

**SAMOA**

**TELECOMMUNICATIONS (CUSTOMER  
PROTECTION) RULES 2017**

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**PURSUANT** to section 8(1)(q) of the Telecommunications Act 2005 (“the Act”), **I, LEFAOALII UNUTOA AUELUA-FONOTI**, Regulator, **MAKE** these Rules:

DATED this ..... 13<sup>th</sup> ..... day of June ..... 2017.



.....  
(Lefaoalii Unutoa Auelua-Fonoti)

**REGULATOR**

## **RULES**

### **PART 1 PRELIMINARY**

**1. Citation and commencement-**(1) These Rules may be cited as the Telecommunications (Customer Protection) Rules 2017.

(2) These Rules commence on the date it is signed by the Regulator.

**2. Definitions** - In these Rules, unless the context otherwise requires:

“advertisement” means any word whether written, printed or spoke or any picture, drawing or figure, that is used or appears to be used to notify the availability or to promote the sale of any telecommunications goods or service;

“charges” includes costs, price or fees.

### **PART 2 TERMS OF SERVICE**

**3. Services information** - Upon request, a service provider must provide customers with accurate, relevant and easily understood information about its terms of service (in simple and plain language) that describes at least the following:

- (a) the capabilities and limitations of its service including the minimum quality of service the customer is guaranteed to receive;
- (b) the geographic availability of the service;
- (c) a description of all fees and how and when they apply;

- (d) the frequency with which invoices (if any) will be issued;
- (e) whether the fees are subject to change during the period of contract and if so, how the change will be communicated to the customer.

**PART 3**  
**ADVERTISING OF SERVICES AND PROMOTIONS**

**4. Availability of service** - A service provider must ensure that the content of any advertisement, notice or other communication about the performance of its telecommunications service clearly indicates what the customer might reasonably expect to experience under typical usage conditions in relation to the availability and performance of that service.

**5. Advertising promotions**-(1) A service provider must state the commencement date and end-date of any promotion in its advertisements.

(2) A service provider is responsible for the expeditious removal of its own advertising material from public places once a promotion has ended.

(3) Any conditions associated with a promotion must be communicated in a manner that is comprehensible and legible.

**6. Advertising bundled services** - A service provider who advertises that a service is provided as part of a bundle, the service provider must:

- (a) ensure that it is able to supply all components of that service bundle to customers; and
- (b) include in the advertising materials a statement of the minimum total charge for the bundle.

**PART 4**  
**CUSTOMER BILLING AND CREDIT PRACTICES**

**7. Billing information** - Without limiting section 47 of the Act, service providers must ensure that the following information are, included in any invoice issued to its customers:

- (a) the customer's billing name and address;

- (b) the registered name and address of the service provider;
- (c) the total amount billed, applicable credits and VAGST, payments or discounts, and the net amount payable by the customer (or repayable by the service provider);
- (d) the billing period covered by the bill;
- (e) the date on which the bill is issued;
- (f) the payment due date;
- (g) any method of payment (or refund where applicable);
- (h) contact details for complaints and billing inquiries.

**8. Itemisation of charges-**(1) A service provider must ensure that customers have access to itemised details of all charges either on the invoice or on a separate document upon request.

(2) Unless otherwise requested by or agreed to with a customer, a service provider must:

- (a) provide itemised call details during the current billing period for post pay service;
  - (b) if applicable, inform a customer of the notice period required to obtain itemised billing;
  - (c) inform a customer of any applicable charge as a result of a billing request in this sub-rule and obtain the consent of the customer before that charge is imposed.
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