
Determination of 21.3.2003

DRAFT DECISION OF THE ANACOM RELATED TO THE CHANGES TO BE INTRODUCED IN THE RIO AND THE RUO

In wake of the determination by the ANACOM Board of Administration, dated 19 November 2002, on the collocation conditions to adopt in the context of the RIO (Reference Interconnection Offer) and the RUO (Reference Unbundling Offer), PT Comunicações modified on 24 December 2002 those offers and on 27 December 2002 presented the applicable prices.

Regarding compatibility between the determination and the absence of collocation in an open space regime (co-mingling) in PT Comunicações buildings in the RIO, ANACOM's Board of Administration took a specific position.

On 28 June 2001, the ANACOM Board of Administration ruled on the maximum prices PT Comunicações could practice with respect to Local Loop Unbundling (LLU). In particular, the maximum monthly local loop fee was set at €11.96 for the provision of narrowband services and €13.78 for the provision of broadband services.

Subsequently, by means of a 17 January 2002 determination, the ANACOM Board of Administration decided to change the prices for shared access service provided in the scope of the Reference Unbundling Offer (RUO) for the Local Loop. At that time, during the cost estimation process, a decision was made to consider sharing costs of the elements common to the fixed telephone and broadband services. At the time the approach adopted by some regulators to incurred costs was likewise considered and held to also lack solid implantation. Study of further developments that might occur, including at European level, was advised.

In the scope of the 28 June 2001 determination, a decision was made to discriminate between the monthly fees for the provision of narrowband services and for the provision of broadband services. This discrimination took into account the fact that the use of loops to provide broadband services could lead to possible additional investments in the network by limits on the use of active systems, resulting in an increase in the number of pairs needed to satisfy a given demand. Such consideration was also adopted in the context of the 17 January 2002 determination on shared access prices.

Also taking into account the reduced evolution of LLU, the substantial growth of the 'ADSL PT Network', reduction of the complement of analogic lines and the community practices in this area, the hypothesis then considered is held to induce a possibly premature increase in the monthly fee and should thus be brought into line with the reality.

Given the amount of time that has passed, the existence of new notified operator cost accounting system data and the occurrence of price cuts in the other Member States, it has

become urgently necessary to revise the prices currently in force. Indeed, and according to the most recent data, the monthly local loop fee for the provision of broadband services is 7% above the average in the other Member States, while the monthly shared access fee is 40% above the average.

By determination of 26 December 2002, the ANACOM Board of Administration asked PT Comunicações to undertake a thorough reassessment of the prices by 20 January 2003, duly grounded with respect to the principle of cost orientation, taking into account:

- a) the experience meanwhile obtained by PT Comunicações in both the offer of local loop and analogic offers, and the productivity earnings derived therefrom;
- b) the expected cost evolution, based on efficiency criteria;
- c) calculation of the cost of capital according to the accounting values.

Following on that Determination, PT Comunicações stated its understanding that LLU had not reached a level of development and demand that allowed it to have the data history or reliable costing elements needed to ground an integrated RUO price proposal. PT Comunicações thus considered that in this phase the prices set in the RUO should be maintained.

ANACOM contends that, despite the reduced demand, data that enable an integrated price reassessment do exist.

Regarding the modifications introduced by PT Comunicações in the RIO and in the RUO deriving from the 19 November 2002 determination, it is noted that, beyond the aforementioned vis-à-vis the absence of co-mingling in the RIO, certain aspects are not fully detailed. Such fact should not prevent the offer of services by PT Comunicações. However, PT Comunicações has indeed delayed the offer with the justification that it has been finalising the process of drawing up the procedures. ANACOM thus considers it important to specify the offer conditions.

Considering also that:

- a) under terms of paragraph 1 of article 4 of (EC) Regulation no. 2887/2000 of the European Parliament and of the Council, of 18 December 2000, concerning the offer of unbundled access to the local loop, ANACOM should ensure that the prices for unbundled access to the local loop favour the establishment of undistorted and sustainable competition;
- b) Under terms of paragraph 3 of article 4 of the aforementioned measure ANACOM must also ensure non-discrimination, undistorted competition, economic efficiency and the interest of users;
- c) The cost orientation for the prices of services provided by PT Comunicações is governed by the audited costing system based on historic costs, by additional information provided by the operator, by analysis of the effects deriving from the anticipated evolution of productivity and of costs, and taking current European Union practices into account;
- d) Costs should be borne by the entities that implement them; this implies adoption of an incurred cost approach in broadband, in the case of shared access, an approach already considered in the determination of 17 January 2002;
- e) Cost increments deriving from the use of local loops to provide broadband services can be weighed only when same occur,

