



ORDER NO.2 OF 2016

Order for Documents and Information from FCC

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

1. FCC shall provide copies of any documents prepared in whole or in part after 1 January 2014, and comprising any Business Plan of FCC, or report to the Board of FCC, that include figures or estimates of actual past, or projected future, costs, profits, and/or revenues of FCC.
2. FCC shall provide copies of its audited financial accounts for the most recent two years for which audited accounts have been completed.
3. FCC 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 ICN-1 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. FCC shall:
- (i) identify the date(s) of any transfer, sale, conversion or increase of any capacity on the ICL cable originally purchased from ICL or FCC, 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;
5. FCC shall provide copies of any documents from after 1 July 2012 comprising or describing any actual or proposed agreements, arrangements, or understandings between FCC and Interchange Limited ("ICL") 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 FCC or ICL 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 FCC and/or ICL for one or more Services; and/or
 - (iii) documents referring or relating to the supply or management by FCC and/or ICL after 1 January 2014 of any Services provided or to be provided to Telecom Vanuatu Limited ("TVL").
6. FCC 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) 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.
7. FCC shall provide copies of documents recording or identifying any payments or other financial consideration between FCC or any officer, director or shareholder

of FCC, and ICL or any officer, director or shareholder of ICL, relating to the supply of any Services by ICL or FCC.

8. Provide signed copies of all contracts for the supply of telecommunications Services in Vanuatu by FCC.

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

Dated 29 January 2016


Dalsie Bapiala
Telecommunications & Radiocommunications Regulator

