



**OFFICE of the
REGULATOR**

ANNUAL REPORT

for the year ended 30 June 2013

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1. Executive Summary

This Annual Report for the Office of the Regulator (“OOTR”) for the period ending June 2013 reflects continuous initiatives to improve the regulation of the Telecommunication, Broadcasting, Electricity and Postal Services sectors.

OOTR continues to prioritise the importance of monitoring and reviewing the performance of all the service providers in the sectors under the jurisdiction of OOTR. The Annual Report is based on the activities which were implemented within each division of OOTR.

Corporate Services Division continues to focus on the development of the staff’s capacity to ensure consistency with the implementation of their division’s activities, and also that the staff of OOTR are well informed of ongoing changes in telecommunications and technology.

During this financial year, the contract of the Regulator was renewed together with the contract of the Manager of Spectrum and Technical Division, the Manager of Legal Division and the Manager of Corporate Division. OOTR also started operating from their newly renovated premises at Mulinu’u.

Legal Division continues to provide appropriate legal advice to the Regulator and OOTR. The OOTR is still anticipating receipt of the Telecommunications Tribunal decision on the Order of the Regulator 2010/03 which was appealed by Digicel Samoa Limited.

The Legal Division also compiled the Orders of the Regulator issued to the service providers in the aforementioned relevant sectors, mostly in relation to the improvement of service(s). Legal Division also reviewed policies, procedures; and is in the process of conducting Legislative reviews on the respective Acts that concerns the Regulator.

The Legal Division, Ministry of Finance, and the Office of Attorney General cooperatively worked to prepare measures for the regulation of the Electricity Sector since the Electricity Act was passed in 2010. A Radio Spectrum Rule is also being developed by the Legal Division in collaboration with the Spectrum and Technical Division for the use, management and operation of frequencies and spectrum.

The **Spectrum and Technical Division’s** duties continue to escalate because of the rapid evolution of technology in the telecommunications market in Samoa and Worldwide. The work conducted comprises guidelines and various standards; six (6) guidelines have already been prepared and it has greatly assisted in the management; and for monitoring the use of spectrum.

The Spectrum and Technical Division commenced preparations for the Digital transition and started consultations with television service providers and the public in both Upolu and Savaii; continuous consultations will take place until 2017 (when the Digital Transition from Analogue to Digital is anticipated to be carried out).

Licences for various services continue to be issued by the OOTR in accordance with the Act and the criteria or requirements for the evaluation a licence application.

Our Office continues to issue Licences for various services in accordance with the Act and the requirements for the evaluation of a licence application and allocate numbers to be used by service providers. The National Emergency Telecommunication Plan has been developed and successfully implemented and a reduction of interference events has been observed; such interferences are usually a result of how service providers perform their operations and the set up of their equipment.

During this financial year the **Regulatory & Consumer Affairs Division** focused on the regulation and review of tariffs and charges by service providers, addressing and investigating a number of customer and service provider's complaints and disputes. The Office aims to finalize all investigations and consultations before the regulator can issue an Order and/or Determination.

The OOTR received several businesses' and companies applications for different licences, most of the applications were approved whereas others applications were required to provide further information or documents for evaluation of application.

The **Electricity Division** commenced regulatory work for the Electricity services, authorisation to generate electricity was granted not only to the Electric Power Corporation ("EPC") but other Independent Power Producers ("IPP") to generate electricity through the use of renewable energy. The Electricity Division is also developing policies and relevant standards for the regulation of the cost of electricity. During this financial year the EPC sought approval from the OOTR for the reduction of the base tariff to 3.6% reduction to, 2% reduction for cash power and 27.24% for the fuel surcharge. In July 2013 the Regulator issued an Order No. 2012/E04 to approve the submission from EPC and for the enforcement of the new rates on 1 August 2012. EPC continues to inform OOTR of the proposed monthly fuel surcharge and the effects on EPC's revenue.

The Financial Review of the OOTR continues to show healthy performance in the current financial year. The Government approved a budget of \$1,858,378 for the Office for the period July 2012 to June 2013. As at June 2013, the Office had recorded revenue in the amount of \$4,509,407 and had incurred expenses of \$1,988,236 and recorded a net profit of \$2,521,171. A total amount of \$92,867 relating to revenue collected has been transferred to the Government's accounts during the year.

Main revenue stream for the Office are from telecommunications licence and radio spectrum fees, and it is expected that revenue from broadcasting license fees will be collected by the OOTR based on license fees previously collected by the Ministry of Communications & Information Technology when the Ministry was regulating the broadcasting sector.

The OOTR is currently working on recovering license fees outstanding from the last financial year as well as cancelling licenses for license fees unpaid.

2. Corporate Services

The Corporate Services in the Office of the Regulator combines and consolidates all those support activities that are required throughout the organization. These include finance, administration and human resource development activities.

2.1 Staffing

The staff of the Office of the Regulator comprised of the following twelve (12) personnel as at 30th of June 2013:

The Regulator: Donnie De Freitas

Legal Counsel: Elisa Kohlhase

Manager Spectrum & Technical Services: Unutoa Auelua-Fonoti

Manager – Corporate Services: Faalelei Sua

Principal Spectrum & Technical Analyst: Tuuaga Aviata

Principal Spectrum & Technical Officer: Eteuati Eteuati

Principal Consumer Affairs Analyst: Ipinu Filipo

Principal Legal Officer-Electricity Sector: Cecily Faasau

Senior Technical Officer (Broadcasting): Su'a Aulaga Faumuina

Accounts Clerk: Etenauga Tanielu

Receptionist/Office Assistant: Leleiga Karene

Driver: Pio Bell

2.2 Appointments and Resignations

Mr. Donnie De Freitas was reappointed by Cabinet to continue serving as the Regulator for another three years effective 8 October 2012.

In relation to contract positions within the Office of the Regulator, Ms. Unutoa Auelua-Fonoti was reappointed as Manager-Spectrum & Technical Services effective 10 August 2012 and Ms. Elisa Kohlhase was also reappointed as Legal Counsel effective 27 August 2012. Ms. Faalelei Sua was appointed as Manager-Corporate Services effective 30th July 2012.

