



Suruhanjaya Komunikasi dan Multimedia Malaysia
Malaysian Communications and Multimedia Commission

COMMUNICATIONS AND MULTIMEDIA ACT 1998
COMMISSION DETERMINATION ON DOMINANT POSITION
IN A COMMUNICATIONS MARKET

DETERMINATION NO. 1 OF 2014

In exercise of the powers conferred by Sections 55 and 137 of the Communications and Multimedia Act 1998 [Act 588] ("Act"), the Commission hereby determines as follows:

Citation and Commencement

1. This Determination may be cited as the **Commission Determination on Dominant Position in a Communications Market, Determination No. 1 of 2014**.
2. This Determination shall come into force on the date of the registration of this Determination.

Interpretation

3. In this Determination, unless the context otherwise requires:

"Communications Market" means the relevant markets as set out in the Market Definition Analysis dated 24 September 2014.
4. Any term used in this Determination shall, unless expressly defined or if the context otherwise requires, have the same meaning as in the Act or the regulations made under it.
5. Unless the context otherwise requires, words in the singular include the plural and vice versa.

Licensees in a dominant position

6. The following licensees have been found to be in a dominant position in the Communications Market specified below:-

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No.	Communications market	Geographic scope	Dominant position
Retail			
1.	Fixed telephony (including VoIP) ▪ Access line and local calls (Business and Residential) ▪ National calls (Business and Residential) ▪ International calls (Business and Residential) ▪ Fixed-to-mobile calls (Business and Residential)	National market	Telekom Malaysia Berhad (all markets)
2.	Fixed broadband and data ▪ High speed and quality (Business) ▪ Low speed and quality (Residential)	National market	Telekom Malaysia Berhad (all markets)
3.	Transmission (tails) or local leased lines	National market	Telekom Malaysia Berhad
4.	Transmission (international) or International Private Leased Circuits	National market	Telekom Malaysia Berhad
5.	Domestic managed data services	National market	Telekom Malaysia Berhad
6.	International managed data services	National market	Telekom Malaysia Berhad
7. Broadcasting services			
	▪ Free-to-air (FTA)	National market	Sistem Televisyen Malaysia Berhad, Natseven TV Sdn. Bhd., Metropolitan TV Sdn. Bhd. and CH-9 Media Sdn. Bhd. collectively dominant in FTA broadcasting
	▪ Subscription television	National market	Measat Broadcast Network Systems Sdn. Bhd. dominant in subscription television broadcasting

No.	Communications market	Geographic scope	Dominant position
Wholesale			
8.	Fixed telephony (including VoIP) ▪ Access Line (Business and Residential) ▪ Local calls (Business and Residential) ▪ National calls (Business and Residential) ▪ International calls (Business and Residential) ▪ Fixed-to-mobile calls (Business and Residential)	National market	Telekom Malaysia Berhad (all markets)
9.	Fixed broadband and data (Business and Residential)	National market	Telekom Malaysia Berhad (all markets)
10.	Transmission (inter-exchange)	National market, excluding the route from Peninsular Malaysia to Sabah and Sarawak	Telekom Malaysia Berhad, Fiberail Sdn. Bhd. and Fibercomm Network (M) Sdn. Bhd. collectively dominant
		Route from Peninsular Malaysia to Sabah and Sarawak	Telekom Malaysia Berhad
11.	Transmission (tails) or local leased lines	National market	Telekom Malaysia Berhad
12.	Transmission (international) or International Private Leased Circuits	National market	Telekom Malaysia Berhad
13.	Transmission to submarine cable landing stations and earth stations	Boundaries of each individual point of presence	Each network operator who owns or provides transmission to submarine cable landing stations and earth stations
14.	Broadcasting transmission:		

No.	Communications market	Geographic scope	Dominant position
	▪ to broadcast towers	National market	Telekom Malaysia Berhad to broadcast towers
	▪ for digital transmission	National market	Puncak Semangat Sdn. Bhd. for digital transmission
15.	Premium content acquisition	National market	Measat Broadcast Network Systems Sdn. Bhd. for premium content
16.	Termination (fixed and mobile) calls and messages	Each terminating network	Each network operator
17.	Origination (fixed and mobile) calls	Each originating network	Each network operator
18.	Inter-connect links	Each individual link	Operator of each individual link
19.	Access to facilities and upstream network elements		
	▪ Access to lead-in ducts and manholes	National market	Telekom Malaysia Berhad
	▪ Access to towers	State based market	▪ Infra Quest Sdn Bhd in Kelantan; ▪ Melaka ICT Holdings Sdn Bhd in Melaka; ▪ Rangkaian Minang Sdn Bhd in Negeri Sembilan; and ▪ Sacofa in Sarawak
	▪ Access to exchange buildings and co-location	Individual market	Each network operator in respect of exchange buildings and co-location
	▪ Access to submarine cable landing stations and earth stations	Individual market	Each network operator who owns or provides submarine cable landing stations and earth stations

No.	Communications market	Geographic scope	Dominant position
	Access to local access services, including local loop unbundling, sub-loops, line sharing and bitstream services	National market	Telekom Malaysia Berhad
	Access to main distribution frames and associated in-building wiring (and other in-building facilities)	Individual market	Each network operator who own or provides main distribution frames and associated in-building wiring
	Access to common in-building mobile systems	Individual market	Each network operator who own or provides common in-building mobile systems

Validity

8. This determination shall remain in force for a period of three (3) years.

Variation

9. The Commission may at any time modify, vary or revoke this Determination.

Made: 3 October 2014



DATO' MOHAMED SHARIL TARMIZI
Chairman
Malaysian Communications and Multimedia Commission