

ORDER OF THE REGULATOR NO. 2019/T76

**DIGICEL REQUESTS FOR CO-LOCATION SERVICES ON BLUESKY
FACILITIES**

On 11 June 2019 Digicel Samoa Limited (“Digicel”) requested via email the assistance of the Regulator in relation to a co-location matter with Bluesky Samoa Limited (“Bluesky”).

Digicel provided in support threads of emails to substantiate that Digicel has since 2018 been requesting Bluesky to allow co-location at certain Bluesky facilities; and as of 16 May 2019 Digicel again attempted to contact Bluesky for co-location arrangements. On all accounts Bluesky did not respond.

The Regulator by way of letters on 11 and 17 June 2019, considering the urgency of the matter and in anticipation of the Pacific Games hosted by Samoa (warranting Digicel’s request as a major sponsor, to acquire co-location with Bluesky on Bluesky existing facilities) sought a response from Bluesky on the matter. Bluesky was directed to respond by 19 June 2019 so that the Regulator can make a determination on the circumstance; however by close of business of 19 June 2019 Bluesky did not respond to the Regulators request for information and response.

To this extent, the Regulator finds it fit to issue this Order pursuant to the Telecommunications Act 2005 and more specifically section 68 relating to co-location.

ORDER:

- 1) Bluesky must negotiate with Digicel the co-location conditions pertaining to facilities necessary for the proper progress of the Pacific Games in July 2019 (priority Puipa’a and Sagone); in addition to co-location arrangements for facilities so to accomplish universal access obligations;
- 2) Either party to inform the Regulator in writing of the progress of negotiation of co-location conditions by **Friday 28 June 2019**;
- 3) Co-location agreement to be submitted by either party to the Regulator by **4pm of Monday 1 July 2019**.

Order effective as of 26 June 2019.



Lefaoali’i Unutoa Auelua Fonoti
REGULATOR

Date of Order: 26 June 2019