



Government of Samoa
Office of the Regulator
Private Bag, Apia, Samoa

Order of the Regulator

Number 2008/04

Re-instatement and Acceptance by Digicel (Samoa) Limited of Incoming International Calls Routed via SamoaTel Limited's Telecommunications Networks

Whereas:

Section 8(1)(r) of the Telecommunications Act 2005 as amended ("Act") states that the Regulator may make orders regarding any matter within its jurisdiction, including orders to compel a person to comply with or implement the purposes of the Act; and

Section 3 of the Act includes in its objectives:

- to establish a framework for the control of anti-competitive conduct in the telecommunications sector; s.3(f);
- to promote efficient interconnection agreements between service providers; s.3(g);
- to protect the interests of subscribers and other customers of telecommunications services: s.3(h); and
- to establish measures to enforce the implementation of this Act and to prohibit certain types of conduct contrary to the orderly development and regulations of the telecommunications sector. s.3(m).

Whereas:

On or about the third week of October 2008, Digicel (Samoa) Limited stopped accepting incoming international calls routed via SamoaTel Limited; and thereby

- disrupting and causing discontinuity of interconnection between the two providers;
- failing to provide facilities necessary to ensure interconnection of the two networks regarding incoming international calls, and refusing to terminate international calls transited via the SamoaTel Limited's telecommunications networks;
- affecting the interests of overseas and local customers in that the calls are either not connected or completed as expected; and
- engaging in conduct contrary to the efficient development of telecommunications services and the sector by not accepting international inbound calls destined for customers on Digicel (Samoa) Limited's network which are routed via SamoaTel Limited's telecommunications networks.

Whereas:

The Office of the Regulator instructed Digicel (Samoa) Limited in its letter of 17 December 2008 to reinstate connectivity and thereafter accept incoming international calls routed via SamoaTel Limited's telecommunications networks no later than 2:00 p.m. of that day; and

Digicel (Samoa) Limited reinstated connectivity on 17 December 2008 **but** on or about Saturday 20 December 2008 once again stopped accepting international calls routed through SamoaTel Limited's telecommunications networks; and

Digicel (Samoa) Limited in its letter of 22 December 2008 to the Office of the Regulator indicated that it will not be accepting from SamoaTel Limited international calls destined for Digicel (Samoa) Limited's customers; and

The Office of the Regulator in its letter of 23 December 2008 again instructed Digicel (Samoa) Limited that its actions to not accept incoming international calls routed via SamoaTel's telecommunications network is in breach of the Act.

As a result thereof: the Regulator HEREBY ORDERS:

Digicel (Samoa) Limited to immediately and upon receipt of this Order to reinstate and accept incoming international calls received and routed via SamoaTel Limited's telecommunications networks.

Effective Date of the Order:

This Order shall become effective at 6:00 p.m. today, 24 December 2008.



Michele Marius
Regulator