the ANACOM Board of Administration determines, under terms and according to line a) of paragraph 2 and paragraph 3 of article 4 of (EC) Regulation no. 2887/00 of the European Parliament and of the Council, and of paragraph 1 of article 13 of Decree-Law no. 415/98, that it should proceed with prior hearing of the interested parties, as per the content of articles 100 and 101 of the Code of Administrative Procedure, setting a 15-day deadline for same to comment in writing on the determination it aims to implement with the following content:

1. PT Comunicações should modify the RUO within 10 days, taking into account the following maximum prices:

Table 1. Applicable prices for full access

Full Access	Price in Euros
Eligibility verification	€ 29.93
Qualification tests:	
Tests for the provision of ISDN basic access services	€ 34.92
Tests for the provision of ISDN primary access services	€ 104.75
Tests for the provision of broadband services	€ 69.83
Installation/Transfer of the local loop	€ 91.40
Monthly fee of local loop	€ 11.96
Intervention for undue breakdown report	€ 40.26
De-installation of the local loop	€ 8.05

Table 2. Applicable prices for shared access

Shared Access	Price in Euros
Eligibility verification	€ 29.93
Qualification tests:	€ 69.83
Installation/Transfer of the local loop	
Without filter installation at end customer	€ 35.98
With POTS filter	€ 141.06
With ISDN filter	€ 183.88
Monthly fee of local loop:	
Without filter installation at end customer	€ 2.95
With POTS filter	€ 3.39
With ISDN filter	€ 3.57
Transfer from POTS to ISDN	€ 135.95
Intervention for undue breakdown report	€ 40.26
De-installation of local loop:	
Without de-installation of filter at end customer	€ 12.08
With de-installation of filter at end customer	€ 72.08

Table 3. Applicable prices for equipment collocation on adjacent property

Equipment collocation on adjacent property	Amount
Analysis of the feasibility of collocation and the supply of information to draw up plans	€ 362.37
Analysis and verification of plans	€ 273.79
Supply of budget	€ 187.72

Table 4. Applicable prices for internal HDF connection

Internal HDF Connection	Internal Cable		Specific elements of shared access	
	Installation	Monthly fee	Installation	Monthly fee

Initial installation (100 pairs)	In Operators Room	€ 3 262.94	€ 26.01	€ 11 371.64	€ 71.67
	In open space	€ 1 959.60	€ 22.94	€ 11 371.64	€ 71.67
Ampliation in modules of 100 pairs	In Operators Room	€ 1 486.97	€ 12.67	€ 10 413.56	€ 59.18
	In open space	€ 1 077.84	€ 10.54	€ 10 413.56	€ 59.18

Table 5. Applicable prices for internal connection without HDF

Internal Connection without HDF		Internal Cable		Specific elements of shared access	
		Installation	Monthly fee	Installation	Monthly fee
Initial installation (100 pairs)	In Operators Room	€ 2 623.46	€ 24.63	€ 11 371.64	€ 71.67
	In open space	€ 1 320.12	€ 21.56	€ 11 371.64	€ 71.67
Ampliation in modules of 100 pairs	In Operators Room	€ 1 316.16	€ 11.78	€ 10 413.56	€ 59.18
	In open space	€ 907.03	€ 9.65	€ 10 413.56	€ 59.18

Table 6. Applicable prices for external connection with 600-pair cables and with HDF and supply of conduits and cable trenches by the OLO.

External Connection with 600-pair cables and with HDF and supply of conduits and cable trenches by the OLO		External Cable		Specific elements of shared access	
		Installation	Monthly fee	Installation	Monthly fee
Initial installation		€ 14 378.30	€ 112.75	€ 11 306.10	€ 105.56
Ampliation in modules of 100 pairs		n.a.	n.a.	€ 10 688.77	€ 66.18
Ampliation in modules of 600 pairs		€ 12 582.68	€ 70.52	€ 11 306.10	€ 105.56

Table 7. Applicable prices for external connection with 600-pair cables and with HDF and supply of conduits and cable trenches by PT Comunicações