Two officers joined the Office of the Regulator in this financial year. Ms. Cecily Faasau was appointed as the Principal Legal Officer-Electricity Sector effective 7 January 2013, and Mr. Su'a Aulaga Faumuina was appointed as Senior Technical Officer (Broadcasting) effective 23 July 2012.

Ms. Karen Komiti did not reapply for the position of Manager-Regulatory & Consumer Services Division after she completed her three year contract on 16 August 2012 and the position remained vacant as at 30 June 2013.

2.3 Organisational Structure

The approved Organisational Structure is reflected in **Fig 2.1** below and has been updated to reflect all current positions as at 30 June 2013. The vacant positions are expected to be filled within the next 2013/2014 financial year.

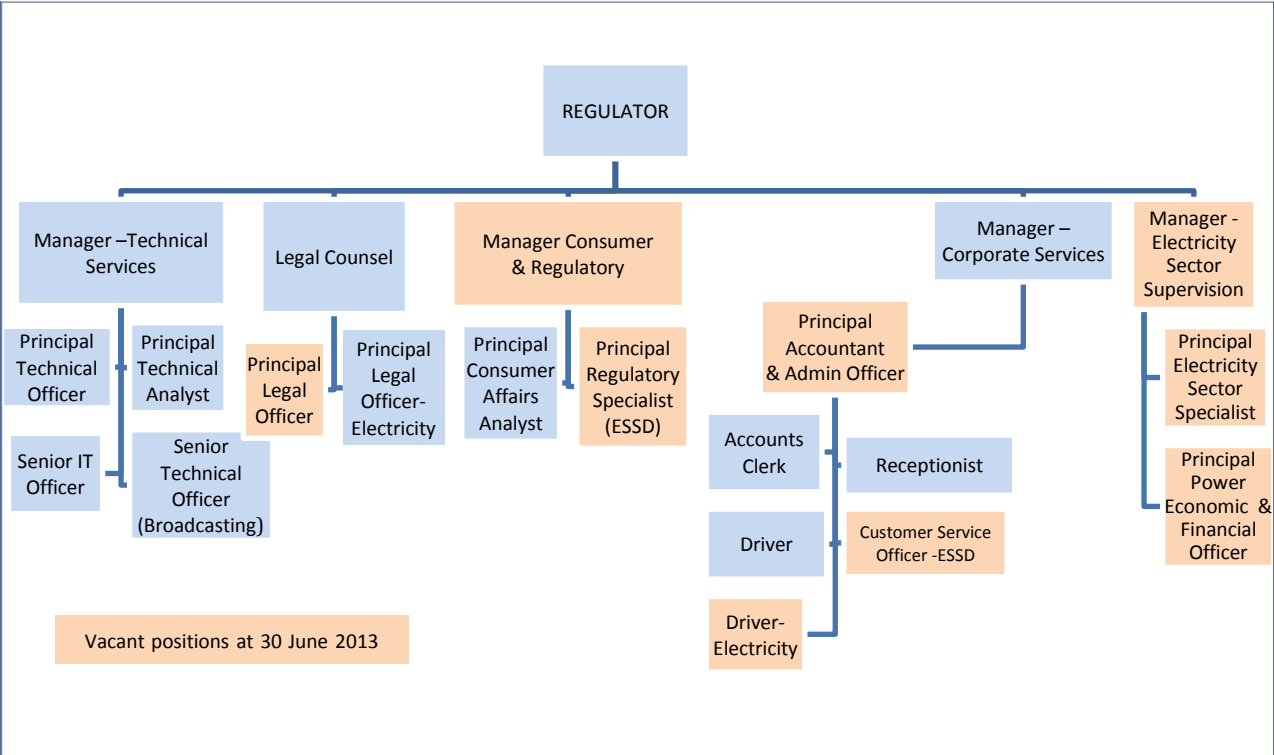


Fig 2.1 Organisational Structure of the Office of the Regulator at 30 June 2013

2.4 Office Relocation

The Office of the Regulator relocated to new Headquarters at Mulinnu in October 2012. Renovations of the building was carried out by ALCC Brown for a total amount of \$574,555 and the OOTR paid out 95% of the contract fee with 5% retention to be paid after 365 days from completion of refurbishment and subject to conditions. Total costs spent by the OOTR for renovations will be recovered over the period of a long term lease.

In addition to costs for actual construction work to refurbish the building, the Office of the Regulator also contracted Kramer Ausenco as the Adviser for refurbishment work need. Total costs for this consultancy was \$94,523 but 76% of this amount was settled in the prior financial during the planning phase of the relocation project.

2.5 Institutional Strengthening and capacity building

The Public Sector Improvement Facility (“PSIF”) of the Ministry of Prime Minister and Cabinet provided assistance by way of funds for Institutional Support to the Office of the Regulator. Total funds earmarked for this project was \$1,150,605 and the OOTR will be using the assistance to strengthen the Regulatory Framework for the Electricity Sector. The Project is expected will be for the period August 2012 – December 2013.

In terms of specialised overseas training, staff members continue to attend appropriate training programs to ensure that all employees are adequately equipped to carry out their duties.

Training for the Divisional Managers remained a priority to ensure the continuity of the Office.

Training opportunities were provided through the International Telecommunications Union (“ITU”), the Asia Pacific Telecommunity (“APT”) as well as the PSIF Project.

