



ORDER NO.5 OF 2016

Order for Documents and Information from ICL

Pursuant to Section 8 of the Telecommunications and Radiocommunications Regulation Act (2009), Paragraphs 20.1 and 20.2 of ICL's Telecommunications Licence, and Paragraphs 10.1 and 10.2 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. Definitions

For the purpose of this Order No. 5 of 2016, the following terms have the meanings specified below:

"FCC" means Fidelity Communications Corporation.

"FCC Capacity Rights" means any rights previously acquired or currently held by FCC relating to access to or use of capacity on the ICL Cable.

"ICL Cable" means the submarine cable owned and operated by ICL and connecting between Vanuatu and Suva, Fiji.

"ICL – FCC Transaction" means any purchase, "buyback," or acquisition by ICL of any FCC Capacity Rights, or any assignment or transfer of any kind to ICL of any FCC Capacity Rights.

2. Information And Documents To Be Provided To TRR

1. ICL shall state whether, from 1 August 2016, ICL has entered into, or its Board has approved (whether conditionally or otherwise) any ICL – FCC Transaction and, if so, ICL shall provide a copy of any contract so entered into or so approved.

2. If, from 1 August 2016, ICL has not entered into, or approved (whether conditionally or otherwise) any ICL – FCC Transaction, then ICL shall state whether it has discussed or communicated any proposed terms, and/or benefits or impacts, for or relating to any ICL – FCC transaction to FCC or any other telecommunications service provider, and if so, ICL shall:
- (i) Specify the proposed terms of any such ICL – FCC Transaction so discussed or communicated, including but not limited to:
 - (a) the FCC Capacity Rights included in the ICL – FCC Transaction;
 - (b) the present or future payments or other consideration between ICL and FCC for the ICL – FCC Transaction;
 - (c) any arrangement for ICL to hold any FCC Capacity Rights in trust or otherwise for the benefit in whole or in part of FCC;
 - (d) any arrangement for ICL or FCC not to compete with each other or not offer for sale any leased or IRU Capacity on the ICL Cable;
 - (e) any arrangement for ICL or FCC to agree or fix prices to third parties for any capacity offered by either of the on the ICL Cable; and
 - (f) the duration or term of the ICL – FCC Transaction.
 - (ii) Specify any changes to pricing for capacity on the ICL Cable proposed or anticipated to arise or follow from any FCC-ICL Transaction.

Dated: 14 November 2016



Dalsie Baniala
Telecommunications & Radiocommunications Regulator