carriage obligation in question and that is not excluded under paragraph 5.2.2” in sub-paragraph (i) and substituting the words “referred to in paragraph 5.2.2”.

Amendment of paragraph 5.3 of Appendix 4

3. Paragraph 5.3 of Appendix 4 of the Code is amended by inserting, immediately after the words “Supplying Qualified Licensee” in sub-paragraph (b), the words “including the leasing costs incurred by the Receiving Qualified Licensee that is referred to in paragraph 5.2.2 of this Appendix”.

Amendment of paragraph 5.4 of Appendix 4

4. Paragraph 5.4 of Appendix 4 of the Code is amended by inserting, immediately after the words “Supplying Qualified Licensee” in sub-paragraph (b), the words “including the leasing costs incurred by the Receiving Qualified Licensee that is referred to in paragraph 5.2.2 of this Appendix”.

Made this 5th day of July 2012.

NIAM CHIANG MENG
Chairman,
Media Development Authority of
Singapore.

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