

ORDER OF THE REGULATOR NO. 2018/T58

**WARNING MESSAGES for Data Usage, Roaming and Opt-Out Option
for Mobile Broadband, Mobile Services, Pre-paid Fix Lines**

Pursuant to the Telecommunications Act 2005 (“Act”) Sections 8 (1) (b) and 8 (1) (r), the Regulator is empowered to regulate the telecommunications market and to issue orders, respectively in the course of implementing statutory duties under the Act.

WHEREAS:

Service Providers failed to provide any warning message to customers when data is depleted or close to depletion – in which the consumer’s credit is then used and applied automatically and resulting in excessive costs to the customer;

Service Providers failed to provide any warning message to customers when their phones are in a roaming zone especially when travelling overseas.

Service Providers failed to develop a platform to enable automated opt-out option for their promotions;

As such, the Regulator has seen it fit to issue the following Orders.

ORDER 1:

Service Providers are directed to:

1. Provide a WARNING messages with all Data bundles, informing the customer when Data is:
 - a. close to depletion (with the amount of data left);
 - b. completely depleted; and
 - c. implement a way to prevent the automatic use of credit once data is depleted.
2. Provide a WARNING message immediately when service is roaming or using roam credit; and
3. Provide an automated Opt-Out option as a mandatory feature of every message.

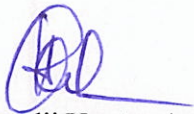
ORDER 2:

1. Service Providers to first submit to the Regulator all requirements for testing prior to implementation;
2. Service Providers must take the necessary actions to implement the requirements by **Sunday 31 March 2019**.

Any act or omission contrary to this Order shall be considered as an Offence as per section 75 of the Act which is subject to certain liabilities.

Save for Order 1 which is expected to be effective immediately; the Effective date of this Order is **31 March 2019**.

Dated this 12 day of December 2018



Lefaoalii Unutoa Auelua Fonoti
REGULATOR