The following list summaries overseas training that different staff attended during the current financial year:

OOTR Staff Member(s)	Course Attended	Venue	Period
Elisa Kohlase	PURC/University of Florida Energy Pricing & Benchmarking Infrastructure Operations Courses	Florida, USA	29 July – 9 August 2012
Elisa Kohlase	ITU Asia-Pacific Mock Court Exercise on Fighting Cybercrime	Jakarta, Indonesia	18 – 19 September 2012
Ipiniu Filipo	10 th ITU World Telecommunication/ICT Indicators Meeting	Thailand	25 – 27 September 2012
Su’a Aulaga Faumuina	Ministry of Commerce of the People’s Republic of China Training Course on Meteorological Hazards Early Warning for Developing Countries	Nanjing, China	12 October – 1 November 2012
Elisa Kohlase	ITU Internet Access Services: Regulatory Issues and Choices	Bangkok, Thailand	11 – 14 December 2012
Unutoa Auelua-Fonoti	ITU World Communication Seminar	Geneva, Switzerland	3 – 7 December 2012

Unutoa Auelua-Fonoti	International Centre for Parliamentary Studies Professional Certificate in Regulatory Affairs	London, UK	10 – 14 December 2012
Cecily Faasau & Ipinu Filipo	PURC/University of Florida 33 rd International Training Program on Utility Regulation and Strategy	Florida, USA	14 – 25 January 2013
Elisa Kohlhase & Cecily Faasau	London School of Economics Short Course on Regulation	London, UK	15 – 19 April 2013
Faalelei Sua & Eteuati Eteuati	PURC/University of Florida 34 th International Training Program on Utility Regulation and Strategy	Florida, USA	10 – 21 June 2013

The Office continues to focus on upgrading interaction with the public through an improved website and making its process of public consultation and internal processes more interactive and consumer friendly.

3. Legal Framework

This part of the Annual Report provides an overview of the Legal Division's work for this specific period.

This year the Legal Division has been occupied with a series of events ranging from the provision of legal advices, preparation and review of legal instruments (including but not limited to Acts, Orders and licences).

3.1 Legal Challenges

Telecommunications Tribunal Decision – Appeal against Order of the Regulator No 2010/03- Digicel (Samoa) Ltd v Regulator & Samoa Tel Limited

The Tribunal's decision on this case is still pending and the Office of the Regulator has continuously followed up and will continue to follow up on the decision given the impact that the decision might have on the Orders and any following action that the Regulator may make to subsequent matters arising. This matter is regarding the issuance of Order of the Regulator No 2010/03, Digicel (Samoa) Ltd lodged an appeal with the Telecommunications Tribunal in relation to licensing arrangements, technology used to provide the service and more importantly tariffs charged which are associated with regulatory approval.

National Workshop for training Enforcers on fighting Cybercrime

The Office of the Regulator with the assistance of the International Telecommunication Union (ITU) hosted a workshop from 11-15 March 2013 to train enforcers on fighting Cybercrime. This is in conjunction with the new Crimes Act that was recently passed that contained new cybercrime provisions. The workshop created awareness for interested stakeholders and equipped law enforcers with means to deal with cybercrime and strengthening Samoa's cyber security.

3.2 Rules, Regulations, Guidelines and Orders

The Office of the Regulator is working towards the review of the Rules on Licensing Telecommunications Services 2006, revamping the rules to be more technology neutral and other necessary changes.

The Office of the Regulator conducted initiatives into establishing a Guideline for Alternative Dispute Resolution and had engaged Macmillan Keck an Australian consultant for technical support.

The following Orders were issued in the past year in relation to the regulation of all the sectors under the jurisdiction of the Regulator:

Order of the Regulator No. 2012/E04 -	Approval of change to tariffs charged for electricity services
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Order of the Regulator No. 2012/T08 -	Bluesky Samoa Ltd and Digicel Samoa Ltd claim of 4G Network
Order of the Regulator No.2012/E05 -	Approval of Fuel Surcharge
Order of the Regulator N0.2012/E06 -	Approval of Fuel Surcharge
Order of the Regulator N0.2012/E09 -	Approval of Fuel Surcharge
Order of the Regulator N0.2013/E10 -	Approval of Fuel Surcharge
Order of the Regulator N0.2013/E11 -	Approval of Fuel Surcharge
Order of the Regulator N0.2013/E12 -	Approval of Fuel Surcharge
Order of the Regulator N0.2013/E13 -	Approval of Surcharge
Order of the Regulator N0.2013/E14 -	Approval of Fuel Surcharge
Order of the Regulator N0.2013/T01 -	Interim Interconnection Termination Rates for fixed and mobile networks in Samoa
Order of the Regulator N0.2013/T02 -	Customer Complaining about Bluesky Billing Practices
Order of the Regulator N0.2013/T03 -	Modification of Order of Regulator N0.2013/T02

Electricity Regulations

Electricity Regulations have been proposed for regulating aspects of the Electricity Sector. The office of the Regulator along with the Ministry of Finance and The Attorney Generals' Office is currently developing these Regulations. The proposed Regulations will look at providing tariffs procedures as well as fees charged for licenses in the Electricity Sector.

Radio Spectrum Rules

The Office is currently developing Radio Spectrum Rules to govern the procedures of the Spectrum as per the Regulators duties under the respective legislation. The Rules were proposed to replace the Radio Spectrum Regulations as to avoid the strenuous process associated with subsidiary legislation such as Regulations.

3.3 Development in Acts

Telecommunications amendment Bill 2013

Telecommunications amendment Bill 2013 has been finalised and forwarded to Ministry of Communication and information Technology ('MCIT') for submission to Cabinet. once finalised amendment will be submitted to Parliament for their usual legislative process.

Broadcasting Amendment Bill 2012

Broadcasting Amendment Bill was finalised by the Attorney Generals' Office. The Office of the Regulator has prepared Cabinet Submission for proposed amendment and forwarded to MCIT for submitting to Cabinet.

Crimes Act (cybercrime provisions)

The new Crimes Act was passed in March 2013. The new Act had incorporated specific provisions on Cybercrime. The Crimes Act 2013 has amended the Telecommunications Act 2005 by removing any internet related crime leaving only telecommunications related offences in the Telecommunications Act 2005.

Public Utilities Bill

A Public Utilities Bill is being developed to establish a Multi-Sector Regulator (which includes telecommunications, broadcasting, postal services and electricity) and so to consolidate administrative roles and responsibilities of the Regulator and the Office of the Regulator as mandated under the varies relevant Acts. The Regulator has approved the drafting of this Bill inhouse.

