



**ORDER OF THE REGULATOR NO.2022/T04**

**DESIGNATION OF DOMINANT SERVICE PROVIDER**

**Background:**

In October 2021, the Regulator issued the Order of the Regulator No. 2021/T05 declaring the designation of Samoa Submarine Cable Company for Tui Samoa Cable as the dominant service provider for the Wholesale International Internet Capacity market under section 26 of the Telecommunications Act 2005 (“the Act”).

With its market power position, the SSCC is required under section 37 of the Act to prepare a Reference Interconnection Offer (“RIO”) for approval of the Regulator.

**Legislation:**

The Act sets forth specific requirements for the provision of RIO in the Telecommunications markets in Samoa.

Section 34 (2) the Regulator may issue an order to designate a service provider as being a dominant service provider for interconnection purposes in one or more telecommunications markets if the Regulator considers that:

- (a) The service provider is a dominant service provider designated under section 26; or
- (b) The service provider, either individually or jointly with others, enjoys a position equivalent to that of a dominant service provider.

Section 37 (1) a dominant service provider designated under section 34 shall:

- (a) Prepare a reference interconnection offer for the approval of the Regulator within the time period specified by the order of the Regulator; and
- (b) Periodically update the reference interconnection offer as determined by order of the Regulator; and
- (c) Publish its approved reference interconnection offer...

**Order 1: Designating a Dominant Service Provider for Interconnection Purposes**

Pursuant to section 34 (2) (a) the Regulator hereby declare the designation of Samoa SSCC as dominant provider for interconnection purposes.

**Order 2:**

Pursuant to section 37, SSCC for Tui Samoa Cable shall prepare and provide a RIO no later than **15<sup>th</sup> August 2022** to the Regulator for approval.

**Order 3:**

- (a) The Samoa Submarine Cable Company for Tui Samoa Cable shall update its RIO annually and submit it to the Regulator **4 weeks before** its commencement date in the market for the approval of the Regulator.
- (b) The commencement date shall be determined by the Regulator subject to Order 2.

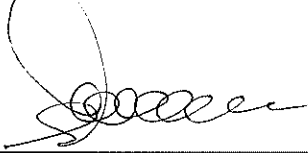
**Duration of the Order:**

The Order will expire on the earlier of:

- 1) The Regulator revoking this Order; or
- 2) The making of a new Order by the Regulator for interconnection purposes.

This Order is effective on the 15<sup>th</sup> of July 2022.

Sincerely,



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Lematua Gisa Fuatai Purcell  
**REGULATOR**

Dated: 15 July 2022