



Order of the Regulator 2016/T01

**COMPLAINT LODGED BY DIGICEL (SAMOA) LIMITED AGAINST BLUESKY
SAMOA LIMITED AND SAMOA RUGBY UNION ALLEGING THE
CONTRAVENTION OF SECTIONS 28 AND 74(1) (i) OF THE
TELECOMMUNICATIONS ACT 2005**

The Office of the Regulator (“the OOTR”) received a complaint from Digicel (Samoa) Limited (“Digicel”) against Bluesky Samoa Limited (“Bluesky”) and the Samoa Rugby Union (“SRU”) about certain incidents at Apia Park on 8 July 2015 (“Digicel’s complaint”) alleging the contravention of sections 28 and 74(1)(i) of the *Telecommunications Act 2005* (“the Act”).

The Regulator conducted an investigation into the matter and all parties had the opportunity to make submissions about the matter. The Regulator issued **Order No. 2015/T07** and associated **Determination** on 11 December 2015, and **Order No. 2015/T07(B)** on 18 December 2015.

Subsequent to issuing **Orders No. 2015/T07** and **No. 2015/T07(B)** the parties have further advised the Regulator that they have settled this matter satisfactorily between themselves. As such the Regulator has seen it fit to make the following Orders pursuant to section 8(1) (r), (s) and (v) and 77 (1) (a) and (d) of the *Telecommunications Act 2005* (“Act”):

Order:

1. As of the date of this Order, **Determination and Order No. 2015/T07** and **Order No. 2015/T07(B)** and the Regulator’s file relating to Digicel’s complaint will be held confidential by the Office of the Regulator and will not be released; and
2. No further action shall be taken by the parties in relation to the **Determination and Order No. 2015/T07** and **Order No. 2015/T07(B)**; and
3. Bluesky Samoa Limited and Digicel (Samoa) Limited must submit to the Regulator a formal written undertaking that they will jointly develop a protocol relative to sponsorship arrangements.

Effective date of this Order

The Regulator hereby orders that the effective date of this Order of the Regulator No.2016/T01 is: **1 March 2016**

Date of Order: 1 March 2016

Unutoa Auelua-Fonoti
Regulator

