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ORDER OF THE REGULATOR No.2019/T63

ALL SERVICE PROVIDERS TO PARTICIPATE AND SURRENDER REQUESTED DATA FOR COST MODELS.

1. In December 2018 the Office of the Regulator (“OOTR”) with the financial support from World Bank engaged a Consultancy Firm to provide technical assistance on OOTR’s cost related Project also known as the Cost Model Project (“Project”).
2. On 12 December the Regulator issued a letter to all service providers scheduling consultations and explaining the purpose of the Project which is to secure suitable and modern cost models to support OOTR’s operations in the effective regulation of tariff; and so to prevent anti-competitive conduct.
3. On 18 & 19 December 2018, OOTR conducted face to face consultations with each service provider - to introduce the Consultancy Firms representative(s), to further describe the Project and to outline information request to be utilised for the Project. The consultations were received and conducted without any indication of objection to the Project and process.
4. On 21st December 2018, the Regulator issued a correspondence to all service providers to provide by 1st February 2019 the requested information and data as per discussions with the Consultants.
5. However by the due date, only Computer Services Limited provided information for the Project, while 2 other major service providers sent correspondence in lieu and contested in prime the purpose, timeframe, confidentiality and process; all contentions were responded to by the Regulator through meetings and written correspondence.
6. In the Regulator’s final written correspondence to the 2 service providers with issues, they were informed that should they continue not to cooperate the Regulator shall exercise the power afforded under section 44 or 77 of the Telecommunications Act 2005 (“the Act”) to oblige them to provide the information and data required.
7. As such the Regulator has seen it fit to make the following order pursuant to section 44 and 77 of the Telecommunications Act 2005 (“the Act”).

ORDER:

8. All Service Providers are required to participate in the Project.

9. In addition to the above and pursuant to section 77 of the Act, all the following service providers are hereby ordered to submit the information and data required in the Regulator's letter of 21 December 2018:
- Bluesky Samoa Limited;
 - Digicel Samoa Limited;
 - Netvo Samoa Limited;
 - Samoa American Samoa (SAS) Cable Limited;
 - Samoa Submarine Cable Company Limited; and
 - Lesa's Telephone Services Company Limited.
10. Information and data submission must be addressed to the Regulator and delivered to OOTR no later than, **Monday 18th February 2019 (5.00pm)**.
11. Failure to comply with this Order shall result in the OOTR taking appropriate legal action for non-compliance; particularly the revocation of licence under section 18 or in pursuit of the penalties under section 75 of the Act.



Lefaoali'i Unutoa Auelua-Fonoti
REGULATOR

Dated this 15th February 2019 (also the Effective Date of the Order)