

## DECISION

### **Renewal of the rights of use of frequencies allocated to Optimus - Comunicações, S.A., in the 900 MHz and 1800 MHz frequency bands**

#### **1. Background**

By determination of the Management Board of ICP-ANACOM of 28 March 2012, approval has been given to the draft decision to renew the rights of use of frequencies allocated to Optimus in the 900 and 1800 MHz bands, whereby it was determined to submit the following to the prior hearing of Optimus, in accordance with article 100 et seq. of the CPA - Código do Procedimento Administrativo (Administrative Proceeding Code), and also to the general consultation procedure, pursuant to article 33, paragraph 3 of Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September (Lei das Comunicações Eletrónicas (Electronic Communications Law), hereinafter "LCE"):

1. To renew, for a period of 15 years, the rights of use of frequencies as set out in Part III, Chapter I, paragraph 9.1, point a) of Title ICP-ANACOM no. 01/2012 allocated to Optimus, for the provision of publicly available terrestrial electronic communications services in the 900 MHz band (880-915 MHz / 925-960 MHz) and in the 1800 MHz (1710-1785 MHz / 1805-1880 MHz) band for the systems identified in the annex to Decision 2009/766/EC, as amended by Decision 2011/251/EU, as well as for other systems that may come to be included therein.
2. To amend paragraph 11 (coverage obligations) and paragraph 16.1. point b) (time periods and renewal) of Title ICP-ANACOM no. 01/2012 issued to Optimus, under the terms of the draft set out in Annex 1 to the present determination, which annex forms an integral part hereof.
3. To maintain ICP-ANACOM determination of 17 November 2011 on *"Questionnaires regarding information on coverage, quality of service and how to implement sharing of sites, to be sent to ICP-ANACOM by undertakings providing the Land Mobile Service (GSM/UMTS) / Annual Declaration to be presented by TMN - Telecomunicações Móveis Nacionais, S.A. and Vodafone - Comunicações Pessoais, S.A. on total coverage, per locality with over 10,000 inhabitants and per municipality receiving*

*provision of services of voice and data up to 9600 bps"*, in force until the adoption of the separate decision on the provision of information foreseen under Title ICP-ANACOM no. 01/2012, as issued to Optimus, whereas Optimus is bound to comply with the obligations to send information laid down in said determination.

**4.** For purposes of the draft amendment of paragraph 11.2 of Title ICP-ANACOM no. 01/2012, as set out in Annex 1, Optimus is further required to submit to ICP-ANACOM:

- a)** A response to the ad-hoc questionnaire, as set out in Annex 2 of the present determination and forming an integral part thereof, no later than 60 working days following the date of the present renewal decision.
- b)** An annual declaration confirming that, on 31 December of the preceding year, levels of total population coverage were provided for services of voice and data up to 9600 bps per locality with over 10,000 inhabitants and per municipality, which are at least equal to levels prevailing as on the date of the present renewal decision and as reported in the ad-hoc questionnaire set out in Annex 2. This declaration is to be submitted simultaneously with the annual questionnaire referred to in paragraph 3 of determination of 17 November 2011, is to be signed by a person who has authority to bind Optimus and does not affect, in its submission, the accomplishment of supplementary supervision, inspection and oversight actions to be undertaken by this Authority, pursuant to its powers and responsibilities.

**5.** With the presentation to ICP-ANACOM, within the time limits established for the purpose, of the items referenced in paragraphs 3 and 4 of the present determination, Optimus will fulfil the obligations to send this Authority periodic information as presently required by ICP-ANACOM for the exercise of its responsibility to verify compliance with the conditions laid down in Unified Title ICP-ANACOM no. 01/2012 and to monitor the evolution of the coverage achieved by the company.

Whereas interested parties were granted, a period of 20 days pursuant to both consultation procedures in which to comment, which period ended on 30 April 2012, the only response received prior to the deadline was that of Optimus.

The report on the consultation process was prepared, forming an integral part of the present decision and including a summary of views expressed and the positions taken by ICP-ANACOM thereto.

## **2. The request submitted by Optimus**

By letter received on 26 October 2011, Optimus - Comunicações, S. A. (Optimus) submitted a request to ICP-ANACOM, pursuant to article 33 of Lei das Comunicações Eletrónicas (Electronic Communications Law)<sup>1</sup>, that ICP-ANACOM grant renewal, for a period of 15 years, of the rights of use of frequencies allocated to the operator in the 900 MHz and 1800 MHz frequency bands for provision of the land mobile service, whose terms were defined in Right of Use of Frequencies ICP-ANACOM no. 01/2010.

