

Calculation of fees due in respect of the activity of supplier of publicly available electronic communications networks and services, under the terms of point b) of paragraph 1 of article 105 of Law no. 5/2004 of 10 February

Correction of the values of t2 fees charged in respect of 2011 and 2012, following a correction made to the relevant revenues of PT Comunicações (PTC) as a function of the final values of the CLSU - *custos líquidos do serviço universal* (net costs of universal service provision) approved by ICP-ANACOM

1. Under point a) of paragraph 4 of Annex II to Administrative Rule no. 1473-B/2008 of 17 December, the following revenues are not considered for the purposes of calculating relevant revenues: revenues resulting from (i) provision of the universal service to end-users or groups of specific end-users, who are in the situation described in point b) of paragraph 2 of article 96 of the LCE - Lei das Comunicações Eletrónicas (Electronic Communications Law); and (ii) provision of public pay-telephones, as defined in point a) of the same paragraph.
2. Furthermore, pursuant to paragraph 5 of Annex II to the same Administrative Rule, the revenues derived from provision of the universal service are determined based on calculations performed by ICP-ANACOM under the terms of articles 95 and 96 of the LCE and for the purposes of the calculation of CLSU - *custos líquidos das obrigações de serviço universal* (net cost of universal service obligations), whereby the values of the relevant revenues indicated by PT Comunicações are accepted for the purposes settling the fee due each year on a provisional basis. Therefore, in compliance with the provisions of paragraphs 1 to 3 of article 9 of Administrative Rule no. 296-A of 2 October, PT Comunicações sent ICP-ANACOM the declarations of substitution with regard to relevant revenues reported for 2011 and 2012 in accordance with the methodology used to calculate the CLSU - *custos líquidos do serviço universal* (net costs of universal service provision) approved by ICP-ANACOM.

3. The upward correction of the values of the relevant revenues of PT Comunicações resulted in an increase in the total relevant revenues reported for companies in Band 2, with an impact on the t2 value, which is revised to 0.5170% from 0.5505% in 2011, and to 0.5463% from 0.5475% in 2012, according to calculations shown as follows:

2011 (corrected)

Formula: $t2 = (C - t1n1) / \sum P2$;

C = Total cost of regulating the activity of supplier of electronic communications networks and services in 2011 = 28,808,655 euros

$\sum P0$ = Total relevant revenues of undertakings in band 0 in 2010 = 922,771 euros

t1 = Fee payable by undertakings in band 1 (Relevant Income \leq 1,500,000 euros) = 2,500 euros;

n1 = Number of undertakings in band 1 = 17

$\sum P$ = relevant revenues from all providers of electronic communications networks and services in 2010 = 5,575,061,750 euros

$\sum P1$ = Total relevant revenues of undertakings in band 1 in 2010 = 10,526,040 euros

$\sum P2$ = Total relevant revenues of undertakings in band 2 in 2010 = 5,563,612,939 euros

t1n1 = 2,500 euros x 17 = 42,500 euros;

t2 Fee payable by undertakings in band 2 (Relevant revenues $>$ 1,500,000 euros) = (28,808,655 euros - 42,500 euros) / 5,563,612,939 euros = 0,5170%

The fees payable are obtained by applying the rate of 0.5170% to the relevant revenues reported by each provider in band 2,

2012 (corrected)

Formula: $t_2 = (C - t_1 n_1) / \sum P_2$;

C = Total cost of regulating the activity of supplier of electronic communications networks and services in 2012 = 29,108,637 euros

$\sum P_0$ = Total relevant revenues of undertakings in band 0, in 2011 = 1,008,206 euros

t_1 = Fee payable by undertakings in band 1 (Relevant Income \leq 1,500,000 euros) = 2,500 euros;

n_1 = Number of undertakings in band 1 = 22

$\sum P$ = relevant revenues from all providers of electronic communications networks and services in 2011 = 5,331,682,129 euros

$\sum P_1$ = Total relevant revenues of undertakings in band 1 in 2011 = 12,864,008 euros

$\sum P_2$ = Total relevant revenues of undertakings in band 2 in 2011 = 5,317,809,915 euros

$t_1 n_1$ = 2,500 euros x 22 = 55,000 euros;

t_2 = Fee payable by undertakings in band 2 (Relevant revenues $>$ 1,500,000 euros) = (29,108,637 euros - 55,000 euros) / 5,317,809,915 euros = 0,5463%

The fees payable are obtained by applying the rate of 0.5463% to the relevant revenues reported by each provider in band 2.

4. Pursuant to paragraph 5 of Annex II to Administrative Rule no. 1473-B/2008 of 17 December, these new t_2 fees entail a revision of the settlements applied in 2011 and 2012 to suppliers of electronic communications networks and services. ICP-ANACOM will undertake this revision without delay.