



Suruhanjaya Komunikasi dan Multimedia Malaysia
Malaysian Communications and Multimedia Commission

COMMUNICATIONS AND MULTIMEDIA ACT 1998

COMMISSION DECISION ON DISPUTE RESOLUTION

DECISION NO. 1 OF 2019

Claim No: Access Dispute 1/2019

Between

YTL Communications Sdn. Bhd.

and

Telekom Malaysia Berhad

In exercise of the powers conferred by sections 84, 86 and 87 of the Communications and Multimedia Act 1998 [Act 588], the Commission hereby decides as follows:

Background

1. On 1 March 2019, YTL Communications Sdn. Bhd. ("YTLC") notified the Commission on a dispute with Telekom Malaysia Berhad ("TM") under section 83 of the Communications and Multimedia Act 1998 ("the Act"). The access dispute is in relation to the provision of services listed in the Commission Determination on Access List, Determination No. 2 of 2015 ("Access List 2015") as follows:

- (a) Trunk Transmission Service;
- (b) Wholesale Local Leased Circuit Service;
- (c) End-to-End Transmission Service;

- (d) Duct and Manhole Access; and
- (e) Interconnect Link Service.

2. The Commission has convened to resolve the dispute pursuant to sections 84 and 86 of the Act. The Commission has resolved the dispute and provides the decision in accordance with section 87 of the Act.

Commission decision

Access to Trunk Transmission Service and Wholesale Local Leased Circuit Service is not provided

3. The Commission finds that YTLC is acquiring Metro Ethernet service from TM through a commercial agreement. Trunk Transmission Service and Wholesale Local Leased Circuit Service cannot be acquired separately in a Metro Ethernet network. Therefore, both services cannot be provided in a Metro Ethernet network.

The prices of End-to-End Transmission Service are not in accordance with the Commission Determination on the Mandatory Standard on Access Pricing, Determination No. 1 of 2017 (“MSAP 2017”)

4. The Commission is of the view that the commercial agreement provides greater technical standard and quality than that specified in End-to-End Transmission Service in the Access List 2015. As such, the regulated prices for End-to-End Transmission Service in the MSAP 2017 are not applicable to the service acquired by YTLC under the commercial agreement.

Access to sub-duct in Duct and Manhole Access is not provided in non-exclusive areas

5. The Commission decides that TM is to provide access to YTLC in accordance with paragraph 4(20)(a) of the Access List 2015. This means that the obligation applies where there is no room for the Access Seeker to install its own sub-ducts, and is applicable to:

- (a) sub-ducts in lead-in ducts and associated manholes nationally; and
- (b) sub-ducts in mainline ducts and associated manholes in areas in which a single operator has exclusive rights to develop or maintain duct and manhole infrastructure.

The prices of Interconnect Link Service are not in accordance with the MSAP 2017

6. The Commission finds that YTLC is acquiring E1 links with 2 Mbps bandwidth from TM for interconnection. Interconnect Link Service as defined in the Access List 2015 and the prices in the MSAP 2017 refer to links that employ fibre cables (without bandwidth) for the physical connection between the network of the Access Provider and the Access Seeker. Therefore, the prices of Interconnect Link Service in the MSAP 2017 are not applicable to the E1 links with 2 Mbps bandwidth acquired by YTLC.

Binding decision

7. This decision of the Commission shall be binding on the parties of this dispute from the date the decision is made.

Made: 05 December 2019



AL-ISHSAL ISHAK
Chairman
Malaysian Communications and Multimedia Commission