External Connection with 600-pair cables and with HDF and supply of conduits and cable trenches by PT Comunicações		External Cable		Specific elements of shared access	
		Installation	Monthly fee	Installation	Monthly fee
Initial installation		€ 24 437.26	€ 123.23	€ 11 306.10	€ 105.56
Ampliation in modules of 100 pairs		n.a.	n.a.	€ 10 688.77	€ 66.18
Ampliation in modules of 600 pairs		€ 12 582.68	€ 70.52	€ 11 306.10	€ 105.56

Table 8. Applicable prices for external connection with 600-pair cables and without HDF and supply of conduits and cable trenches by the OLO

External Connection with 600-pair cables and without HDF and supply of conduits and cable trenches by the OLO		External Cable		Specific elements of shared access	
		Installation	Monthly fee	Installation	Monthly fee
Initial installation		€ 11 984.99	€ 102.23	€ 11 306.10	€ 105.56
Ampliation in modules of 100 pairs		n.a.	n.a.	€ 10 688.77	€ 66.18
Ampliation in modules of 600 pairs		€ 10 189.37	€ 99.87	€ 11 306.10	€ 105.56

Table 9. Applicable prices for external connection with 600-pair cables and without HDF and supply of conduits and cable trenches by PT Comunicações

External Connection with 600-pair cables and without HDF and supply of conduits and cable trenches by PT Comunicações	External Cable		Specific elements of shared access	
	Installation	Monthly fee	Installation	Monthly fee
Initial installation	€ 22 043.95	€ 112.72	€ 11 306.10	€ 105.56
Ampliation in modules of 100 pairs	n.a.	n.a.	€ 10 688.77	€ 66.18
Ampliation in modules of 600 pairs	€ 10 189.37	€ 99.87	€ 11 306.10	€ 105.56

Table 10. Applicable prices for external connection with 300-pair cables and with HDF and supply of conduits and cable trenches by the OLO

External Connection with 300-pair cables and with HDF and supply of conduits and cable trenches by the OLO	External Cable		Specific elements of shared access	
	Installation	Monthly fee	Installation	Monthly fee
Initial installation	€ 9 036.94	€ 85.90	€ 11 306.10	€ 91.26
Ampliation in modules of 100 pairs	n.a.	n.a.	€ 10 688.77	€ 67.89
Ampliation in modules of 300 pairs	€ 7 241.32	€ 43.91	€ 11 306.10	€ 91.26

Table 11. Applicable prices for external connection with 300-pair cables and with HDF and supply of conduits and cable trenches by PT Comunicações

External Connection with 300-pair cables and with HDF and supply of conduits and cable trenches by PT Comunicações	External Cable		Specific elements of shared access	
	Installation	Monthly fee	Installation	Monthly fee
Initial installation	€ 19 095.90	€ 96.38	€ 11 306.10	€ 91.26
Ampliation in modules of 100 pairs	n.a.	n.a.	€ 10 688.77	€ 67.89
Ampliation in modules of 300 pairs	€ 7 241.32	€ 43.91	€ 11 306.10	€ 91.26

Table 12. Applicable prices for external connection with 300-pair cables and without HDF and supply of conduits and cable trenches by the OLO

External Connection with 300-pair cables and without HDF and supply of conduits and cable trenches by the OLO	External Cable		Specific elements of shared access	
	Installation	Monthly fee	Installation	Monthly fee
Initial installation	€ 8 067.95	€ 58.19	€ 11 306.10	€ 91.26
Ampliation in modules of 100 pairs	n.a.	n.a.	€ 10 688.77	€ 67.89
Ampliation in modules of 300 pairs	€ 6 272.33	€ 56.07	€ 11 306.10	€ 91.26

Table 13. Applicable prices for external connection with 300-pair cables and without HDF and supply of conduits and cable trenches by PT Comunicações

External Connection with 300-pair cables and without HDF and supply of conduits and cable trenches by PT Comunicações	External Cable		Specific elements of shared access	
	Installation	Monthly fee	Installation	Monthly fee
Initial installation	€ 18 126.91	€ 68.67	€ 11 306.10	€ 91.26
Ampliation in modules of 100 pairs	n.a.	n.a.	€ 10 688.77	€ 67.89
Ampliation in modules of 300 pairs	€ 6 272.33	€ 56.07	€ 11 306.10	€ 91.26

2. **PT Comunicações must modify the RIO and the RUO within 10 days, taking into account the following maximum prices:**

