

DECISION
EXTENDING THE DURATION OF THE DTT SUBSIDY PROGRAMME AND OF THE INSTALLATION
SUBSIDY FOR RECEPTION OF THE DIGITAL SIGNAL

1. Framework

By determination of 23 March 2012¹, the Management Board of ICP - ANACOM decided to add to the subsidy programme for the purchase of DTT receivers by citizens with special needs, disadvantaged groups of population and institutions of a proven social value (hereinafter the «Subsidy Programme»²), which integrates the Right of Use for Frequencies ICP - ANACOM No 06/2008³ granted to PT Comunicações S.A. (hereinafter PTC), the installation subsidy for reception of the digital signal (point B.1 of the identified determination).

According to that determination, the installation subsidy would be in force until 31 August 2012, the time-limit of the Subsidy Programme having been extended until this date (points 2 and 3 of the identified determination).

2. Extension of the duration

ICP - ANACOM notes, now that the Subsidy Programme deadline, 31 August, is so close, that the number of beneficiaries who have made use so far of the defined procedures remains low, which implies that PTC's contribution to quickly boost migration to DTT is substantially lower than the amount it defined in the tender.

Moreover, it is noted as regards the installation subsidy established by determination of 23.03.2012, that few requests have been submitted so far, which may be justified by a poorer access to information by potential beneficiaries.

On the other hand, it is acknowledged that the summer season tends to bring people back into homes that were uninhabited before, in the case of owners who live abroad or where second residences are concerned, and such owners/residents must now adapt their homes to DTT (whether DTT or complementary DTT), otherwise they will have no access to the digital television broadcasting service.

In this context, ICP - ANACOM takes the view that the process of population adjustment to the digital platform is not fully completed, and that there are grounds to maintain the Co-Payment Programme for complementary DTH installation⁴, as well as the extension of the duration of the Subsidy Programme and of the installation subsidy for reception of the digital signal, all until 31 December 2012.

¹ Available at: <http://www.anacom.pt/render.jsp?contentId=1122185>

² Accepted by determination of ICP - ANACOM of 24.03.2011, available at <http://www.anacom.pt/render.jsp?contentId=1079309>

³ Available at: <http://www.anacom.pt/render.jsp?categoryId=303315>

⁴ Accepted by determination of ICP - ANACOM of 7 April 2011, available at: <http://www.anacom.pt/render.jsp?contentId=1080844>. It is recalled that as regards co-payment of the value of the Complementary DTT Kit, the Programme provides that it will be in force until 9 December 2023 (point 3. "Implementation deadline").

In this process of transition and info-inclusion it is particularly relevant that PTC makes its information procedures consistent with this decision, guaranteeing that installing entities it recommends bring to its attention situations occurred between 1 July 2012 and the date of this decision where the amount charged for a DTH installation exceeded 61€, so that PTC, on its own initiative, may compensate the respective applicants.

By determination of 2 August 2012, ICP - ANACOM approved a draft decision (DD) concerning the extension of the duration of the DTT Subsidy Programme and of the installation subsidy for reception of the digital signal, maintaining the Co-Payment Programme for Complementary DTH installation, as well as extending the duration of the Subsidy Programme and of the installation subsidy for reception of the digital signal, all until 31 December 2012, 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 PTC⁵, that assessed the issue by the deadline set for the purpose, by letter⁶ received at ICP - ANACOM on 9 August.

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.

3. Decision

Therefore, in the light of above-mentioned arguments, bearing in mind comments to the DD made by PTC as well as the analysis thereon, as well as grounds in the prior hearing report, the Management Board of ICP - ANACOM, pursuant to article 32, paragraph 1 g) of Law No 5/2004, of 10 February, as amended 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 I) 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 31 December 2012 the time-limit provided for in point 1.3 of the Subsidy Programme, accepted by determination of ICP - ANACOM of 24 March 2011 and adjusted by determination of 23 March 2012;
2. To extend until 31 December 2012 the time-limit for applying for the installation subsidy for reception of the digital signal, created by ICP - ANACOM determination of 23 March 2012;
3. To maintain until 31 December 2012 the installation co-payment programme for areas covered by means of complementary coverage (DTH), accepted by ICP - ANACOM determination of 7 April 2011;
4. To determine that these extensions to the duration of the Subsidy Programme and of the installation subsidy for reception of the digital signal, and maintenance of the installation co-payment programme for areas covered by means of complementary coverage (DTH) are 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 Notified by means of letter ANACOM-S054883/2012, of 03.08.2012.

⁶ Letter with reference 20295977 of 09.08.2012.

5. To determine that PTC must bring its information procedures in line with provisions herein, including information made available on the Subsidy and Co-Payment Programmes, guaranteeing in particular that installing entities it recommends bring to its attention situations occurred between 1 July 2012 and the date of this decision where the amount charged for a DTH installation exceeded 61€, so that PTC, on its own initiative, may compensate the respective applicants.

Lisbon, 23 August 2012