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COPY

Order of the Regulator No. 2007/7

Cessation of carriage of international traffic intended for SamoaTel subscribers

WHEREAS: SamoaTel Limited has lodged a complaint with the Regulator that Digicel (Samoa) Limited is using its international gateway to carry traffic from New Zealand callers that is destined for SamoaTel subscribers, in breach of Digicel (Samoa) Limited's operating licence issued in the name of Telecom Samoa Cellular Limited ('the licence').

WHEREAS: Special Condition 3 of the licence states that:

From Jan 1, 2007, the licensee may operate its own international gateway or use facilities of an international gateway operated by any SamoaTel or any other person, provided that the Licensee may use an international gateway not operated by SamoaTel only to carry the international traffic that originates or terminates on the Licensee's own Samoan Authorised Telecommunications Networks. This condition shall remain in force until a specific written Order is made by the Regulator amending or terminating the condition.


WHEREAS: I find that Digicel is operating in contravention of the conditions of the licence by carrying international traffic that does not terminate on Digicel (Samoa) Limited's authorized telecommunications networks and specifically, that Digicel is providing a service in New Zealand, known as Samoa Calling Card (0800 DIGI), which allows calls to be made from New Zealand to SamoaTel landlines and GoMobile phones through Digicel's international gateway.

PURSUANT TO SECTION 77 OF THE TELECOMMUNICATIONS ACT 2005 I HEREBY ORDER:

Digicel (Samoa) Limited is to cease carrying any traffic originating outside Samoa that is not intended for termination on the Digicel (Samoa) Limited GSM network.

The carriage of all traffic not specifically provided for under the conditions of the licence must be ceased before 5pm Monday the 10th day of September 2007.

DATED THIS 7th DAY OF SEPTEMBER 2007.


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JOHN MORGAN
REGULATOR