Table 14. Applicable prices for the preparation of infrastructures

Preparation of infrastructures	Amount
Preparation of infrastructures	Budget per each case
Supply of budget	€ 1 059.69

Table 15. Applicable prices for collocation of modules in Operators Room

Collocation of modules in Operators Room	Installation	Monthly fee
5 m ² module (With metallic division)	€ 4 487.91	€ 356.25
5m ² module (Without metallic division)	€ 2 693.68	€ 354.38

Table 16. Applicable prices for collocation of module in open space regime

Module Collocation of module in open space regime	Installation	Monthly fee
Analysis of the feasibility of co-mingling	€ 187.74	
Module	€ 2 693.68	€ 132.76

Table 17. Applicable prices for the collocation of radio-relay system antennas

Collocation of radio-relay system antennas	Amount
Analysis of the feasibility of collocation and supply of information to draw up radio and construction plans	€ 427.76
Analysis and verification of radio plan	€ 273.79
Analysis and verification of construction plan	€ 273.79

Table 18. Applicable prices for space to collocate radio-relay system antennas

Space to collocate radio-relay system antennas	Installation	Monthly fee
Space in building cover	Budget case by case	€ 26.04
Space in tower for parabolic antenna (up to 1.5 m diameter)	Budget case by case	€ 171.84

Table 19. Applicable prices for access control (accompanied access)

Access control – Accompanied access	Amount per hour	Travel
Scheduled access, during normal working hours	€ 20.13	€ 13.06
Scheduled access, outside normal working hours	€ 33.55	€ 13.06

Table 20. Applicable prices for signal transport service

Signal transport	Installation	Monthly fee
Multi-operator (up to 4 OLOs) when no multi-operator transfer chamber is located in the vicinity of the PT Comunicações building with available capacity	€ 7 711.85	€ 76.81
Multi-operator (up to 4 OLOs) whenever there is already a multi-operator transfer chamber located in the vicinity of the PT Comunicações building with available capacity	€ 6 523.52	€ 75.60
Individual (6 fibres)	€ 3 385.82	€ 13.33

Table 21. Applicable prices for visits to exchange buildings

Visits to exchange buildings	Amount per hour	Travel
Scheduled access, during normal working hours	€ 78.22	€ 13.06
Scheduled access, outside normal working hours	€ 130.36	€ 13.06

Prices corresponding to energy consumption

The RUO establishes that in cases where electric energy meters have not been installed to measure the specific consumption of OLO (Other Licensed Operator) equipment, and until such become available, the OLO will pay PT Comunicações the amount corresponding to the estimated average monthly energy consumption, with the maximum equipment power considered.

The condition mentioned in the above paragraph now introduced by PT Comunicações in the RUO may result in the OLO being penalised due to a delay in the responsibility of PT Comunicações, given that the collocation space should be equipped with all associated items, including individual boards and meters; for this reason it should be eliminated from the offer.

3. PT Comunicações must modify the RIO within 10 days, taking into account the following maximum prices:

Table 22. Applicable prices for interconnection components

Interconnection components	Installation	Monthly fee
Components for 2 Mbit/s interconnection line	€ 92.38	€ 0.48
Individual components for multiples of 63×2 Mbit/s	€ 2 888.97	€ 10.74

Table 23. Applicable prices for interconnection point at an intermediate point

Interconnection point at an intermediate point	Amount
Installation	€ 35 056.71
Monthly fee	€ 222.48

Interconnection of leased lines

The applicable prices for leased lines interconnection service provided by PT Comunicações are those set in the price table currently in force with respect to leased line service for national digital lines, and are subject to the changes eventually introduced in said price table. The provision of this service encompasses a local extension, and may include a main section, in situations where the latter is applicable.

The following prices are applicable for the interconnection component:

Table 24. Applicable prices for interconnection components

Interconnection components	Installation	Monthly fee
Components for each interconnection line	€ 92.38	€ 0.48
Individual components (STM1 on SDH system)	€ 2 888.97	€ 10.74

4. The prices for full access and shared access set in Tables 1 and 2, which PT Comunicações did not change, enter into force on 17 March 2003.

All remaining prices introduced or changed by PT Comunicações in the revisions of the RUO, dated 24 December 2002, and the RIO, dated 14 January 2003, should be in force from those dates.

5. PT Comunicações must modify the RIO and the RUO within 10 days, taking into account the following:

5.1. Process of physical collocation in open space regime (co-mingling)

As PT Comunicações has not defined the co-mingling process, the procedures are described below. The formulas to include in the RIO and the RUO should express those procedures.

