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Government of Samoa
Office of the Regulator
Private Bag, Apia, Samoa

Please address all
correspondence to
the Regulator

ORDER OF THE REGULATOR NUMBER 2007/5
UNLICENSED PROVISION OF BROADBAND INTERNET SERVICES

Whereas

SamoaTel Limited has installed ADSL broadband facilities to provide customers access to the internet and to email services provided by ISPs in Samoa.

These ADSL facilities were to have been installed on a trial basis with no charge to the customer.

SamoaTel has now commenced to invoice customers for the use of the "trial" facilities under invoices entitled "Broadband Full xxx Plan" (where xxx denotes the number of Mbytes included in the monthly fee for the plan). These invoices include both monthly rental charges and provision for additional charges for usage exceeding the level established by the Plan.

SamoaTel is therefore in breach of sub-section 12(1) of the Telecommunications Act 2005 which provides that no person shall provide telecommunications services to the public for direct or indirect compensation **except under a licence or an exemption order issued by the Regulator.**

No such licence or exemption order has been issued to SamoaTel Limited by the Regulator

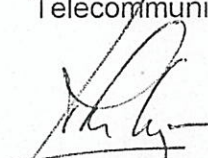
Order to Cease Billing For Broadband Services

Pursuant to section 77(d) of the Telecommunications Act 2005, SamoaTel Limited is instructed to:

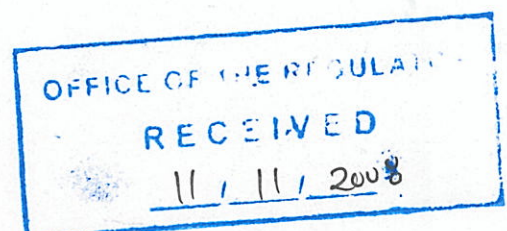
1. Immediately cease all billing for ADSL broadband services until such time as SamoaTel has received a telecommunications license for the provision of retail internet services.
2. Cancel all invoices currently issued and unpaid and notify the affected customers accordingly within 3 working days of the date of this Order.

Pursuant to section 59 of the Telecommunications Act 2005, SamoaTel is instructed to arrange for a credit, in the full amount of any payments made for broadband services, to the account of all SamoaTel Limited customers who have paid invoices from SamoaTel for broadband services. The credit shall be issued no later than the next SamoaTel billing cycle.

Failure to comply with the instructions set forth above within the stipulated time frames may result in penalties being imposed against SamoaTel Limited pursuant to section 75 of the Telecommunications Act 2005.


John Morgan
Regulator

Dated: 11 May 2007





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ORDER OF THE REGULATOR NUMBER 2007/6
BLOCKING OF ACCESS TO EMAIL SERVICES

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Whereas

It has been alleged that Computer Services Ltd, iPasifika, and Le Samoa.Net have, acting separately or jointly, arranged to intentionally block their customers from assessing their email accounts via the use of SamoaTel broadband services;

Noting that written complaints from ISPs customers have been received by the Office of the Regulator, both directly and via correspondence from legal counsel for certain customers, stating that the ISP customers received no advance warning of the intention to block access to their email accounts;

Noting that such actions to block access to email accounts are in breach of sections 74(1)(d) and (e) of the Telecommunications Act 2005 which expressly prohibits suppressing telecommunications or computer data;

Noting that section 28 of the Telecommunications Act 2005 states that no person shall engage in arrangements between two or more telecommunications service providers that directly or indirectly fix prices or other terms and conditions of telecommunications services;

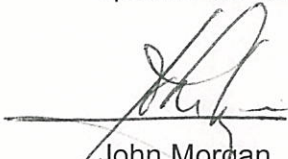
Noting that section 75 of the Telecommunications Act 2005 provides for penalties of 5,000 units per day for companies that are found to have contravened any provision of the Act or an Order made by the Regulator.

Order to Cease Blocking Access to Email Accounts

Pursuant to section 77(d) of the Telecommunications Act 2005, those ISPs who have blocked access to email accounts to users of SamoaTel broadband services are instructed to remove all such blocking. The removal of the blocking shall be effected within one working day from the date of this Order.

Failure to comply with the instructions set forth above may result in penalties being applied under section 75 of the Telecommunications Act 2005.

Nothing in this Order implies that customers of ISPs are obliged or encouraged to use any specific service to gain access to their email accounts.


John Morgan
Regulator

Dated: 11 May 2007