

ORDER OF THE REGULATOR NO. 2018/T50

TARIFF APPROVAL REQUIREMENTS DURING DISASTERS OR EMERGENCIES

On 30 April 2018 Bluesky Samoa Limited (“Bluesky”) submitted a formal request to the Regulator to exempt the filing and approval of [telecommunications] tariffs during declared emergencies; the request in essence is to relieve tariff approval for communication assistance to the general public during times of emergency.

Section 40(1) of the Telecommunications Act 2005 (“the Act”) requires dominant service providers to file with and obtain approval of the Regulator for all tariffs which for clarity includes tariffs that may be offered by service providers for services that the general public can utilise during national emergencies.

In light of the abovementioned request and in the interest of the general public, the Regulator pursuant to section 40(6) makes the following order:

Order:

1. A dominant service provider shall not be required to file or obtain approval of tariffs 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*.
2. A tariff charged during the periods underlined above, must be in line with section 40(2) of the Act; and must only apply as long as the period of the declaration or the proclamation is in force.
3. A dominant service provider must however as soon as practicable inform the Regulator of tariffs charged during the underlined periods; for removal of doubt, this does not require a retrospective approval.
4. For clarity, the interpretation of *disaster* and *emergency* in the *Disaster and Emergency Management Act* is hereby adopted for the purpose(s) of this Order.
5. Order shall apply to all dominant service providers in the respective telecommunications markets.

Effective

6. Effective as of the Date of Order.

Duration of Order

7. Order will expire on the earlier of the Regulator:

- (a) Revoking this Order; or
- (b) Making a new Order with respect to tariff filing and approval during a declaration of disaster or a proclamation of emergency period.



Lefaoali'i Unutoa Auelua Fonoti
REGULATOR

Date of Order: 8 June 2018