Government of Samoa

Tel: +685 30282
Fax: +685 30281
Email: admin@regulator.gov.ws

Office of the Regulator
Private Bag, Apia, Samoa

Please address all correspondence to the Regulator

Ref: Reg/PRJ/01/09/10/23

15th October 2009

Gisa Fuatai Purcell
ICB4PIS Project Coordinator
BDT/PRI ITU-EC Project
c/o PIFS
Private Bag
Ratu Sakuna Road
Suva Fiji

Email: fuatai.purcell@itu.int

Dear Gisa,

Re- ITU-EC Project for the Pacific

The Office of the Regulator is pleased to note that the ITU-EC Project for the Pacific will soon be launched.

The Regulator notes that you have further requested views on the tentative list of priorities provided and our comments are contained in the annex to this letter.

It is to be noted that as a general comment the Project seeks to address issues in territories that are in different stages of development and would therefore have varying priorities. We will therefore seek to highlight the needs of Samoa while respecting that there many be other countries with different needs and perhaps more deserving of assistance.

It would be most helpful if in indicating the assistance being offered to countries to attend this meeting, details are provided on the type and level of assistance being offered. This would help in the preparation of the necessary Cabinet submission in our case.

Looking forward to a mutually beneficial cooperation on these issues.

Respectfully

Donnie De Freitas
REGULATOR

Cc: *Sandro Bazzanella*
Email: *(sandro.bazzanella@itu.int)*

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Annex A- Comments on the ITU-EC Project for the Pacific by the Regulator Samoa

1. Introduction

The following comments are prepared on the ITU-EC Project to indicate the position of the Regulator on the various aspects of the Project and to hopefully enrich the Project objectives and improve its implementation.

The comments are both of a general nature and specific in the cases when referred to the Samoan regulatory context.

Comment are made under the following headings

i. General Comments
ii. Topics to the covered
iii. Project activities
iv. Conclusions

These comment are by no means all inclusive but offered in the hope that they would spark further debate and enrichment of the final project.

The Regulator advises that the enclosed comments could be circulated to all stakeholders and encourages that all other comments are similarly treated.

2.0 General Comments

The general comments address four issues, namely:

a. The Title
b. Project Objectives
c. Context
d. Approach.

2.1 Context

The document correctly identifies that the Project seeks to address needs of several countries that have very different levels in terms of the development of the sector.

Countries like Papua New Guinea, Fiji and Samoa have already gained experience in telecommunications liberalization while countries like Cook Islands are now contemplating the liberalization of the Sector.

Countries vary in size of markets and structure of the regulatory framework, some have independent regulator others have the powers integrated into the Ministry.

It therefore means that the needs and priorities will differ.

2.2 Title

It is important to note that the countries involved treat the issues of Telecommunications and ICT differently. There is the need to appreciate that with increasing levels of convergence and service integration the treatment of the two issues will no longer be easily separated.

Given that most countries still treat Telecommunication as distinct from ICT then it would help it Telecommunications is included as part of the title and featured more prominently in the project description.

2.3 Project Objectives

The global objectives indicated are supported and it would help if a greater emphasis is placed on the knowledge sharing between countries. Countries with higher level of development through this project would be facilitated in providing its experience and expertise to other States less developed.

2.4 Approach

The Regulator would fully support the bottom up approach especially where the experience and expertise within the region is shared.

It would be critical in developing this program that all the donor organization are involved or at least informed to maximize synergies between programs avoid "cross talk" or even conflicts between different programs.

Countries that have scheduled in country training programs could publicize these and make available slots for neighbouring countries who may wish to attend. Samoa wishes to indicate that it has several capacity building programs that may be of interest to neighbouring States, those include:

a) Development of a National Emergency Telecommunications Plan for Samoa with a workshop in early December to finalize the Plan;
b) Revision of National Numbering Plan with workshop in first quarter of 2010 to finalize plan;
c) Revision of Spectrum Management and Monitoring Plan with workshop scheduled for first quarter of 2010 and
d) Revision of Telecommunications Act with proposal to have proposed amendment with justification for January 201.

