



**Government of Samoa**  
**Office of the Regulator**  
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**CO-LOCATION & INFRASTRUCTURE SHARING**  
**POLICY & GUIDELINES**

**Prepared by the Office of the Regulator**  
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## **1. Introduction**

The telecommunication sector in Samoa is expanding dramatically. This has resulted in an increase in the number of service providers with more services, increased competition and expansion of the infrastructure requirements. In order to sustain such dramatic growth, the Office of the Regulator (“OOTR”) has called for the development of a Infrastructure Sharing policy to accommodate the huge growth of the market and the corresponding infrastructure requirements. The existing infrastructure is generally poorly maintained and this coupled with the increased spectrum usage has led to serious complications for spectrum management especially cases of harmful interference. The Office of the Regulator concerned with this situation, now seeks to introduce a policy in accordance to the Telecommunications Act 2005 subsection 68 (1), (2), (3) & (4).

The telecommunications and broadcasting sector has contributed to the economic growth of Samoa through significant investments. . The aim of the proposed policy is to maximize the use of the available resources while at the same time ensuring healthy competition. If the available resources are used efficiently this could then lead to the provision of services at affordable prices and overall improvement of the delivery of services to the customer.

The OOTR has been given the responsibility under the Telecommunication Act 2005 as amended (“Act”) to ensure access to dependable, reasonably priced and modern telecommunication services to most of the population. In pursuance to Section XII (68) (l) of the Act, the OOTR is empowered to issue instructions/guidelines to be followed by the licensees and service providers relating to various services as defined in the Act and the infrastructure of the same. Infrastructure sharing is an approach to reduce the cost of network operation and to protect the environment by reducing the number of towers and facilities installation. Infrastructure Sharing also contributes to a reduction of environmental degradation due to unnecessary developments.

Infrastructure sharing also requires that consideration be given to several very important factors, including but not limited to load bearing capacity of towers, space within sites, tilt and height of the antenna and possible negative effects on the quality of the service provided by the operators. Sharing infrastructure from a Regulator’s point of view will reduce cost and will allow for a more efficient service for the customers allowing for possible expansion of coverage to previously unserved geographical areas.. It could also provide an additional source of revenue for owners of the infrastructure. The challenge for the operators is to optimally utilize the available resources. The OOTR is

aware that infrastructure sharing can be effectively leveraged to roll out services at faster speed and at affordable cost, in fact sharing infrastructure is an important measure to reduce costs. It also of the view that the development of the infrastructure sharing policy and guidelines will allow the operators, policy makers, stakeholders and the Office of the Regulator to address issues related to sharing, networking, competition and other related matters.

## **2. Purpose**

The purpose of this policy is to set forth the objectives and recommendations to all service providers to encourage infrastructure sharing. The intention is to ensure and support the idea that improved telecommunication services can be given to the customers if the provisions of co location and infrastructure sharing are encouraged. In the unserved and underserved communities this will be inline with the OOTR stated commitment to promote Universal Access of the public to telecommunication services. It is also the intention of this policy to encourage and stimulate competition between service providers and seeking to reduce operating cost of telecommunication services especially in the provisioning of service in rural areas. This policy will based but not limited to identification of network elements shared, conditions under which sharing should occur, various terms and conditions of sharing arrangements including pricing and regulatory measures such as licensing. The OOTR also takes into consideration existing international practices and has opted for co-operative efforts amongst telecom and broadcasting service providers with minimal regulatory intervention. The OOTR through the proposed policy will require that the entire process be transparent and nondiscriminatory.

## **3. Scope**

This policy applies to all aspects of the Telecommunication and Broadcasting Networks in Samoa who are users of the Spectrum whether on a primary or secondary basis. It includes all services using the spectrum whether for public, private, administrative, academic, community or commercial use.

## **4. Definitions**

4.1 Unless the context otherwise requires, the different terms and expressions used in these guidelines shall have the following meaning assigned to them.