4. Spectrum & Technical Division

The Technical Division has continued to increase its activities for the financial year 2012/2013 as a follow up from the previous financial year. As usual, we continue to face with the challenges with the increasing of the number of services and organising its work so as to meet the competitive and increasing demand of services in the market and especially with the emerging of new technologies in Samoa both in the telecom and broadcasting Sector.

Technical Division has additional responsibilities especially with monitoring of the spectrum band. The technical division during this financial year have completed few policies and guidelines as part of the Spectrum Management Plan in addition to other policies done in the last financial year. These policies including the Band Plans for Wireless Broadband, VHF and UHF Services, Spectrum Rules, Fixed Mobile Services, Spectrum Chart, Amateur Band Plan and 700MHz Band Plan. All of which were in accordance to Technical Division Work Plan intended to finalise in this financial year. All of which were subject to consultations under the legislation.

This financial year also sees the beginning of Technical Division preparations for the Transition of Analog Television into Digital Television. Technical Division has engaged with the providers and the public with the consultations both in Upolu and Savaii. These consultations will continue on into the next financial year until 2017 where the sector is planned to finalise the switch from analog television to digital television.

Technical Division continues to monitor the electromagnetic-spectrum and the results were encouraging as it has been seen that most users are operating within their range of regulatory allowances. Most interferences incidents were mainly due to non-coordination in the part of the users of the spectrum. As a result of this ongoing monitoring exercise, the coverage maps of the broadcasting sector has been recorded and released for the information of the service providers in the six monthly reports prepare by the Technical Division for the Regulator.

Equipment type approval has been ongoing and the standardization of the type approval process is continuing. Technical division will continue to type approve the

4.1 Radio Spectrum Licences

The Office of the Regulator continue to issue radio spectrum licenses based on the provisions of the Telecommunications Act 2005, Broadcasting Act 2010 and according to conditions set by the Regulator. The number of new licenses issued during the financial year 2012/2013 continues to increase due to the rapid growth of the telecommunication sector and the introduction of more innovative technology in the Samoan market. The decrease in Land Mobile license is due to outstanding payment hence no license has been issued. The decrease in Amateur License issued is due to the less tourists visiting Samoa because this service is mostly use by tourists and business people visiting Samoa for short stay.

The following **Table 4.1** describes how the licenses were distributed in this financial year 2012/2013.

Jul 2012 to Jun 2013	
Type of License	Quantity
Amateur	13
Land Mobile	7
Fixed Link	12
Broadcasting FM	4
Broadcasting TV	4
Ship Station	7
Aeronautical Station	2
Satellite Earth Station (RX/TX)	1
GSM Mobile	1
SES Tx only	1
WiMAX Broadband	1

Table 4.1: Distribution of Radio Spectrum License by operations as at June 2013

4.2 Spectrum Management

The Technical Division continues to develop the documents that are intended to be used as part of the Spectrum Management Master Plan. The Spectrum management Plan includes many plans and policies which will be part of the Spectrum Management Plan for Samoa as a requirement by the Act. Other documents have been finalised and others are consulted on. The Spectrum Plan purpose is to set forth the policies and guidelines for the use of the radio spectrum in Samoa. The intention is to ensure that the principles of good spectrum management would be achieved in order to maximize the efficient use of radio spectrum and to ensure that spectrum is made available for new technologies and services.

Technical Division also anticipated more documents to be added to the Plan given the introduction of Broadcasting to their Work Plan and the plan for the migration of Analog Television to Digital Television. The Technical Division continues to monitor the spectrum and simultaneously takes on efforts to resolve spectrum-related or interferences issues arise.

4.3 Frequency Allocation

The frequency allocation for Samoa was last reviewed in the last financial year, in fact the review of the Frequency Allocation is based on the changes of the market and the need for frequency bands to be use by other services. The Allocation Table sets out the frequency bands that have been allocated to services and divides the spectrum into what they needed for their respective services. Technical Division has completed drawing up the Frequency Allocation Chart for Samoa based on the currently existed Frequency Allocation Table. With the

introduction of the Digital Dividend and new technologies, Technical Division will review the Frequency Allocation Table in the next financial year to incorporate these changes.

4.4 Spectrum Monitoring

OOTR Technical Division continues its monitoring exercises to monitor the spectrum in all services available in Samoa. Scheduled three monthly monitoring are ongoing and all findings are recorded and reported to the providers for proper action. Six monthly monitoring is also scheduled, data and findings of that monitoring is used to do a complete monitoring report to the Regulator and to the Honourable Minister of OOTR. With the growing demand for radio spectrum in Samoa, spectrum management is becoming one of the most important functions of the Office of the Regulator. Spectrum management requires special considerations to ensure high quality of service and efficient use of radio spectrum in Samoa.

Technical Division is in the process of upgrading the monitoring unit, this is because the growth of the market requires more services and hence more spectrum. The current monitoring unit has a limited frequency range and it needed to be extended to cater for these new services.

4.5 Spectrum Management Plan

There has been a rapid growth in demand for various uses of radio spectrum in recent years, particularly for wireless and mobile broadband services. However this growing demand for radio spectrum is not limited to commercial users alone, there is also a demand from the non-commercial users.

From the perspective of the OOTR, cautious spectrum management is required to ensure that sufficient spectrum is available to support not just the development of the commercial mobile market and other new technologies and services but to support the continued operation of services such as Government and emergency services that use radio spectrum on a daily basis.

These documents contain all the relevant policies that relates to the efficient and effective use of the radio spectrum and are listed below;

- Spectrum Management Policy & Guidelines
- Radio Spectrum Rules
- National Frequency Allocation Table
- National Spectrum Allocation Chart
- Broadcasting Frequency Assignment Band Plan
- Mobile Broadband Band Plan
- Wireless Broadband Service Policy
- 700MHz Band Plan
- VHF and UHF Land Mobile Services Band Plan
- Fixed Microwave Band Plan
- Amateur Band Plan

The technical division continuously provide spectrum consultations with the stakeholders before finalising any spectrum related document for implementation.

