

Expansion of the set of statistical information the fixed telephone service (FTS) providers must submit to ANACOM

Whereas:

- a. last June, in the context of relevant markets analysis, ANACOM asked the providers of fixed telephone service (PFTS) and the providers of public payphones for access to FTS to fill out by 15 June a questionnaire on retail and fixed interconnection services, which:
 - covers a large number of the aspects envisaged in the 28 March 2002 draft decision and in the reformulation of indicators begun after reception of the corresponding comments;
 - also envisages some indicators not included in the same draft decision (eg: number of customers who cancel service, number of new customers during the period, long distance and short distance traffic, interconnection data, etc.)
- b. a prior hearing of interested parties was also undertaken, in order to seek approval of a final decision on the indicators concerning FTS provider pre-selection, which the PFTS should submit to ANACOM; conclusion of this process is pending on results of the public consultation on pre-selection now under way;
- c. the processes initiated in a. and b. and the process to expand the indicators established on 18 May 2000 are in different stages of development; the approval in this phase of a single questionnaire to be filled out by the PFTS is therefore not convenient (as such approval would oblige waiting for conclusion of all the processes);
- d. the Reference Entity that manages the database for ported numbers already submits to ANACOM a set of information on portability, dispensing with the respective solicitation of each PFTS;
- e. some PFTS are authorised to install and operate public payphones for access to FTS and/or provide virtual calling card service, so it is convenient that the information package these entities submit to ANACOM should also include some information on public payphones and virtual cards, whose disclosure shall be considered together with the information on FTS properly speaking;

- f. the draft decision of 28 March 2002, for which the providers submitted comments, as it was prior to launch of the written message (SMS) offer in the fixed network, did not consider any indicator related to the same offer;

The ANACOM Board of Administration has determined approval of the following measures:

1. Entities authorised to provide FTS shall henceforth submit to ANACOM the list of statistical indicators found in Annex II;
2. The indicators now approved replace the elements which, since the ANACOM determination of 18 May 2000, have been submitted by the PFTS to ANACOM;
3. Approval of the elements indicated in 1. does not jeopardise any ANACOM request to the PFTS for the complementary submission of other information deemed necessary (specifically in the context of the study of relevant markets to carry out as per Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002);
4. Information pertaining to the 1st quarter of 2004 to be submitted as indicated in Annex II shall be made available to ANACOM by the following 30 April, and should from that date comply with the deadlines to submit information envisaged in the same annex (i.e., by the 30th day after the end of each quarter, half-year or year, depending on the indicator);
5. Submission according to the new format of information concerning 2000, 2001 and 2002, should preferably take place by 1 March 2004 or, where that deadline is not possible, by 30 April 2004; only annual figures need be submitted to ANACOM;
6. Regarding quarterly information for the current year, it should be sent to ANACOM in the same format established before this determination;
7. PT Comunicações shall continue to complementarily send to ANACOM all statistical information, besides the elements approved on 18 May 2000, that it has been submitting;
8. Entities authorised to provide FTS should within 10 days counting from notification of this determination submit to ANACOM any comments on the list of indicators contained in Annex III (concerning the offer of SMS in the fixed network), which shall whenever applicable also be made available to the regulatory body;

The statistical information for 2003 and the 1st quarter of 2004, concerning the offer of SMS in the fixed network, shall be submitted to ANACOM by 30 April 2004; from that date on the submission schedule indicated in Annex III must be followed.