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COMMUNICATIONS AND MULTIMEDIA ACT 1998

MINISTERIAL DIRECTION ON HIGH-SPEED BROADBAND AND ACCESS LIST

DIRECTION No. 1 of 2008

In exercise of the powers conferred by section 7 of the Communications and Multimedia Act 1998 [Act 588], the Minister issues the following Direction to the Commission:

Citation and commencement

1. This Direction may be cited as the **Ministerial Direction on High-Speed Broadband and Access List, Direction No. 1 of 2008** and shall come into operation on the date of registration of this Direction.

Interpretation

2. In this Direction, unless the context otherwise requires:

"Access Seeker" means a network facilities provider, a network service provider, an applications service provider, or a content applications service provider who makes a written request for access to Facilities or Services listed in the Commission Determination on Access List, Determination No. 1 of 2005, and includes a holder of a registered licence under section 278 of the Act;

"Agreement" means the agreement dated 16 September 2008 entered into between the Government and TM on the deployment of high-speed broadband network;

"High-Speed Broadband Access Services" means the provision of a virtual circuit for the carriage of certain communications (being data in digital form and conforming to the internet protocol), between a broadband termination unit at end user's premises and an agreed point of presence (at TM's designated service edge);

"High-Speed Broadband Connection Services" means an IP-based interconnect service to facilitate any-to-any connectivity provided by TM to an Access Seeker which involves or facilitates the carriage of call communications between an end user connected to the HSBB Network and a predefined point of interconnect;

"high-speed broadband network" means the IP-based network comprising access, domestic core and international networks to be built by TM to provide bandwidth of at least 10Mbps to the end-users in inner Klang Valley, the identified greenfield areas of Iskandar Malaysia (previously known as Iskandar Development Region) and key industry areas in accordance with the Agreement;

"High-Speed Broadband Transmission Services" means services for the carriage of data communications between transmission points (not being customer transmission points) via a virtual circuit at a transmission rate as may be agreed between TM and the Access Seeker on a permanent basis;

"IP" means Internet Protocol; and

"TM" means Telekom Malaysia Berhad (Company No. 128740-P).

3. Any term used in this Direction shall, unless expressly defined or if the context otherwise requires, have the same meaning as in the Act or the regulations made under it.

4. Unless the context otherwise requires, words in the singular include the plural and vice versa.

High-Speed Broadband and Access List

5. The Government and TM had on 16 September 2008 entered into the Agreement on the deployment of high-speed broadband network.

6. TM intends to make available the facilities and services specified in Schedule 1 over the high-speed broadband network to Access Seekers on commercially negotiated basis.

7. In order to create an environment where high-speed broadband network can be deployed efficiently by TM and to promote effective competition in the communications and multimedia industry in an orderly fashion, the Commission is directed as follows:

- (a) the Commission shall review the high-speed broadband network in relation to other networks;
- (b) the implementation of Full Access Service, Line Sharing Service and Sub-loop Service listed in the Commission Determination on Access List, Determination No. 1 of 2005 where the facilities and services are provided over the high-speed broadband network shall be deferred for 7 years from 16 September 2008 to 15 September 2015;
- (c) in considering the matters provided in paragraph (a) above, the Commission shall take into account factors including but not limited to:
 - (i) long-term benefit of the end users;
 - (ii) effect on infrastructure investment;
 - (iii) effect on competition, including the presence of any anti-competitive practices; and
 - (iv) the promotion of national policy objectives under the Act generally; and
- (d) for avoidance of doubt, other than the facilities and services that are provided over the high-speed broadband network, the implementation of

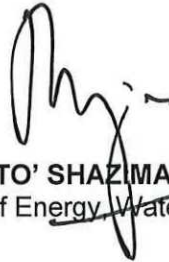
the facilities and services listed in the Commission Determination on Access List, Determination No. 1 of 2005, shall remain unaffected.

8. The Commission shall take all such measures as may be necessary to give effect to paragraph 7 above.

Schedule 1

1. High-Speed Broadband Access Services
2. High-Speed Broadband Connection Services
3. High-Speed Broadband Transmission Services

Issued: **16 September 2008**



DATO' SHAZIMAN ABL MANSOR
Minister of Energy, Water and Communications