

ORDER OF THE REGULATOR No. 2017/T32

DESIGNATION OF A DOMINANT SERVICE PROVIDER

Whereas:

The telecommunications Act 2005 sets forth specific requirements for designation of dominant service providers in Telecommunications markets in Samoa.

Subsection 15 (1)(d) requires the Regulator to make orders designating dominant services providers in relevant markets based on market share and other factors determined in accordance with section 26.

Subsection 26(1) states that every service provider whose gross revenue in a specific telecommunications market constitute forty per cent (40%) of the total gross revenue of all service providers in that market shall be designated a dominant service provider in that market.

Subsection 26(2) states that the regulator may designate a service provider with less than forty per cent (40%) of the total gross revenues in a specific telecommunications market as a dominant service provider if, either individually or acting together with others, the service provider enjoys a position of economic strength affording it the power to behave to an appreciable extent independently of competitors or customers.

Sub section 26(4) specifies that Orders designating dominant service providers shall specify and define the relevant markets for which a service provider is designated to be dominant and the circumstances relied on by the Regulator to support and findings regarding dominance.

Sub section 34(2) states the Regulator may issue and order to designate a service provider as being a dominant service provider for interconnection purposes in one or more telecommunications markets.

Order establishing Dominant Service Provider

Pursuant to the requirements of the Telecommunications Act 2005 set forth above:

The Regulator defines the markets set out in Column 1 of the table below and designate the licensed operators shown next to each, in Column 2, as dominant.

Column 1	Column 2
Market definition	Dominant service providers
1. The retail fixed telephony service market for the provision of narrowband access	Bluesky Samoa Limited
2. The retail market for national calls made from a service at a fixed location or from a mobile service	Bluesky Samoa Limited Digicel (Samoa) Limited
3. The retail market for international voice call services originating from both fixed and mobile services	Digicel (Samoa) Limited

4. The retail broadband internet market including all broadband internet access services, whether provided over fixed or mobile networks	Bluesky Samoa Limited
5. The retail mobile services market including services mobile voice and mobile data services, and ancillary services typically bundles with mobile voice and data services such as mobile broadband	Bluesky Samoa Limited Digicel (Samoa) Limited
6. The wholesale voice call termination market on fixed networks with each fixed network being considered as a separate market	Bluesky Samoa Limited Digicel (Samoa) Limited
7. The wholesale voice call termination market on mobile networks with each mobile network being considered as a separate market	Bluesky Samoa Limited Digicel (Samoa) Limited
8. The wholesale market for broadband access at a fixed location	Bluesky Samoa Limited
9. The wholesale international internet bandwidth capacity market, comprising submarine cable bandwidth capacity services and cable landing station services	American Samoa Hawaii Cable LLC (in respect of submarine capacity services) Bluesky Samoa Limited (in respect of CLS services)

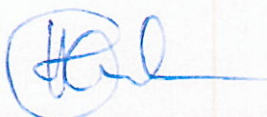
This Order issues to replace Orders of the Regulator No. 2006/01 and 2006/06.

Duration of the Order

The Order will expire on the earlier of:

- 1) The Regulator revoking this Order; or
- 2) The making of a new Order by the Regulator for dominance position.

This Order becomes effective on the 10 August 2017.



Lefaoali'i Unutoa Auelua Fonoti
REGULATOR

Dated this 08th August 2017