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Determination of 20.6.2002

DETERMINATION ON THE CONCLUSION OF INTERCONNECTION AGREEMENTS BETWEEN ONIWAY - VODAFONE AND ONIWAY - OPTIMUS

By determination of 29.05.02, ANACOM, in complement to the determination of 06.03.02 on the agreement signed between TMN - Telecomunicações Móveis Nacionais, S.A. (hereinafter called TMN) and Oniway - Infocomunicações, S.A. (hereinafter called Oniway), ruled that OniWay:

- a) May provide GPRS services and for this purpose use the 95 numbering range already allocated by ANACOM;
- b) Must adjust the contractual terms agreed with TMN to the requirements of the determination of 06.03.02 and the present determination, together with other applicable legislation, specifically the Regulations of Operation of Public Telecommunications Networks, approved by Decree-Law no. 290-A/99, of 30.07;
- c) Has the right to request interconnection under the terms defined in Decree-Law no. 415/98, of 31.12.
- d) Must include third generation network elements and terminal equipment, even if on an experimental basis, from the outset of this business activity.

By communications of 07.06.02 and 18.06.02, OniWay informed ANACOM that, despite efforts pursued with Optimus - Telecomunicações, S.A. (hereinafter called Optimus) and Vodafone Telecel - Comunicações Pessoais, S.A. (hereinafter called Vodafone) and ANACOM's determinations of 06.03.02 and 20.05.02, no interconnection agreements had been concluded.

In this context,

- (a) Considering the determinations of 06.03.02 and 29.05.02 in regards to the agreement signed between TMN and Oniway;
- (b) Given that Oniway has repeatedly reiterated the urgent need for ANACOM to intervene in order to guarantee Oniway's interconnection with Optimus and Vodafone, for all types of traffic;
- (c) Considering that, in light of the pressing nature of the matter, ANACOM organised a meeting on 15.05.02 with the four UMTS operators in order to clarify issues that the latter operators considered to subsist;
- (d) Given that Optimus and Vodafone communicated to ANACOM, on 17.12.01 and 18.12.01 respectively, the conclusion of an interconnection agreement, signed on 10.12.01 to be in force in 2002 (subsequently submitted to this Authority);

(e) Considering that in the determination of 29.05.02, maximum prices were set for national termination in the mobile network for calls originated in mobile terminals, to be in force in 2002;

(f) Considering that ANACOM should observe overall objectives of promotion of competition in its activities, and given the urgent need to safeguard user interests;

ANACOM's Board of Directors determines under the terms of paragraph c) of no. 1 of article 16 of Decree-Law no. 415/98, that Vodafone, Optimus and Oniway must conclude interconnection agreements, for all types of traffic, within a maximum deadline of 5 working days, and immediately submit a full copy of the signed agreements to ANACOM.