To this purpose, Optimus stated that these frequencies have supported the provision of mobile services, especially services of voice and data up to 9600 bps, with national coverage [Start of Confidential Information]

[End of Confidential Information] in terms of population and area, respectively, and also that it intends to continue to support part of its offer over these frequencies, in view of the offer of mobile services which make maximum use of the potential offered by the technologies available at any given time.

## **3. Background**

### **3.1. The renewal of the rights of use of frequencies**

In article 33 of Lei das Comunicações Eletrónicas (Electronic Communications Law) (Duration and renewal of rights of use for frequencies), it is set out that the rights of use are renewable, for the periods of time according to their allocation and taking into account the criteria established for their determination, upon a request submitted by the right holder to ICP-ANACOM at the least one year ahead of the expiry date.

ICP-ANACOM is required to provide a response to the right holder within six months at the most, promoting for this purpose the general consultation procedure provided for in article 8, and is entitled to:

- a) Oppose the renewal of the right of use through a duly substantiated decision;

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<sup>1</sup> Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September

b) Grant the renewal under the same conditions specified in the initial allocation of the right of use, including the respective term;

c) Grant the renewal imposing different conditions than those specified in the right.

### **3.2. Right of use ICP-ANACOM no. 01/2010 - Current Unified Title ICP-ANACOM no. 01/2012**

By determination of 8 July 2010<sup>2</sup>, ICP-ANACOM decided, in the context of radio spectrum refarming in the 900 MHz and 1800 MHz frequency bands, to unify the conditions governing the exercise of the rights of use of frequencies granted to Optimus, TMN and Vodafone to provide the land mobile service (LMS), according to UMTS (2.1 GHz band) and GSM/UMTS technologies in the 900MHz and 1800 MHz bands into a single title.

As such, under paragraph 5 of Right of Use of Frequencies ICP-ANACOM no. 01/2010<sup>3</sup>, Optimus retained the right of use in the territory of 2 x 7.8 MHz in the 900 MHz band (880-915 / 925-960 MHz) and 2 x 6 MHz in the 1800 MHz band (1710 - 1785/1805 - 1880 MHz) for the GSM and UMTS systems, as well as other systems as are set out in the annex to Decision 2009/766/EC.

The rights of use of frequencies in question were allocated for a period of 15 years, expiring on 20 November 2012<sup>4</sup>.

Later, in its recent decision of 9 March 2012<sup>5</sup>, as regards the issue of the unified titles of rights of use of frequencies for terrestrial electronic communications services, following the multi-band auction, ICP-ANACOM decided to combine *"the rights of use allocated under the auction process, together with the previously allocated rights, into a single title, maintaining a unit which guarantees harmonisation of the conditions applicable to the various rights of use of frequencies which have been allocated and which also guarantees efficiency in the accomplishment of the coverage obligations imposed, in strict compliance with the principles governing the management of the radio-electric spectrum which ICP-ANACOM is charged with ensuring."*

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<sup>2</sup> [Public consultation on the amendment of the GSM and UMTS licenses](#)

<sup>3</sup> This title substitutes the previous titles issued to OPTIMUS on 20 November 1997 and 11 January 2001 for provision of the Mobile Telephone Service according to the GSM (License ICP-014/TCM License) system and for operation of the UMTS system (License no. ICP-04/UMTS °) respectively (see paragraph 14).

<sup>4</sup> See paragraph 13, 1, b) of Right of Use of Frequencies ICP-ANACOM no. 01/2010.

<sup>5</sup> [Consultation on the decision on the unified titles of rights of use of frequencies for terrestrial electronic communications services.](#)

*As determined, "this incorporation into a single title does not eliminate, nor can it eliminate, the existence of different rights of use of frequencies, which is also clear from the nomenclature proposed for the title, whereby express provision is made for the conditions associated with each said right of use, and likewise for the different coverage obligations, the different periods of validity or specific access obligations."*

In this context, the new unified title issued to Optimus (no. 01/2012) also includes the rights of use now covered by the renewal application, whereas in paragraph 5 thereof it is set out that this title substitutes the title previously issued to the company, on 8 July 2010, for provision of the Land Mobile Service, according to GSM and UMTS systems (Right of Use of Frequencies ICP-ANACOM no. 01/2010). That is, **the present renewal application refers, currently and specifically, to the rights of use referred to in Part III, Chapter I, paragraph 9.1, point a) of unified title no. 01/2012.**

It should be recalled, in this regard, that ICP-ANACOM made it clear from the outset<sup>6</sup> that the present renewal application would be treated in a process independently from the issuance of the titles following the auction, under the terms and conditions set out in the Lei das Comunicações Eletrónicas (Electronic Communications Law).