The Regulator would be willing to provide further details in this regard.

In order to facilitate experience sharing and knowledge transfer, a database of resources available for the sector should be developed, (if not already done) and maintained by the Project.

The utilization of resources available in the region would help in keeping cost at a minimum.

3. Topics to be Covered

The Regulator of Samoa having regard to the differing levels of development in the region is fully conscious that it would be difficult to find a single set of priorities that would address ideally the needs of each individual country.

The comments would therefore be limited to providing input on the tentative list of topics submitted and suggesting additional issues specific to the Samoan telecommunication regulatory framework.

3.1 National ICT Policy/ Plan/ Strategy

Important to be addressed and for the telecoms regulator attention need to be paid to the convergence issues and to ensure that the telecommunications regulatory framework facilitates rather than inhibits the development of the sector.

3.2 Frequency/ Spectrum Management.

Critical- in establishing the appropriate regulatory framework.

Samoa is in the process of reviewing its existing Spectrum Management Plan in a process that would involved interactive consultation with stakeholders and culminate with a workshop in the first quarter of 2010 when the new Plan is expected to the adopted.
Issues to be addressed in the plans review would be;

- Allocation that takes into account the new technologies and convergence;
- Allocations for public services and disaster /emergency planning.
- Appropriate pricing of the Spectrum to encourage efficient use of the Spectrum;
- Efficient dispute / interference handing processes and
- Appropriate penalties for non- compliance with enforcement mechanisms.

The Regulator will provide to any interested State, copies of documentation used in this process as well as reserving some spaces for persons to attend the workshop.

3.3 Numbering Plan
Similarly this is critical and the Regulator is also willing to share expertise / experience and slots in workshop scheduled for early 2010.

3.4 Universal Service Access
An area of interest to the Regulator and will be developing implementation mechanisms for 2010.

3.5 Cybersecurity
An area of importance though there is need to develop regulatory and compliance mechanisms.

3.6. Licensing
The Regulator is presently consolidating its licensing regime and considers that a complete review through the lens of convergence and technology neutrality would be appropriate.
This process will be done in 2010.

3.7 Interconnection
Critical – The importance of cost modelling of networks and determination of the cost of interconnection services cannot be under scored.
These cost however are generally very traffic sensitive for small networks. This creates the dilemma that in the initial stages there is very little traffic data to use in modelling the network while there is need to have some proxy value to be used when providers cannot agree on prices.
It would therefore be important for countries about to start out in the process to be facilitated in developing benchmarked proxy values and for others furthers on in the process to have more rigorous cost modelling.

Samoa has had the benefit of experience in interconnection and is now in a position to offer its expertise based on this experience. This could cover areas of:

- Benchmarking
- Appropriate Legislative / Regulation
- Typical dispute issues in interconnection
- Cost modelling and
- Consultative process to establish costs

Samoa has had the "benefit" of a court case, Tribunal ruling, judicial review and rate setting process that it can share.

3.8 Cost Modelling
This is a critical exercise and the comment on interconnection can apply here.

3.9 Other Topics

In a general sense the Regulator – Samoa supports the above issues but in our particular case would like to see other issues directly related to consumer benefit included

These would include

- Treatment of customer complaints
- Quality of Service objections and their enforcement;
- Incentive price Regulation to insure that pressures are kept on lowering prices; and
- Emergency Telecom- The Regulator Samoa considers that the development of National Emergency Telecommunications Plan should be made a priority area of assistance. Samoa is in the process of developing its own NETP and would be willing to share this experience with others.

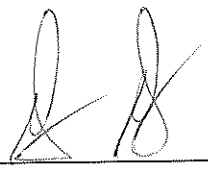
4. Conclusions

The Regulator – Samoa fully supports this initiative and looks forward to a successful launch.

It is our belief that resources will be maximized through efficient use of existing resources, utilizing international best practice.

The Regulator – Samoa makes an open offer of providing any assistance that its might be in a position to give as a result of its own experience and work in progress.

It also urges other countries in a position to do so to make similar offers and let us see how the Project would be able to facilitate the knowledge transfer.



Donnie De Freitas
REGULATOR