1. The interested OLO must submit the co-mingling request to PT Comunicações.
2. After receipt of the request, PT Comunicações proceeds to validate same, informing the OLO of the existence of collocation conditions.

If the data are incorrect, PT Comunicações informs the OLO of this fact.

Reply deadline: 2 working days after receipt of the request.

If there is no available space, PT Comunicações submits grounds for denial, which may be followed by scheduling an OLO visit to the exchange to study the situation.

Reply deadline: 5 working days after receipt of the request.

When the data in the request are correct and space is available, PT Comunicações informs the OLO about existing space.

Reply deadline: 4 working days after receipt of the request.

3. The OLO must confirm to PT Comunicações that it remains interested in the modules to collocate, placing the order with PT Comunicações.

Deadline: 3 working days – the responsibility of the OLO.

4. PT Comunicações undertakes work to prepare the modules and informs the OLO as soon as same are completed.

Deadline for finishing the work: 20 working days counting from the date of confirmation.

5.2. Collocation process for radio-relay system antennas.

As PT Comunicações did not define the process for radio-relay system antenna installation, the procedures are described below. The formulas to include in the RIO and in the RUO should express such procedures.

1. The interested OLO should submit the radio-relay system antenna collocation request to PT Comunicações.
2. After receipt of the request, PT Comunicações proceeds with validation and feasibility study.

If the data are incorrect, PT Comunicações informs the OLO of this fact.

Reply deadline: 2 working days after receipt of the request.

If the request is not feasible, PT Comunicações provides the grounds for denials, which may be followed by the scheduling of an OLO visit to the exchange to study the situation.

Reply deadline: 5 working days after receipt of the request.

When the data in the request are correct and same is feasible, PT Comunicações proceeds to schedule a visit to the exchange to gather planning information and in order to obtain licences from the respective authorities, which should be undertaken in the 5 following days.

Reply deadline: 4 working days after receipt of the request.

3. The OLO must confirm to PT Comunicações that it remains interested in the collocation, submitting the preliminary technical plan accompanied by the necessary licences obtained from the respective authorities for the establishment of radio-relay system connection.

4. Passage of preliminary plan to plan by PT Comunicações after modifications accorded with the OLO.

Deadline: 10 working days – no attributed delays unless the responsibility of PT Comunicações.

5. In the case of tower-sharing, outside work will be undertaken by PT Comunicações. If such is not the case, it can be done by the OLO. In either case, the equipment and associated material will be supplied by the OLO. Signal transport service will be provided by PT Comunicações.

Deadline: 40 working days in the case of tower-sharing.

Deadline: 15 working days if PT Comunicações has to proceed only with the connection between the OLO collocation model and the system for radio link by radio-relay system.

6. Acceptance tests effected by PT Comunicações in collaboration with the OLO to verify conformity.

Deadline: 5 working days – no delays are attributed unless the responsibility of PT Comunicações.

7. After acceptance, if problems of a mechanical, electric or radio nature arise both parties share responsibility for their solution.

8. Simple enlargements of the radio-relay system that do not imply changes of radio spectrum do not need the intervention of PT Comunicações. If they involve changes with respect to the initial plans, the OLO should submit them for approval to PT Comunicações.

5.3. Process of equipment collocation in adjacent space

As PT Comunicações did not define the process for collocating equipment in adjacent space, the procedures are described below. The formulas to include in the RIO and the RUO should express such procedures.

1. The OLO should submit the request to collocate equipment in adjacent space to PT Comunicações.
2. Upon receipt of the request, PT Comunicações should proceed with validation and feasibility study.

If the data are incorrect, PT Comunicações informs the OLO of this fact.

Reply deadline: 2 working days after receipt of the request.

If the request is not feasible, PT Comunicações provides grounds for the denial, which may be followed by the scheduling of an OLO visit to the exchange to study the situation.

Reply deadline: 5 working days after receipt of the request.

If the data in the request is correct and the request is feasible, PT Comunicações proceeds to schedule a visit to the exchange to gather information for the plans and in order to obtain licences from the respective authorities, which should take place in the following 5 working days.

Reply deadline: 5 working days after receipt of the request.

3. The OLO should confirm to PT Comunicações that it remains interested in the collocation, submitting the preliminary technical plan accompanied by the eventual necessary licences obtained from the respective authorities.

