



Order of the Regulator No. 2013/T10

REVOCATION OF IPASIFIKA SAMOA LTD's RETAIL INTERNET SERVICES LICENCE

WHEREAS

On 14 June 2007 the Regulator granted a retail internet service licence to IPASIFIKA SAMOA LTD ("IPASIFIKA") for the provision of retail internet services in Samoa pursuant to the *Telecommunications Act 2005* ("the Act"). The licence was granted for a period of ten (10) years unless terminated earlier in accordance with the provisions of the Act or the Rules of Telecommunications Licensing in force.

On 24 June 2013 the Regulator received a request from the Managing Director of IPASIFIKA to revoke their retail internet service licence and for the Regulator to implement section 18(1) (a) of the Act.

The Regulator consequentially as a result of IPASIFIKAs request implemented section 18 of the Act.

On 25 June 2013 the Regulator issued two (2) sets of letters of notification:

(i) IPASIFIKA notifying them (as the Licensee) that:

- (a) the Regulator had commenced procedures under section 18 of the Act as per their request;
- (b) they are to provide clarifications on several issues in order for the Regulator to determine the relevant action to take;
- (c) the Regulator will be inviting comments from certain relevant stakeholders associated with this particular service; and
- (d) that IPASIFIKA was to respond fourteen (14) calendar days from the service of notice, **Tuesday 9 July 2013**.

(ii) to all relevant stakeholders inviting them to submit comments on the request from IPASIFIKA; they were required to respond fourteen (14) calendar days from the service of notice, **Tuesday 9 July 2013** and whether or not they submit comments by the date and time afforded to them, the Regulator will make an appropriate decision on the matter.

The Regulator has not received any official response from the stakeholders, save for Digicel (Samoa) Ltd who had verbally indicated on or about 4 July 2013 in a meeting with the Regulator that they do not wish to make any comments on the request.

In light of the above the Regulator hereby makes the following Order.

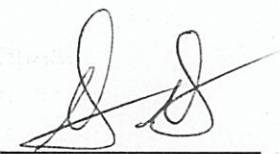
**ORDER REVOKING IPASIFIKA SAMOAL LTD's RETAIL INTERNET SERVICES
LICENCE**

Pursuant to section *sub-sections 8 (1) e* and *r* of the Act, the Regulator hereby revokes IPASIFIKA SAMOA LTD's Retail Internet Services Licence.

In accordance with sub-section 18 (6) of the Act and article 23(3) of the Rules of Licensing, revocation of the Licence shall be without prejudice to the rights and remedies which accrue to IPASIFIKA, the Regulator, the Ministry or any third party under the Licence or any law in force at the date of termination except that IPASIFIKA shall not have the right to seek a refund of the Licence fee or any other fee paid in advance.

Effective date of this Order: This Order shall apply retrospectively from **11 July 2013**.

Date of Order: 30 October 2013



Donnie Defreitas
Regulator