4.6 Digital Television Transition

The current system of broadcasting in Samoa is predominantly analog especially free to air services. Analog broadcasting uses single frequency channel. In Digital broadcasting single frequency channel that carried one programme can now carry up to eight programmes. The world is moving fast to digital technology fortunately OOTR is coping up with these international transitions consequently one of our major role was conducting workshops with stakeholders and in addition the awareness workshops with the general public (viewers) both in Upolu and Savaii.

Specifications and standards for Digital Terrestrial TV will be finalised in the next financial years.

4.7 Numbering Plan

OOTR is solely responsible for regulating of the numbers assigned to the telecommunication service providers. There are rules and guidelines developed to guide the use and assignment of numbers efficiently. The length of the number categorises the various services.

There have been no major issues raised regarding the numbers since only Bluesky and Digicel are the license providers using this number plan.

The Samoa National Numbering Plan will be finalised early the next financial year for implementation.

4.8 National Emergency Telecommunication Plan

A National Emergency Telecommunication Plan is already being implemented and it is incorporated to Samoa National Disaster Management Plan. This NETP has highlighted all the guidelines relevant to ICT in times of any natural or manmade disaster. It is the responsibility of the OOTR to develop these plans to ensure there is no communication breakdown when there is an impact of any disaster that may hinder the lives of the Samoan community.

The NETP will be reviewed in the next Financial Year.

4.9 Telecommunication Equipment

The Office of the Regulator continues to type approve telecommunication equipment to be used for connection to any telecommunication system or equipment belonging to a telecommunication licensee or any type of radio equipment to be used in Samoa.

No person shall sell any equipment on the market without the prior approval of the OOTR. Samoa is adopting the New Zealand and Australia standards which are reference to European Telecommunications Standards Institute (ETSI) and Federal Communications Commission (FCC).

OOTR will consider any appropriate Type Approval Fees in future.

The list of equipment type approved in the financial year 2012/2013 follows:

Product Name	Product Detail	International Type Approval N ^o	SMO Approval N ^o (Office of the Regulator)	Date	
Nokia C5-03	RM-697	FCC-QTKRM-697	T-205/12	14-Aug-12	
Samsung Calaxy S3	T19300A	FCC - A3LGT19300a	T-206/12	31-Aug-12	
Apple Ipad2	A1296	FCC - BCGA1396	T-207/12		
Apple Ipad3	A1416	FCC-BCGA1416	T-208/12		
WNR1000	10200134	FCC - PY310200134	T-209/12		
Dlink DWA-125	DWA-125	FCC - KA2WA125A2	T-210/12		
Ubiquiti P2	Wireless Station	FCC - SWX-B2	T-211/12		
Ubiquiti P5	Wireless Station	FCC - SWX-M5	T-212/12		
HP ProBook	ProBook 4530s	KCC - B056R054-1003	T-213/12		
Toshipa Satellite Pro	C665	FCC-CJ6UPANHU	T-214/12		
HP Pavillion	DV7-6015TX	FCC-PD9112BNHU	T-215/12		
Apple Iphone	E2380A	FCC-BCG-E2380A	T-216/12		
Nokia Asha 311,3110	RM-714	BABT - 1031	T-217/12		13-Sep-12
Nokia Asha 306,3060	RM-767		T-218/12		
Nokia Asha 309,3090	RM-834		T-219/12		
Novero	Bluetoooh Rx-42	FCC - WJLRX-42	T-220/20	3-Oct-12	
Alcatel-810	one touch 810	CE1588	T-221/12	31-Oct-12	
Alcatel-358	one touch 358	CE1588	T-222/12		
Alcatel-870	one touch 870	CE1588	T-223/12		
Alcatel-213	one touch 213	CE1588	T-224/12		
Alcatel-282	one touch 282	CE1588	T-225/12		
Alcatel-310	one touch 310	CE1588	T-226/12		
Alcatel-595	one touch 595	CE1588	T-227/12		
ZTE R238	GSM (GPRS) Digital Mobile	Q78-GR238	T-228/12		
ZTE S217	GSM Dual Band Mobile	NB_ZTE G S217	T-229/12		
Samsung GT-I9100	Mobile Phone	NC/15183	T-230/12		
Samsung GT-I9300	GSM Mobile Phone	NC 16676 101	T-231/12		
Krystal K440c	GSM Mobile Phone	CE-0700	T-232/12		
Delphi Electronic Scan Radar	ESR2.5 51TR	FCC ID - L2C0051TR	T-233/13		18-Jan-13
Nokia 206	RM-872	ABN: 39 007 366 949	T-234/13		24-Jan-13

Nokia Lumia 620	RM-846		T-235/13	
Media Tek MT7630E	1T1R Combo Card	FCC ID: RAS-MT7630E	T-236/13	18-Feb-13
Alcatel	OT255	FCC ID: RAD135	T-237/13	27-Feb-12
Alcatel	OT990	FCC ID: RAD158	T-238/13	
Alcatel	OT355	FCC ID: RAD 009	T-239/13	
HTC	Explorer	FCC ID: NM8PG86100	T-240/13	
HTC	Incredible	FCC ID: NM8PG32120	T-241/13	
HTC	Vivaz	FCC ID: 80PB	T-242/13	
HTC	Wildfire S	FCC ID: NM8PG76110	T-243/13	
Apple Iphone	Iphone 3G S	FCC ID: BCGA1303A	T-244/13	
Apple Iphone	Iphone 4G S	FCC ID: BCGE2430A	T-245/13	
LG	Optimus P350	FCC ID: BEJP350G	T-246/13	
Motorola	Defy	FCC ID: IHDP56LC1	T-247/13	
Motorola	Razr V3	FCC ID: IHDT53EU3	T-248/13	
Motorola	XT910 DROID RAZAR	FCC ID: IHDP56LU1	T-249/13	
Nokia 500	RM-750_06	FCC ID: QTKRM-750	T-194/12	
Nokia 7230	RM-604	FCC ID: PPIRM-604	T-250/13	
Nokia C1-02	RM-643	FCC ID: OTLRM-643	T-144/10	
Nokia E5	RM-634	FCC ID: QTKRM-634	T-251/13	
Nokia E72	RM-530X	FCC ID: PYARM-530X	T-252/13	
Nokia NK3500	RM-272	FCC ID: 66IU-RM272	T-253/13	
Nokia 701	RM-774	FCC ID: PYARM-774	T-254/13	
Samsung	B2100	FCC ID: A3LSWDB2100	T-255/13	
Samsung	E1081	FCC ID: A3LGTS5603T	T-256/13	
Nokia Lumia 520	RM-914	BABT - RM-914	T-257/13	19-Mar-13
Blackberry	Q10 SQN100-3	FCC ID: L6ARFN80UW	T-258/13	22-Mar-13
Samsung Galaxy	Galaxy S2	FCC ID: A3LGTI9100	T-259/13	27-Feb-13
Samsung Galaxy	Galaxy S3	FCC ID: A3LCTI9300	T-260/13	
Samsung Galaxy	Galaxy Y pro	FCC ID: A3LGTB5510	T-261/13	
Samsung S		FCC ID: A3LGTI9000T	T-262/13	
Samsung	I780	FCC ID: A3LSGHI780	T-263/13	
Samsung I900	Galaxy S Plus	FCC ID: A3LGTI9001	T-264/13	
Samsung N700	Galaxy Note	FCC ID: A3LGTI9220	T-265/13	
Samsung	S5660 GIO	FCC ID: A3LGTS5660	T-266/13	