“**Act**” Telecommunications Act 2005 or the Broadcasting Act 2010

“**Active Infrastructure Sharing**” means the sharing of electronic infrastructure & facilities.

**“Infrastructure Provider”** means any telecommunications operator who owns or is in control of facility or infrastructure, access to which another operator desires or into an agreement for the purposes of collocation or infrastructure sharing.

**“Infrastructure Seeker”** means any telecommunications operator desirous or into an agreement with other telecommunication operator(s) who own or are in control of telecommunication’s infrastructure and facility for the purpose of collocation or infrastructure sharing.

**“Passive Infrastructure Sharing”** means the sharing of non-electronic infrastructure.

### **5. Objectives of the Guidelines**

The Objectives of the Guidelines are as follows:

#### **Objective 5.1**

To ensure that the occurrence of unnecessary duplication of infrastructure is minimized or completely avoided to enhance sharing and to maximize the use of network facilities including but not limited to network capacity and capabilities, base station sites, backbone, towers etc. In this context “Infrastructure Sharing” means the joint use of telecommunication and broadcasting infrastructures and facilities by two or more operators.

#### **Objective 5.2**

To promote the availability of broad range of high quality, efficient, cost effective and competitive telecommunication and broadcasting services throughout Samoa by ensuring optimum utilization of telecommunication resources and to promote fair competition through equal access being granted to the installations and facilities of operators on mutually agreed terms.

#### **Objective 5.3**

To protect the environment by reducing the large number of infrastructure and facilities installations thereby not destroying the beauty of Samoa’s landscape. OOTR is of the view that there is a need for sharing infrastructure among telecommunication providers and the Office of the Regulator is urging the service providers to consider this initiative.

#### **Objective 5.4**

To optimize the operators’ capital expenditure on supporting infrastructure and to free more funds for investments in core network equipments.

#### **Objective 5.5**

To ensure that the economic advantages derivable from the sharing of facilities are bonded for the overall benefit of all telecommunications and broadcasting stakeholders.

## **6. Types of Infrastructure Sharing**

The type of infrastructure agreeable to sharing are those that can be shared without an attendant risk of lessening competition or to hinder service to the population.

The manner in which the infrastructure sharing is perceived should be non-discriminatory and competitively neutral.

### **6.1 Passive Infrastructure Sharing**

The OOTR shall encourage and promote Passive Infrastructure Sharing. And therefore proposes that passive infrastructure sharing should be mandatory in Samoa. It is basically the sharing of non-electronic infrastructure and facilities. It is mainly the civil engineering elements of the telecommunication and broadcasting network. It means sharing of physical sites, buildings, shelters, antenna masts and tower structures, electric power supply and battery backup, grounding/earthing, air conditioning, security arrangement, poles, ducts, trenches, right of way, optical fiber access and backbone network, wired access and backbone network, technical premises etc. Setting up of passive infrastructure is the most time-consuming and sharing those networks would greatly reduce the time frame for service provision that is dependent on the infrastructure. The larger telecommunication companies in Samoa could, through infrastructure sharing and co-location access, a source of revenue. The other providers planning to expand nationwide would also benefit in a reduced time frame for rollout of services.

### **6.2 Active Sharing**

The OOTR at this point in time is not proposing active Infrastructure Sharing. Active Infrastructure Sharing is the sharing of electronic infrastructure and facilities. The sharing of structures such as base stations, complete network structures, switching centres, antennas, transceivers, router, microwave radio equipment, roaming, RAN, LAN, wavelength sharing does not form part of this proposed Policy.

## **7. Terms and Conditions for Infrastructure Sharing**

**7.1** These guidelines are applicable for sharing of passive structures amongst all existing telecommunication operators having license issued by the Office of the Regulator.

**7.2** The operators shall provide capacity on its infrastructure to other operators on a non-discriminatory "first come, first serve" basis and that Service providers with existing telecommunications network facilities shall allow other service providers to co-locate their telecommunications network facilities on their existing facilities.

