

DECISION EXTENDING THE DURATION OF THE DTT SUBSIDY PROGRAMME, THE INSTALLATION SUBSIDY FOR RECEPTION OF THE DIGITAL SIGNAL AND THE INSTALLATION CO-PAYMENT PROGRAMME FOR AREAS COVERED BY MEANS OF COMPLEMENTARY COVERAGE (DTH)

I. Framework

By determination of 23 August 2012¹, the Management Board of ICP-ANACOM decided to extend until 31 December 2012 the duration of the subsidy programme² and of the installation subsidy for reception of the digital signal³, as well as to maintain, up to that same date, the installation co-payment programme for areas covered by means of complementary coverage (DTH)⁴.

The identified determination established also that the referred extensions, as well as the maintenance of the DTH installation co-payment programme, are an integral part of the Right of Use for Frequencies ICP-ANACOM No 6/2008⁵, granted to PT Comunicações S.A. (hereinafter PTC) and issued on 9 December 2008, thus binding PTC to compliance therewith.

II. Extension of the periods of application

Notwithstanding the efforts of ICP-ANACOM and of the *Instituto da Segurança Social* (the Social Security Institute, hereinafter ISS)⁶ to make the range of potential beneficiaries aware of the subsidy programme and of the installation subsidy for digital signal reception, both of which are about to expire (on 31 December), it has not yet been possible to reach a significant part of this target market, due to its characteristic social isolation.

¹ Decision available at:

<http://www.anacom.pt/render.jsp?contentId=1136409>

² ICP-ANACOM decision of 24 March 2011, available at:

<http://www.anacom.pt/render.jsp?contentId=1080175>

³ ICP-ANACOM decision of 23 March 2012, available at:

<http://www.anacom.pt/render.jsp?contentId=1123033>

⁴ ICP-ANACOM decision of 7 April 2011, available at:

<http://www.anacom.pt/render.jsp?contentId=1081499>

⁵ Available at:

http://www.anacom.pt/streaming/TDT_delib91222008.pdf?contentId=764139&field=ATTACHED_FILE

⁶ Either directly or through institutions working with it at an institutional level.

In fact, in spite of the impetus given to all this process, namely ISS's intervention in collaboration with ICP-ANACOM and PTC, by means of several initiatives that have been jointly developed during the last few months, the number of beneficiaries receiving these migration- encouraging subsidies remains low - a fact that could not have been predicted in advance - and consequently below the values forecasted by PTC as a contribution to quickly boost migration to DTT.

Against this background, ICP-ANACOM takes the view that it is important to ensure that citizens that are less well-off in socio-economic terms, namely those who are socially isolated, are able to access the subsidy programme, in case they have not, as yet, had the chance to do so.

In this respect, ICP-ANACOM considers that the level of access and use of the subsidy programme can be optimised and its degree of achievement improved, in case specific initiatives aimed at target-beneficiaries are launched by the three bodies involved in its implementation.

As such, and in the light of the social context that characterises this potential range of beneficiaries, namely their access to information and to services that could favour the completion of applications for support, ICP-ANACOM considers it to be a matter of fundamental public interest, and a justified one, to launch an information measure specifically directed to addressees of the installation subsidy for digital signal reception, together with a proximity action, which is to be ensured by bodies associated with the Social Security, to assist them locally in completing the subsidy application.

However, the implementation of this type of actions takes time, as they imply a clear identification of the beneficiaries, the achievement of the objective of communicating with them and the implementation of on-the-spot interventions to assist them in completing the subsidy application - actions which require ISS's cooperation, directly or not, given its vocation of proximity to the weakest populations.

In this context, given ISS's direct and crucial involvement in this process, as it concerns all the country's customer services (around 320), it is necessary to take into account that this body informed ICP-ANACOM that, due to legal constraints that have raised massive

beneficiary notification procedures in this last quarter of 2012, specially Social Security taxpayers, this information action must be postponed until the end of 2012 and beginning of 2013, period when its services become more available to support this population, namely as regards the completion of the application for installation subsidy for digital signal reception.

ICP-ANACOM thus considers it appropriate to extend for about 4 months, that is, until 26 April 2013, when it will be a year since the analogue switch-off, the duration of the subsidy programme and of the installation subsidy for reception of the digital signal, so that eligible citizens have the opportunity to apply for such subsidies.

In this context, and as the installation subsidy for reception of the digital signal aims to allow beneficiaries to contract the adjustment of the reception installation not only via DTT but also DTH, ICP-ANACOM deems it justified to extend also until 26 April 2013 the Co-Payment Programme for complementary DTH installation, to ensure compliance with the principle of equivalence of costs between a DTT and DTH installation, while subsidies granted as contribution for a massive migration to DTT are available.

Again, PTC's collaboration in implementing this effort of info-inclusion of the weakest populations is particularly relevant, thus its information procedures must be consistent with this time-limit-extension decision, which takes effect on 1 January 2013.

By determination of 13 December 2012, ICP-ANACOM approved a draft decision (DD) concerning the extension of the duration of the DTT subsidy programme, the installation subsidy for reception of the digital signal, and the co-payment programme for complementary DTH installation, these time-limits becoming integral part of the right of use for frequencies ICP-ANACOM No 6/2008, issued on 9 December 2008, thus binding PTC to compliance therewith.

The DD was submitted to the prior hearing of PTC, that assessed the issue by the deadline set for the purpose, by letter received at ICP-ANACOM on 21 December 2012.

Arguments made in the scope of the hearing, as well as ICP-ANACOM's views thereon are comprised in the prior hearing report which is an integral part hereof, reference being made to its contents.

III. Decision

Therefore, in the light of above-mentioned arguments, the Management Board of ICP-ANACOM, pursuant to article 32, paragraph 1 g) of Law No 5/2004, of 10 February, as amended and republished by Law No 51/2011, of 13 September (Electronic Communications Law), to article 9, paragraphs 1 d) and 2, and article 12, paragraph 1 f), both of the right of use for frequencies ICP-ANACOM No 6/2008 and under point l) of article 26 of its Statutes, published in annex to Decree-Law number 309/2001, of 7 December, hereby decides as follows:

1. To extend until 26 April 2013 the time-limit provided for in point 1.3 of the Subsidy Programme, accepted by determination of ICP-ANACOM of 24 March 2011, adjusted by determination of 23 March 2012 and extended by determination of 23 August 2012;
2. To extend until 26 April 2013 the time-limit for applying for the installation subsidy for reception of the digital signal, created by ICP-ANACOM determination of 23 March 2012 and extended by determination of 23 August 2012;
3. To extend until 26 April 2013 the installation co-payment programme for areas covered by means of complementary coverage (DTH), accepted by ICP-ANACOM determination of 7 April 2011, adjusted by determination of 23 March 2012 and maintained by determination of 23 August 2012;
4. To determine that these extensions to the duration of the Subsidy Programme, of the installation subsidy for reception of the digital signal, as well as the installation co-payment programme for areas covered by means of complementary coverage (DTH) become an integral part of the right of use for frequencies ICP-ANACOM No 6/2008, issued on 9 December 2008, thus binding PTC to compliance therewith;
5. To determine that PTC must bring its information procedures in line with provisions herein.

Lisbon, 4 January 2013.