Sony Erricson	U5I	FCC ID: PY7A3880058	T-267/13	
Sony Erricson	U8i Viva Pro	FCC ID: PY7A3880056	T-268/13	
Sony Erricson	W595	FCC ID: PY7A305211	T-269/13	
Sonny Erricson	W8	FCC ID: PY7A1880032	T-270/13	
Sonny Erricson	W890	FCC ID : PY7A3052041	T-271/13	
Sonny Erricson	W980	FCC ID: PY7A3052091	T-272/13	
Sonny Erricson	Xperia	FCC ID: PY7A3880100	T-273/13	
Remote Keyless Entry	TWB1G767	FCC ID: CWTWB1G767	T-274/13	3-Apr-13
Nokia 210.3	RM-925	BABT - RM925	T-275/13	25-May-13
Nokia Asha 501	RM-899	BABT-1031	T-276/13	29-May-13
ALPS-Passive Entry System	TWB1U825	FCC ID: CWTWB1U825	T-277/13	20-Jun-13
Fujitsu Car Audio	FT0057A	FCC ID: BABFT0057A	T-278/13	24-Jun-13

4.10 Harmful Interference

There were no complains reported in relation to any major radio spectrum interference during this financial year 2012/2013.

The well managed of the radio spectrum by the Technical Division have resulted in minimal or no interference. The users have complied responsively with the standards set out by OOTR which is an indication of parties involved working collaboratively.

5. Regulatory and Consumer Affairs

During the reported period the Division continued its regulatory support for the Office of the Regulator mainly on resolving consumer complaints and provider disputes; the review of retail tariffs; monitoring providers' compliance with approved rates and facilitate evaluations for application for services licence.

5.1 Outstanding Regulatory Issues

The various regulatory issues that arose from disputes between service providers and the resultant consultation meant that by the end of the reported period, these matters were at the finalization phases of respective submissions by service providers relating to the matters before the Regulator. It is expected these processes and submissions would be completed prior to the Regulator making a decision, and the subsequent Final Determinations and Order of the Regulator issued and made public by the next review period.

5.2 Consumer Complaints

OOTR continues to resolve complaints received from consumers against service providers in relations to incorrect broadband internet charges, mobile prepaid service promotions and public concerns on 4G Network advertisements. These were duly investigated and opportunity was provided to the parties complaint against to submit responses – all of which were resolved during the reported period.

One frequent complaint arising from lack of broadcasting coverage by SQB & Apia Broadcasting to Aleipata District, and some areas of Savaii which was investigated by the Technical Team and both TV stations were instructed to reinstate service. However, by the end of the reported period, there is still lack of service in these parts of Upolu and Savaii.

5.3 Telecommunications Tariffs

5.3.1 Wholesale Rates

The Regulator issued Order of the Regulator No. 2013/T01 for an interim interconnection termination rates for fixed and mobile services in Samoa. This Order replaced Order of the Regulator No. 2010/01 that was expired on 30th June 2012. The Regulator has deemed to intervene and impose interim wholesale rates as per Section 39A of Telecommunications Act 2005 since Bluesky Samoa Limited and Digicel (Samoa) Limited have failed to submit to the Regulator an interconnection agreement termination rates on a timely manner.

The interim wholesale rate set out in Order No. 2013/T01 is 4.8 sene per minute for fixed termination rates ("FTR"), 13 sene per minute for mobile termination rates ("MTR") and 3.5 sene per message. Such rates were only applied for six (6) months.

5.3.2 Retail Tariffs Audit

The OOTR continues to monitor Digicel's Cellular Radio Services and Bluesky's Fixed Line Services consistent with the Regulator's functions and duties under section 25 and section 40 of the Act.

The OOTR intended to ensure during the exercise that pursuant to the provisions of the Act, all tariffs and rates for services provided by a dominant service provider for the services for which they have been determined or deemed dominant must first be approved by the Regulator; the approved tariffs will apply to those services for which the provider has been deemed dominant.

5.4 Promotions

The OOTR is working with the providers in ensuring that all retail prices reflect the costs of providing services and that all tariffs implemented should not equate to a breach of Parts VI and VII of the Telecommunications Act of 2005.

5.5 Applications for Services Licence

The OOTR received the number of applications for ICT services during the reported period. Most of the applications have been approved by the Regulator whilst some of the applications remain incomplete due to some outstanding information that OOTR requires to enable its full analysis.

6. Electricity Sector Supervision

In 1972 the Electric Power Corporation ('EPC') was established as a corporation wholly owned by the government of Samoa under the Electricity Act of 1972 and was responsible for managing Samoa's electricity sector. The Electricity Act of 1972 was later reformed first in 1980, and then with additional amendments in 1984, 1986, 1989, 1992 and 1993. The current Electricity Act of 2010 repeals major parts of the 1972 Act.