**7.3** The Infrastructure Provider and Infrastructure Seeker shall enter into agreement for sharing infrastructure. Charges for Infrastructure Sharing shall be mutually agreed basing on the directives issued by the OOTR and is based on the directives given by the office of the Regulator.

**7.4** The Infrastructure Seeker shall compensate the Infrastructure Provider to provide co-location for such an amount as the parties may agree or, where the parties are unable to agree, as may be determined by the Regulator

**7.5** In case of any dispute or where the parties are unable to agree on the conditions of co-location, either or both parties may apply to the Regulator to mediate and, if mediation fails, the Regulator may issue an order to resolve any outstanding issues between the parties.

**7.6** The Infrastructure Provider shall develop, build, maintain and operate new passive infrastructure for providing telecommunication services to the Infrastructure Seeker. However, the Infrastructure Provider may build passive infrastructures satisfying all the requirements given by OOTR (this should include a contract agreeing to co-location) together with the development consent from Planning and Urban Management Agency ("PUMA"). The development consent from PUMA is based on Section COEP 14 of the Samoa Codes of Environmental Practice 2002 and the consent requirements must be considered by all providers intending to erect infrastructures for telecommunications and broadcasting services.

**7.7** The operators shall have to fulfill all of their individual obligations including but not limited to rollout obligations as contained in their individual licenses irrespective of infrastructure sharing agreement with other operators.

## **8. Procedure for Infrastructure Sharing**

**8.1** The Infrastructure Seeker shall submit a written request to Infrastructure provider expressing the interest of sharing infrastructure. Infrastructure Provider shall enter into negotiation with other operators to share the infrastructure.

**8.2** The request for Infrastructure Sharing by the Infrastructure Seeker to the Infrastructure Providers and the approval or rejection of the request by the Infrastructure Provider must be in writing.

**8.3** All negotiations for Infrastructure Sharing must be done in good faith. The Infrastructure Provider shall not:

- (a) Obstruct, delay negotiations in resolving disputes.

(b) Refuse to provide information relevant to an agreement including information necessary to identify the facility needed e.g. drawings, maps etc.

(c) Refuse to designate proper representative to speed up negotiation.

(d) overcharge Infrastructure Seeker.

**8.4** Infrastructure Providers may refuse an application for infrastructure sharing on grounds of insufficient capacity or a valid excuse. This would however require the approval of the Regulator, who may request detailed information to substantiate such a claim.

**8.5** The period to respond (either acceptance or rejection) by the Infrastructure Provider to any request for Infrastructure Sharing shall be 3 (three) weeks and the timeframe for negotiation of an Infrastructure Sharing Agreement shall be 4 (four) weeks from the date of receiving the request. If no response is received within 3 (three) weeks of request, the Infrastructure Seeker shall refer the matter to the OOTR and the OOTR shall take necessary action.

**8.6** In the event of any differences or disputes between the Infrastructure Provider and Infrastructure Seeker and failure to resolve the differences or disputes amicably among themselves, any aggrieved party shall refer the matter to the OOTR for resolution of the same. The decision of the OOTR in that regard will be final and binding.

## **9. Charges**

.The charges for infrastructure sharing shall be a reasonable charge based on the cost of the Infrastructure Provider incurred in the establishment of the facilities. The charges would be commercially agreed to by both parties and subject to approval of the Regulator. In the event that agreement is not reached for applicable charges, The Regulator in accordance with section 68 (2) of the Act will seek to establish the cost of provision of services and provide an Order for infrastructure sharing based on the established costs.

## **10. Implementation of the Policy**

After consultation on the Policy, the Office of the Regulator will produce the final documentation to be sent to the stakeholders who are to be guided by the policy. It is expected that the implementation of this policy should be a responsibility of all parties involved. In order to provide an efficient service to the telecommunication community in Samoa, co-operation is required from all sectors of the telecommunication community in order to efficiently share infrastructure and minimize potential harmful interference.





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