



Order of the Regulator No. 2017/T36

CEASE SEPTEMBER SPECIALS AND TO FILE MOBILE RETAIL TARIFFS FOR REGULATOR'S APPROVAL

On Monday 11 September 2017 the Regulator established through the monitoring exercise conducted by the Office of the Regulator that Bluesky Samoa Limited ("Bluesky") was advertising and offering on net calls below cost via its September Specials namely the:

- i. Super Sim Just Got Superior; and
- ii. Free Super Sim Promotion.

These promotions were advertised in the Samoa Observer Newspaper ("Observer") on Sunday 10 and Monday 11 September 2017.

On Monday 11 September 2017 the Regulator instructed Bluesky by way of a letter to cease from continuing its September Specials Promotions, because the Promotions are deemed to restrict and distort competition in the market given that Bluesky was designated in the Order of the Regulator No. 2017/T32 as the dominant service provider in the retail mobile services market.

On Tuesday 12 September 2017 another monitoring assignment was conducted by the Office of the Regulator with regard to the Free Super Sim Promotions and it was established that although the advertisements were effectively removed from the Observer Bluesky was still rolling out the promotions.

The Regulator confirms that the retail rates associated with Bluesky Samoa Limited's Free Super Sim Promotions are subject to the statutory requirement for tariffs specified under of the Telecommunications Act 2005 (Act).

As such, the Regulator has seen it fit to issue Order of the Regulator No. 2017/T36 pursuant to the Telecommunications Act 2005 ("Act"), the Regulator is empowered to regulate the telecommunications market and to issue orders in the course of implementing statutory duties under the Act.

ORDER 1

In accordance with sub-section 30 (1) (a) of the Act the Regulator hereby order Bluesky to cease the implementation of the *Super Sim Just Got Superior* and the *Free Super Sim Promotions* immediately.

Bluesky is instructed that it must submit to the Office of the Regulator an application for the approval of any tariffs associated with its promotions for the Regulator's consideration.

Furthermore in accordance with section 41 of the Act; Bluesky is hereby also ordered to file with the Office of the Regulator, Bluesky's tariffs for retail mobile services for the Regulator's approval by **4.00pm of Friday 15 September 2017**; irrespective of the earlier date given in the Regulator's letter dated 18 August 2017.

Failure to comply with this Order shall result in the Office of the Regulator taking appropriate legal action for non-compliance.



Lefaoali'i Unutoa Auelua-Fonoti
REGULATOR



Dated this: **13 September 2017**