



Wholesale

FAQ's with regard to MVNO Access.

How does an interested MVNO make a written request to become an MVNO on our Network?

If you are interested in becoming an MVNO on our Network, please submit a completed and signed Request Form, and send by email to mvno@drei.com. The Request Form can be found at <http://www.drei.at/wholesale>. Request Forms must be duly completed and signed by authorized signatories of your company. If you have any questions about the Request Form, or wish to have an informal discussion about the process, please contact:

Mr. Alexander Gratzer
Head of MVNOs and Reselling

Hutchison Drei Austria GmbH
Telephone: +43 127728 3866
E-mail: mvno@drei.com

What happens after we have submitted a Request Form?

We will confirm the receipt of the Request Form by return email, and will be available to meet at a mutually convenient time.

We will also inform Mazars LLP of your Request Form, and provide it with a copy. Mazars LLP is the Monitoring Trustee approved by the European Commission to monitor Drei's compliance with its Commitments in Case Comp/M.6497 Hutchison 3G Austria/Orange Austria.

The Monitoring Trustee may be contacted directly as follows:

Mr. Justin Menezes
Partner
Mazars LLP
Telephone: +44 7881 284 080
E-mail: H3G.trustee@mazars.co.uk

Where can we find the terms and conditions, and technical specifications, upon which Drei is offering MVNO access on its network?

The key commercial principles and charges for the provision of MVNO wholesale access to our network are contained in the Reference Offer, which is Annex 1 to the Commitments. The Commitments (and the Reference Offer) can be found at <http://www.drei.at/wholesale>.

Without undue delay following the receipt of a duly completed and signed Request Form, we will provide you with a copy of the MVNO agreement prepared on the basis of the principles set out in the Reference Offer, which shall also include annexures explaining the technical set-up and how the interconnection will be done.

Can we negotiate the commercial principles and charges in the Reference Offer, and the terms and conditions contained in the MVNO agreement?

The Reference Offer has been agreed with the European Commission as part of its clearance of Drei's acquisition of Orange Austria, and the principles and charges contained in the Reference Offer have been incorporated into the MVNO agreement. Drei will enter into good faith negotiations with respect to the MVNO agreement, but there will not be scope to negotiate the commercial principles and charges which have been agreed with the Commission as part of the Reference Offer.

What if we cannot reach agreement on the MVNO agreement?

We will hold good faith negotiations with Requesting Parties, with a view to agreeing an MVNO agreement on the basis of the principles set out in the Reference Offer. If we cannot agree the terms of the MVNO agreement within a period of 5 months of our receipt of the duly completed and signed Request Form, there is a dispute resolution mechanism in the Commitments (see paragraph 4 (b) of Section B of the Commitments).

In summary, if the MVNO agreement is not agreed within this 5 month negotiation period, either party may escalate the matters in dispute by written notice to the other party's CEO. There will then be a 2 week period (commencing from receipt of the written notice) during which the CEOs will endeavour to resolve the matters in dispute.

If the matters in dispute are not resolved within this 2 week period, either party may serve written notice on the other party that it is initiating the "fast-track dispute resolution" procedure in Section F of the Commitments.

What triggers the commencement of the 5 month negotiation period?

The 5 month negotiation period will commence upon our receipt of a duly completed and signed Request Form.

How will Drei manage the technical implementation of up to 16 Requesting Parties, given that it is only required to carry out the technical implementation of wholesale access for more than 2 MVNOs at any one time?

We will carry out the technical implementation of Requesting Parties who have entered into MVNO agreements with us on a "first come, first served" basis, subject to the Requesting Party having signed an MVNO Agreement, paid the first instalment of the set-up fee in accordance with Section D 19 of the Reference Offer and submitting the completed Technical Implementation Form Sheet (see question below).

As part of the negotiation of the MVNO agreement, the Requesting Party will be asked to confirm its target commercial launch date, and to agree a "ready for service" date with us. At all times, we will endeavour to agree a "ready for service" date which will allow the Requesting Party to achieve its target commercial launch date. If there are already two ongoing technical implementations during the period leading up to the proposed "ready for service" date, this will be taken into consideration when agreeing the "ready for service" date with the Requesting Party during the contract negotiation phase or subsequently during project planning meetings.

If the timetable for a planned technical implementation is subsequently changed such that there are no longer two technical implementations taking place at the same time, we will notify the other MVNOs who have entered into MVNO agreements (also on a "first come, first serve" basis) that a slot has become available for an earlier technical implementation.

What does “technical implementation” mean?

Technical implementation means any action necessary for us to connect an MVNO to our network in order to provide the Requesting Party with the wholesale access services to be provided under the MVNO agreement.

It is assumed that Technical Implementation includes a joint specification and planning phase. The information submitted in the Technical Implementation Information Sheet is intended to form the basis for this joint specification and planning phase.

The phase ends with one or more mutually agreed final specification documents which are the binding basis for the purchase of equipment and actual implementation of interfaces and functions by both partners. It is assumed that one of the specification documents contains the binding time schedule, if not already included in the MVNO agreement. Drei shall not be deemed to be non-compliant with the Commitments if this binding schedule is not met for reasons beyond the scope of its responsibility.

What triggers the commencement of technical implementation?

In order to commence the technical implementation the Requesting Party is required to submit to Drei the relevant information required for this purpose. Requesting Parties are asked to submit the information via the completed “Technical Implementation Information Sheet” which shall become part of the MVNO Agreement.

Subject to the limit of the maximum of two technical implementations that Drei shall be obliged to carry out pursuant to paragraph 3 of the Commitments, technical implementation will commence from the date the Requesting Party having signed an MVNO Agreement, paid the first instalment of the set-up fee in accordance with Section D 19 of the Reference Offer and having submitted the completed Technical Implementation Form Sheet.

What triggers the end of technical implementation?

Technical implementation is completed when the “ready for service” date is achieved in accordance with the MVNO agreement or the date on which the MVNO starts to provide services to customers, if earlier. “Ready for service” in essence means that the MVNO is connected to our network such that the wholesale access services to be provided by us are ready for use.

What happens if at the end of the 12 month technical implementation period, “ready for service” has not been achieved?

The technical implementation will continue, subject to the reasons (including any breach of contract by the Requesting Party) giving rise to the delay in achieving the “ready for service” date. The relevant Requesting Party will no longer be included in the number of MVNOs for the purposes of calculating the limit of only two technical implementations at any one time.