6.1 Reforms and Legal Implications

The implementation of the Electricity Act 2010 resulted in two major reforms in the electricity sector. First was the introduction of competition to the electricity market by allowing private licensees also known as Independent Power Producers ('IPPs') to generate electricity and provide electricity services in Samoa, and second the establishment of the Office of the Regulator as regulator of the electricity sector in August 2011.

In accordance with the provisions of the Act, the OOTR has amongst other major functions, the responsibility for issuing licences for IPPs and setting and reviewing all electricity tariffs.

6.2 Tariff Setting and Review

Pursuant to Part IV Sections 19, 20 and 21 of the Act the OOTR is responsible for setting, changing and reviewing all tariffs charged by electricity licensees in Samoa. To date, the OOTR has been reviewing and approving monthly 'fuel surcharge adjustments' based on monthly fuel cost movements, particularly for the one leading network service licensee in Samoa - EPC. This process is an ongoing function of OOTR pursuant to Part IV Section 20 of the Act.

6.2.1 Base Tariff

On 17 July 2012, OOTR received a proposal from EPC for a 3.6% reduction in base tariff, 2% discount on all cash power purchases and 27.24% fuel surcharge. On 23 July 2012, the Regulator issued Order No 2012/E04 approving this proposal which became effective from 1 August 2012. The following **Table 6.1** shows the approved tariff and its components.

	Current Base Rate (sene)	New Base Tariff (sene)	Fuel Surcharge(sene)	Price per unit
Domestic 1-50 units	69	67	18	85
Domestic 50 & above units	82	79	22	101
Non Domestic	82	79	22	101

Table 6.1: Tariff

6.2.2 Fuel Surcharge

The following **Table 6.2** shows fuel surcharge adjustments approved through Orders of the Regulator during the financial year.

	Order No 2012/E04	Order No 2012/E05	Order No 2012/E06	Order No 2012/E09	Order No 2012/E10	Order No 2012/E11	Order No 2012/E12	Order No 2012/E13	Order No 2012/E14
Effective Date	1 st August 2012	11 th October 2012	5 th December 2012	7 th January 2013	25 th February 2013	14 th March 2013	14 th April 2013	9 th May 2013	3 rd June 2013
Fuel Charge Adjustment	27.49%	28.04%	25.43%	25.65%	25.83%	25.96%	27.59%	26.02%	25.24%
Domestic 1-50 units	18	19	17	17	17	17	18	17	17
Domestic 51 & above units	22	22	20	20	20	21	22	21	20
Non Domestic	22	22	20	20	20	21	22	21	20
Domestic Cash Power 1-50 units	18	19	17	17	17	17	18	17	17
Domestic Cash Power 51 & above units	22	22	20	20	20	21	22	21	20
Non Domestic Cash Power	22	22	20	20	20	21	22	21	20

Table 6.2: Fuel Surcharge

EPC continues to present to OOTR monthly fuel surcharges based on fluctuations on fuel prices, and the financial impact on EPC's cash flow.

6.3 Challenges and Way Forward

On May 30th 2013, the Office of the Regulator met with representatives of EPC and Consultants from economist.com to present on EPC's "Cost of Service and Tariff Study". The report identified major challenges faced by EPC in providing electricity services especially the impact of increasing costs of fuel generated electricity on operations of EPC. OOTR continues to work closely with EPC in efforts to regulate the Electricity Sector in accordance with requirements of Act.

7. Financial Review

The Government approved a budget of \$1,858,378 for the Office for the period July 2012 to June 2013. As at June 2013, the Office had recorded revenue in the amount of \$4,509,407 and had incurred expenses of \$1,988,236. It therefore realised a net profit of \$2,521,171. A total amount of \$92,867 relating to revenue collected was transferred to the Government's accounts during the year.

7.1 Revenue

The key sources of revenue for the Office are telecommunications licence and radio spectrum fees, accounting for 47.80% and 10.80% respectively. This is in addition to government grants received during the year amounting to 41.20% of its revenue. The balance is represented by application fees.

7.1.1. Telecommunications Licence Fees

The Office was unable to issue invoices for approximately 90% of telecommunication fees related to the current financial year. This is due to outstanding information from providers to update licence fees and the OOTR is working with providers to ensure that this issue is addressed before the end of the first quarter of the next financial year. As of 30 June 2013, an estimated amount for telecommunications licence fees revenue of \$1,944,500 is included in the financial statements and this is based on the most recent information available to the OOTR. This amount will be amended subject to the receipt of actual information needed from providers. Telecommunications licence fees comprise of fees payable by licensed telecommunications services providers, in accordance with the Telecommunications Licence Fee Regulations 2007.

7.1.2. Radio Spectrum Fees

The total amount invoiced as radio spectrum fees for the year was \$594,000. It comprises the fees payable by licensed radio spectrum users, in accordance with the Radio Spectrum Fee Regulations 2007 as well broadcasting licence fees.

7.2 Expenditure

In the 2012/2013 financial year, the usage of the Office's spending was primarily limited to operating expenses.

In the financial year ended 30 June 2013, 24% of the total expenses of the Office is represented by costs associated with refurbishing the OOTR's new headquarters.

As reflected in **Figure 7.1**, approximately 50% of the organisation's expenses for the year comprised salaries, wages and allowance for staff members, and depreciation of assets.

The segment labelled “Other”, which accounted for approximately 18% of the total expenditure; include payments towards advertising, audit fees, electricity charges, internet costs, loss on disposal of fixed assets, bank charges, subscription to publications and other miscellaneous operating expenses.

