

ORDER OF THE REGULATOR NO. 2021/T04

TARIFF APPROVAL REQUIREMENT DURING DISASTERS OR EMERGENCIES

The Office of the Regulator (“OOTR”) on 8 June 2018 issued the Order of the Regulator No.2018/T50. This Order exempts dominant service providers from the requirement of section 40(1) of the Telecommunications Act 2005 (“the Act”) to file and obtain approval of the Regulator for all tariffs including tariffs that may be offered by service providers for services that the general public can utilize during national emergencies.

Since the proclamation of the State of Emergency of the Independent State of Samoa in early 2020, OOTR has analyzed and established an 89% increase in tariff amendment activities with a notable increase in tariffs for telecommunication services offered.

In light of the above, the Regulator make the following order to replace the Order of the Regulator No.2018/T50.

Order:

- 1. A dominant service provider is not required to file for approval a tariff to apply for licensed services rendered during a declaration of disaster period as per section 19 of the *Disaster and Emergency Management Act 2007* or a proclamation of emergency period as per article 105 of the *Constitution of the Independent State of Samoa 1960* if the proposed tariff produces a decrease to the preceding tariff approved.**
- Relative to 1, a reasonable notification from the dominant service provider to OOTR will suffice (notification is received upon confirmation of receipt by OOTR);
- 3. A dominant service provider must file and obtain approval for a tariff during a disaster or emergency period, if the proposed tariff is for a new product or service, or it produces an increase to a tariff already approved;**
- A tariff application filed by a dominant service provider as per paragraph 3 above; if approved by the Regulator, can only be changed after 3 months since approval of the last tariff.
- A tariff charged during the said periods must be in line with the Act and apply only during the disaster or emergency period.
- This Order Revokes, Order of the Regulator No. 2018/T50.
- Order shall apply to all dominant service providers in the respective telecommunications markets.

Effective:

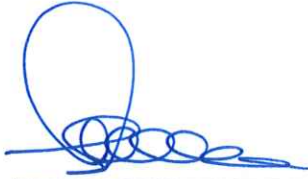
As of the date of the Order.

Duration of Order:

Order will expire on the earlier of the Regulator:

8. Revoking this order; or
9. Making a new Order with respect to tariff filing and approval during a declaration of disaster or a proclamation of emergency period.

Date of Order: 31st August 2021

A handwritten signature in blue ink, consisting of a large loop at the top and several smaller loops below it, all connected by a single line.

Lematua Gisa Fuatai Purcell
REGULATOR