Deadline: 15 working days – the responsibility of the OLO.

4. PT Comunicações makes the preliminary plan a plan after the changes accorded with the OLO.

Deadline: 10 working days.

5. Outside work will be carried out by the OLO. The connection between the PT Comunicações intermediate distribution frame and the border distribution frame with the OLO will be undertaken by PT Comunicações.

Deadline: 30 working days.

5.4. Process of physical collocation in the Operators Room

In order to ensure that the process of physical collocation in the Operators Room is compatible with the processes described above, the procedures specified below should be observed:

1. The interested OLO must submit the request for physical collocation to PT Comunicações.
2. Upon receipt of the request, PT Comunicações proceeds to validate same:

If the data are incorrect, PT Comunicações informs the OLO of this fact.

Reply deadline: 2 working days after receipt of the request.

If the request is not feasible, PT Comunicações provides grounds for the denial, which may be followed by the scheduling of an OLO visit to the exchange to study the situation.

Reply deadline: 5 working days after receipt of the request.

If the data in the request are correct and same is feasible, PT Comunicações provides information about the number of available modules (should the Operators Room be in course or completed) or about the need to build an Operators Room.

Reply deadline: 4 working days after receipt of the request.

3. The Operators Room desired by the OLO may exist in 3 distinct phases:

4. If there is no Operators Room:

The OLO asks for the budget to build the Operators Room to be drawn up.

Deadline: 5 working days – the responsibility of the OLO.

PT Comunicações calculates the respective budget and informs the OLO.

Reply deadline: 10 working days after receipt of the request to draw up the budget.

The OLO places the order with PT Comunicações.

Deadline: 5 working days – the responsibility of the OLO.

PT Comunicações receives the order, effects the work needed to prepare the Operators Room and informs the OLO as soon as the order is completed.

Deadline to carry out the work: 80 working days after receipt of the order.

5. If the Operators Room is in course or has been completed:

If the OLO remains interested in the Operators Room, it must inform PT Comunicações of its continued interest in the Operators Room modules.

Deadline: 5 working days – the responsibility of the OLO.

PT Comunicações calculates the budget when the Operators Room is in course, or the specific cost when the Operators Room is complete, and informs the OLO.

Reply deadline: 10 working days after communication of the OLO's continuing interest in the Operators Room modules.

The OLO submits the pre-order to PT Comunicações.

Deadline: 5 working days – the responsibility of the OLO.

PT Comunicações provides information about the value of the common costs.

Reply deadline: 5 working days after receipt of the pre-order request.

The OLO places the order with PT Comunicações.

Deadline: 5 working days – the responsibility of the OLO.

PT Comunicações undertakes the work to prepare the modules and informs the OLO as soon as they are completed.

Deadline to carry out the work: 40 working days for the modules with metallic division in network or 20 working days for modules without metallic division in network.

5.5. Deadlines

Table 24. Applicable reply deadlines for services of physical collocation in inside space (in Operators Room and in open space regime) and in outside space (equipment collocation in adjacent property and collocation of radio-relay antennas)

INDICATORS		WORKING DAYS	OCCURENCE (%)
Reply deadlines	Report of incorrect data	2	95
	Information on denial of collocation	5	95
	Information on the existence of collocation conditions	4	95
	Passage from preliminary plan to plan by PT Comunicações after the changes accorded with the OLO	10	95
	Information on the budget to build the Operators Room	10	95

	Information on the specific cost when the Operators Room is completed	10	95
	Information on the value of the common costs	5	95
	Approval by PT Comunicações of the characteristics of the MDF to be installed by the OLO	2	95

Table 24. Supply deadlines

INDICATORS		WORKING DAYS	OCCURENCE (%)
Supply deadlines	Modules with metallic division in existing Operators Room	40	95
	Modules without metallic division in existing Operators Room	20	95
	Modules in the MDF room in open space regime	20	95
	Collocation for radio connection by radio-relay system (includes signal transport for radio connection by radio-relay system)	40	95
	Signal transport for radio connection by radio-relay system	15	95
	Acceptance tests undertaken by PT Comunicações in collaboration with the OLO for verification of the conformity of radio connection by radio-relay system	5	95
	Connection between the intermediate distribution frame of PT Comunicações and the border distribution frame with the OLO in the case of equipment collocation on adjacent property	40	95
	Deadline for ampliation of external cable (300 pairs)	11	95

For the service of signal transport for radio connection by radio-relay system the deadlines for the repair of anomalies and the degrees of service availability foreseen for the signal transport for fibre optic connection service should be applied.

