



ORDER NO.1 OF 2016

Order for Documents and Information from ICL

Pursuant to Section 8 of the Telecommunications and Radiocommunications Regulation Act (2009), and Section 10 of the Telecommunications Exception issued to Interchange Limited ("ICL"), TRR hereby orders ICL to provide TRR the following documents and information within 15 days from the date of this Order:

1. ICL shall provide copies of any documents prepared in whole or in part after 1 January 2014, and comprising any Business Plan of ICL, or report to the Board of ICL, that include figures or estimates of actual past, or projected future, costs, profits, and/or revenues of ICL.
2. ICL shall provide copies of its audited financial accounts for the most recent two years for which audited accounts have been completed.
3. ICL shall identify the prices it currently has in place, or offers or is willing to offer, for the following types, amounts and/or terms of capacity on the ICL cable (PV-Suva), including by specifying the price per Mbps per Month for various terms of capacity (such as 3, 5, 10 or 15 years), any up-front payment, the amount of any payments that are or can be made on a specified monthly, quarterly or other periodic basis, and any charges for or attributable to cable Operations & Maintenance:
 - (i) IRU Capacity of up to and including 1 x STM-1
 - (ii) IRU Capacity greater than 1 x STM-1 and up to and including 2 x STM-1;
 - (iii) IRU Capacity greater than 2 x STM-1 and up to and including 3 x STM-1
 - (iv) IRU Capacity greater than 3 x STM-1 and up to and including 4 x STM-1
 - (v) Lease(s) of Capacity of 1 x DS-3

- (vi) Lease(s) of Capacity of 2 x DS-3
 - (vii) Lease(s) of Capacity of 1 x STM-1
 - (viii) Lease(s) of Capacity greater than 1 x STM-1.
4. ICL shall:
- (i) identify the date(s) of any transfer, sale, conversion or increase of any capacity originally purchased by CAN'L, Wantok Holdings Ltd. or Wantok Networks Ltd;
 - (ii) provide copies of any contracts relating to any such transfer, sale, conversion or increase of capacity;
 - (iii) identify the total payments received from CAN'L, Wantok Holdings Ltd. or Wantok Networks Ltd. for capacity on the ICL cable prior to the transfer date(s) referred to above.
5. ICL shall provide copies of any documents from after 1 July 2012 comprising or describing any actual or proposed agreements, arrangements, or understandings between ICL and Fidelity Communications Corporation ("FCC") relating to the management or supply of submarine cable bandwidth or related services ("Services") provided by ICL and/or FCC in Vanuatu to third parties, and being:
- (i) documents that refer to any actual or proposed agreement, arrangement or understanding that either ICL or FCC during any period will or will not market or supply any Services, or compete in respect of the supply of any Services generally, or to one or more customers, in Vanuatu;
 - (ii) documents referring to actual or proposed prices or offers of ICL and/or FCC for one or more Services; or
 - (iii) documents referring or relating to the supply or management by ICL and/or FCC after 1 January 2014 of any Services provided or to be provided to Telecom Vanuatu Limited ("TVL").
6. ICL shall identify:
- (i) the date on which ICL first commenced supplying any Services to TVL;
 - (ii) the Services, including the amount of capacity, that began to be supplied on that date; and
 - (iii) the amount of additional capacity, if any, supplied by ICL to TVL, and the date(s) that additional capacity began to be supplied.
7. ICL shall state whether FCC or any officer, director or shareholder of FCC made any claim, objection or complaint concerning the supply of any Services by ICL to TVL, and if so, identify:

- (i) the timing, and content or substance, of any such claim, objection or complaint;
 - (ii) what if any steps or measures were taken by ICL and/or FCC in relation to or arising from such claim, objection or complaint; and
 - (iii) whether, and if so in what way, FCC is or has been involved in supplying any Services to TVL and/or has received any financial consideration or benefit relating to or arising from Services supplied to TVL.
8. ICL shall provide copies of documents recording or identifying any payments or other financial consideration from ICL or any officer, director or shareholder of ICL, to FCC or any officer, director or shareholder of FCC, relating to the supply of any Services by ICL or FCC.
9. Provide a signed copy of any contract with TVL for the supply of Services to TVL by ICL or FCC.

TRR requires full compliance with the obligations made under this order by 5pm, 22 February, 2016.

Dated 29 January 2016

Dalsie Baniala
Telecommunications & Radiocommunications Regulator