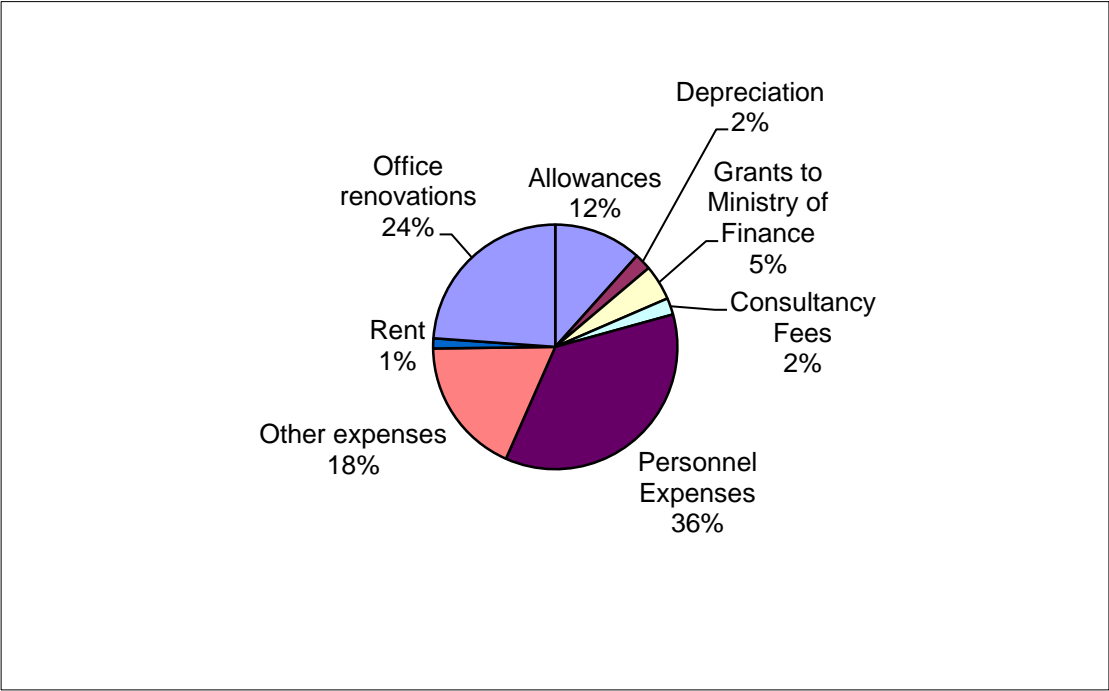


Figure 7.1: Distribution of expenses for the year ended 30 June 2013

7.3 Financial Audit Reports

The report of the Audit Office, Government of Samoa, has been supplied as Appendix C of this report. Note should be made that as at 30 June 2013 the audit exercise did not include examination of financial statements and accounts in respect of the Universal Access Fund, as the fund has not yet been established.

APPENDIX A

Register of Telecommunications Licensees

for the year ended 30 June 2013

Fixed Licence

- Bluesky SamoaTel Limited

GSM Licences

- Bluesky SamoaTel Limited
- Digicel (Samoa) Limited

Retail Internet Service Provision Licences

- Bluesky SamoaTel Limited
- Computer Services Limited
- Digicel Samoa Limited
- Lesa's Telephone Services Limited

Wholesale Internet Service Provision Licence

- Bluesky SamoaTel Limited

International Gateway Licences

- Bluesky SamoaTel Limited
- Digicel Samoa Limited
- WiMax Samoa Limited

Submarine Cable Licence

- Samoa American Samoa (SAS) Cable Limited

APPENDIX B

Register of Radio Spectrum Licensees

for the year ended 30 June 2013

Register of Spectrum Licensees for Television Broadcast

- Apia Broadcasting Ltd (TV3)
- Samoa Quality Broadcasting Limited
- TV2 Network Co. Ltd
- R&M Meredith Family Trust (TV2)
- Upumana TV
- Worship Centre

Register of Spectrum Licensees for Maritime Radio (Ship Station)

- Leckie McDonald
- Samoa International Game Fishing
- Samoa Shipping Services
- Samoa Shipping Corporation

Register of Spectrum Licensees for Land Mobile Radio

- Electric Power Corporation
- Ministry of Justice & Courts Administration
- Polynesian Airlines
- Samoa Air
- Sivamua Taxi Stand
- Disaster Management Office (MNRE)
- Ministry of Commerce, Industry & Labour
- Samoa Lager Taxi Stand

Register of Spectrum Licensees for FM Radio Broadcast

- Aiga Tafesilafai (Catholic)
- Radio Polynesia Ltd
- R&M Meredith Family Trust
- Samoa Quality Broadcasting Limited
- Worship Centre

APPENDIX B

Register of Spectrum Licensees for Fixed Station

- Bluesky SamoaTel Limited
- Computer Services Limited
- Disaster Management Office (MNRE)
- Radio Polynesia Limited
- Worship Centre
- Digicel (Samoa) Limited
- Electric Power Corporation
- Ministry of Communications & IT (SNBH)
- Samoa Airport Authority

Register of Spectrum Licensees for Aeronautical Radio (Aircraft Station)

- Polynesian Airlines
- Samoa Air

Register of Amateur Radio Licensees

- Atsuo Sakuma
- Dieter Hornburger
- John P. Kennon
- Ralph Karhammar
- Rolf Thieme
- Wolfgang Drewes
- Carlos Carcia (expires in 2014)
- Craig Harrison
- Jacques Calvo
- John Shenstone
- Ralph Kluge
- Ronald L. Rosson
- Yuri Sushkin

Register of Licensees for Satellite Earth Stations (transmit and receive)

- ANZ Bank Samoa Limited
- Bluesky SamoaTel Limited
- Digicel (Samoa) Limited
- Ministry of Natural Resources and Environment
- World Health Organisation (WHO)

APPENDIX B

Register of Licensees for Mobile Broadband Spectrum (GSM900)

- Bluesky SamoaTel Limited
- Digicel Samoa Limited

Register of Licensees for Mobile Broadband Spectrum (LTE1800)

- Ministry of Communications & IT
(SNBH)

Register of Licensees for Broadband WiMAX & WiFi

- IPasifika Samoa
- Digicel Samoa Limited
- Ministry of Communications & IT
(SNBH)
- Samoa WiMAX (CSL)

APPENDIX C

AUDITED FINANCIAL STATEMENTS FINANCIAL YEAR ENDED 30 JUNE 2013