5.6. Compensations for the failure to meet reply deadlines and limits

Taking into account the rules defined in the determination of 17 January 2002 on compensations for the failure to meet supply deadlines in the scope of LLU, the following compensation rules are defined:

Table 24. Compensations for failure to meet reply deadlines

INDICATORS		COMPENSATION BY THE OLO INVOLVED AND PER EXCHANGE
Reply deadlines	Report of incorrect data	$\frac{d}{2}(d+1) \times \frac{u}{20.000} \times 7,5 \text{Euros}$
	Information on denial of collocation	
	Information on the existence of collocation conditions	
	Passage from preliminary plan to plan by PT Comunicações after the changes accorded with the OLO	
	Information on the budget to build the Operators Room	
	Information on the specific cost when the Operators Room is completed	
	Information on the value of the common costs	
	Approval by PT Comunicações of the characteristics of the MDF to be installed by the OLO	

In the reply deadlines now defined no limits on compensations should be set.

Table 24. Compensations for failure to meet supply deadlines

INDICATORS		COMPENSATION BY THE OLO INVOLVED AND PER EXCHANGE
Supply deadlines	Modules with metallic division in existing Operators Room	$\frac{d}{2}(d+1) \times \frac{u}{20.000} \times 7,5 \text{Euros}$
	Modules without metallic division in existing Operators Room	
	Modules in the MDF room in open space regime	
	Collocation for radio connection by radio-relay system (includes signal transport for radio connection by radio-relay system)	
	Signal transport for radio connection by radio-relay system	
	Acceptance tests undertaken by PT Comunicações in collaboration with the OLO for verification of conformity of the radio connection by radio-relay system	
	Connection between the intermediate distribution frame of PT Comunicações and the border distribution frame with the OLO in the case of equipment collocation in adjacent property	
	Deadline for ampliation of external cable (300 pairs)	

In which:

d is the number of working days of delay for the exchange in question;

u is the number of PT Comunicações accesses connected at the exchange in question.

Table 24. Compensation for failure to uphold quality service levels

QUALITY SERVICE LEVELS		COMPENSATION
Service of signal transport for radio connection by radio-relay system	Repair deadline	Amount, based on the monthly provision associated with the local loop, which corresponds to the verified duration of non-availability (beyond the indicated level), multiplied by the number of affected loops.
	Service availability	

5.7. Other matters

5.7.1. Collocation options

In conformity with the determination of 19 November 2002 on the collocation conditions to adopt in the context of the RIO and the RUO, and in any case and dealing with all eventual conditioners of a technical nature, it is up to the OLO to choose the collocation modality best suited to its specific needs; PT Comunicações should remove the restriction introduced in the RUO, to only consider the possibility of collocation in space outside the buildings of the PT Comunicações exchange, whether for the installation of radio-relay antennas or in adjacent property, as long as no other modality of physical collocation is feasible.

5.7.2. Use of the same collocation space for effects of the RIO and the RUO

The existing restrictions in the RIO and the RUO, to the effect that equipment or other material not meant exclusively for the ends anticipated respectively in the RIO and the RUO, due to incompatibility with the content of paragraph no. 11 of the determination of 19

November 2002 on the collocation conditions to adopt in the context of the RIO and the RUO, should be removed.

The possibility of the use of one single collocation space for effects of what is set in the RUO and the RIO should thus be foreseen, whenever same is technically possible. In the scope of connection of the transmission support, the same infrastructures can also be used for both interconnection and LLU ends.

5.7.3. *Limitations on co-mingling*

According to the RUO, the space to make available for the co-mingling modality will take into account the necessary reservation, for future PT Comunicações needs, of continuous space in an area corresponding to 25% of the area already occupied, as well as the reservation of power and air conditioning for that effect. It is also mentioned that PT Comunicações exchanges in which a minimum area of 10 m² is available in these conditions are eligible for that modality.

Such restrictions are considered to be unreasonable; the collocation space should always be granted without any reservation of the available space. PT Comunicações should provide case-by-case grounds for any denial of a collocation request.

5.7.4. *Collocation in office or storage space*

In conformity with the determination of 19 November 2002 on the collocation conditions to adopt in the context of the RIO and the RUO, the RIO and the RUO should anticipate the possibility of making space available in office or storage space when collocation in other spaces is manifestly infeasible.

