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<http://www.anacom.pt/template31.jsp?categoryId=215745>

Determination of 31.7.2002

DECISION ON QUALITY LEVELS FOR THE LEASED LINES SERVICES PROVIDED BY THE OPERATOR WITH SIGNIFICANT MARKET POWER IN THE LEASED LINES MARKET

1. Directive 92/44/CEE, amended by Directive 97/51/CE, regarding the supply of an open network for leased lines, fixes certain obligations to be imposed by Member-Countries, specifically in terms of delivery and repair deadlines of leased lines.
2. In the wake of transposition of these Directives to Portuguese legislation, service quality indicators (IQS) were defined by means of a Convention within the framework of the Concession Contract for the Public Telecommunications Service, together with respective levels to be observed by the concessionaire in the provision of the leased lines service. The Autoridade Nacional de Comunicações (ANACOM) has monitored levels attained by the concessionaire in regards to the indicators in question since 1995.
3. With the change of the regime of access to the activity of public networks operator and consequent approval, on 30/07/99, of the Regulations for the Operation of Public Telecommunication Networks (RERPT), it was necessary for ANACOM to set new SQI.
4. In this context, under the terms of no. 3 of article 3 of the RERPT and following the opinion of the Consultative Committee, ANACOM published the document on SQI to be observed by public telecommunication network operators who provide the Leased Lines Service, in its Internet site, and rendered this act public by notice of 28.08.2000 published in the Diário da República no. 207 III Series of 07.09.2000.
5. As foreseen in chapter IV of the RERPT, ANACOM must set the quality levels associated to the previously defined SQI, to be observed by

operators with Significant Market Power (SMP) in the leased lines market, under the terms of article 22 of the said legal diploma.

6. PT Comunicações, S.A. (PTC) manifested its interest in contributing to the definition of quality levels applicable to the Leased Lines Service (letter with reference no. 100349), having sent to ANACOM, on 26/12/00, a list of SQI levels recorded over time and the evolution forecast for the three-year period 2001-2003 (letter with reference no. 003815), anticipating in this context, "continuation of average repair times and availability level of current levels".
7. It should be noted that according to the report published every year by the European Commission on the conditions of provision of leased lines recorded in different Member-States, PTC ranks third place for its "delivery deadline" and first place for its "repair deadline".
8. Given, above all, the contribution made by the concessionaire, the record over time and user interests, ANACOM presented an initial approach for guideline quality levels to be guaranteed in the provision of the leased lines services for the 2002-2003 period by PTC, which coincided with PTC's previously presented evolution forecasts, except for the level of the indicator of "Average delay in installation of a leased line" for 2003.
9. In response, the concessionaire expressed certain doubts regarding the previously forecast quality levels, specifically in terms of the indicator regarding mechanical faults ("average repair time", and "availability level"), asserting that the service quality levels attained by PTC represent a level that it will be difficult to exceed.
10. In this context, and specifically taking into account:
 - a) the importance of ensuring adequate service quality levels, with repercussions, as follows:
 - a.1) on activities of the telecommunications service providers;

- a.2) on end-users and development of the information society;
- a.3) on the impact that the development of the UMTS networks will have on the demand for leased lines,
- b) a certain level of unpredictability associated to the evolution of demand conditions;
- c) the evolution verified in terms of service quality levels;
- d) and current European practices

the Board of Directors of the Autoridade Nacional de Comunicações, after having held hearings with interested parties under the terms of the Administrative Procedure Code, determines, for the 2002-2003 period, the following quality service levels to be observed by the notified operator with significant market power in the leased lines market, under the terms of no. 3 of article 22 of the Regulations for the Operation of Public Telecommunications Networks:

Quality Levels for the Leased Lines Service 2002-2003

	2002	2003
<i>Average delay in the installation of a new line for 95% (days)</i>	12	11
<i>Average repair time for 80% (total hours)</i>	2,5	2,5
<i>Availability level (%)</i>	99,96	99,96