5.7.5. *Temporary nature of collocation services*

Reference to the temporary nature of collocation services should be removed. Such services should be in force while the RUO and the RIO and the obligations derived from same are in force.

5.7.6. *Change of site and of installations*

PT Comunicações introduced in the RIO and the RUO conditions previously foreseen in the contract to provide services, which establish the terms in which PT Comunicações grants the right to use its infrastructures, equipment and installations, submitted by PT Comunicações to ANACOM on 9 April 2002 and concerning the change of site and of installations.

In order to better reflect the conditions anticipated in that offer, PT Comunicações should add the following conditions:

“The foreseen change of site cannot imply any cost increase for the OLO.

The equipment and material that could not be re-installed when the site is changed by initiative of PT Comunicações will remain the property of same, which reserves the right to use said equipment and material as it sees fit; in such case it must acquire and install alternative material and/or equipment for the OLO.”

5.7.7. *Limits on the number of requests*

PT Comunicações aims to limit the number of requests to 10 or 20 per month, depending on the cases. Given the high demand expected for these services, as evidenced by operator letters on the matter, and the limited experience in the provision of same, the setting of such limits is allowable in a first phase. However, such restrictions must be removed by the end of the year.

5.7.8. *Generic information on loops*

PT Comunicações must make available all information, eventually subject to the signature of a term of confidentiality, concerning:

- (i) the no. of local loops in use, no. of pairs in the distribution frame, no. of operational pairs, no. of reserve lines, minimum, maximum and average length of local loops and cable calibres of the most representative access network configurations, by MDF
- (ii) no. of broadband accesses, discriminated by technology and by MDF, and
- (iii) updated information on the numbering associated to remote concentration units dependent on a given exchange, for all MDFs in the PT Comunicações network.

The information should be provided by PT Comunicações within 5 days after the request by the interested OLO and the respective signing of the term of confidentiality; the interested OLO is understood to be an operator with at least one confirmed collocation request.

Within the same deadline, PT Comunicações should also provide interested parties, upon request, with a complete list of all the MDFs in the PT Comunicações network, identifying the MDF, postcode and respective geographic co-ordinates.

5.7.9. *Responsibility for anomalies and interferences, radio or otherwise*

PT Comunicações establishes in the RUO and in the RIO that in no way can it be made responsible for anomalies and interferences, radio or otherwise, in OLO equipment that results from the normal functioning of PT Comunicações equipment, whether currently existing or installed in the future, due to the need to expand its network or in order to meet its responsibilities as the universal service provider.

Given that PT Comunicações analyses the feasibility and studies the technical plan in accord with the OLO, after acceptance of the work it is considered that if problems of a mechanical, electrical or radio nature arise then both parties share responsibility for their solution.

Also, in the case of physical collocation, ANACOM understands that if any equipment does not comply with the electromagnetic compatibility norms same should be removed. PT Comunicações should thus bring into conformity the paragraphs in pages 22 and 23 of version 8.0 of the RUO and 40 of the RIO of 14 January 2003, with respect to the responsibility for anomalies and interferences, radio or otherwise, and the respective indemnities.

5.7.10. *Information on the service providers who use the unbundled local loop*

PT Comunicações should remove from the RUO the pretence of being informed about which service operators, registered under the terms of Decree-Law no. 381-A/97, use the unbundled local loop contracted to PT Comunicações to provide public use telecommunications services.

5.7.11. Fire insurance

PT Comunicações should bring the content of the RUO into line with that of the RIO, adding in the RUO that in buildings equipped with a fire detection system, PT Comunicações will ensure safety conditions in the Operators Room, extending the system to that room.

5.7.12. Acceptance of collocation orders

The RUO and the RIO establish that PT Comunicações reserves the right not to accept collocation orders placed by OLOs that have not paid for the services provided in the scope of those offers.

ANACOM understands that any eventual non-payment for provided services should be studied per case and is no reason not to accept collocation orders; such restriction should thus be removed from the RUO and the RIO.

5.7.13. References to norms

For transparency reasons, reference to norms should be identified by the type of norm, number, indication of version, date of publication in the official gazette and title.

5.7.14. Identification of modifications in the RIO and the RUO

Whenever PT Comunicações modifies the RIO or the RUO it should unequivocally and in a detailed manner identify any text changes.