#### **4. Assessment**

Considering the renewal application submitted by Optimus and presented to ICP-ANACOM with the required advance notice, and considering the recent process of issuing the unified titles - whose impact on the rights of use as allocated prior to the auction determined that they be submitted to the general consultation procedure, under which interested parties, including Optimus, had opportunity to comment extensively on their content - ICP-ANACOM holds that the assessment of this application requires only that the specific conditions attached to these rights of use of frequencies be determined appropriate and proportionate, particularly in light of the conditions which, pursuant to corresponding rights of use, are imposed on other operators (TMN and Vodafone).

In this context it is important to consider **the revision of the coverage obligations** laid down in the rights of use, taking into account the principles governing the management of the spectrum which ICP-ANACOM is bound to undertake.

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<sup>6</sup> See. Determination of 3 February 2012.

For this purpose it is important to take note of the evolution of coverage obligations imposed in this area, which means recalling the background to the process when the rights of use of frequencies of Vodafone and TMN were renewed and recalling the refarming process.

#### **4.1. The renewal of the rights of use of Vodafone and TMN**

Under the public consultation launched by ICP-ANACOM, in July 2005<sup>7</sup>, on the process of renewing the rights of use of frequencies as allocated to TMN and Vodafone for provision of the land mobile service in accordance with the GSM digital system, given that both companies had complied with the coverage obligations that were attached during the continuance of the licenses, maintaining similar levels of coverage, ICP-ANACOM took the view that, among other obligations, consideration could be given to the following obligations: (i) that, in terms of population, operators ensure the coverage achieved at the time, explaining the calculation methodology used in the determination thereof and (ii) coverage be expanded to include main roads constructed in the intervening period, and also to include main railway lines. In this context, stakeholders commented on the questions that were specifically put in this regard.

In the respective consultation report<sup>8</sup>, ICP-ANACOM concluded, as regards the minimum coverage requirements, that:

*'Notwithstanding that said operators have already fulfilled the coverage obligations to which they were bound under the terms of the licenses issued to them, they should continue to guarantee that coverage, both in terms of population and in terms of geographical distribution, as is provided to users on the date that the rights of use are renewed. In this context, after hearing the operators, ICP-ANACOM will define a calculation methodology to enable coverage measurement. (...). In conclusion, ICP-ANACOM holds that GSM 900/1800 operators should continue to ensure current geographical and population coverage, while not seeing fit to establish any obligations in terms of quantity and location of infrastructure.'*

As regards the imposition of obligations imposed to provide coverage of certain roads and railways lines or other coverage, this Authority decided that:

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<sup>7</sup> [Consultation on the renewal of the rights of use of GSM 900/1800 frequencies \(TMN and Vodafone\)](#)

<sup>8</sup> [Consultation on the renewal of the rights of use of GSM 900/1800 frequencies \(TMN and Vodafone\)](#)

*«In accordance with the provisions of point b) of paragraph 1 of article 32 of the LCE, the holders of rights of use of frequencies may be made subject to coverage obligations in order to guarantee effective and efficient use. (...) Notwithstanding the legal prerogatives granted to GSM operators, nothing prevents these operators, in conjunction with the competent authorities, from developing projects to ensure coverage in specific localities. It is in this context that the contract between Metropolitano de Lisboa (Lisbon Metro) and the three GSM operators was concluded with a view to extending coverage throughout the Lisbon Metro network. Meanwhile, a working group was created, coordinated by ICP-ANACOM and involving operators, Refer, Refer Telecom, CP (Portuguese Railways) and representatives of the Ministry of Public Works, Transport and Communications, to examine possible solutions to minimize the problems of coverage on railway lines. In light of the above, ICP-ANACOM considers that it may order GSM operators to provide coverage in specific localities and areas where warranted, specifically to meet particular communication needs that support the interests of the population and economic and social development. Nevertheless, there are no grounds for imposing deadlines for the accomplishment of coverage provision in specific areas.»*

Additionally, under the prior hearing of Vodafone on the draft of the renewal title of the rights of use of frequencies in question (Prior hearing report<sup>9</sup>), this Authority made clear that, as regards coverage obligations, that it was important to note that the defence of the interests of citizens constitutes an objective of regulation as pursued by ICP-ANACOM (article 5 of the LCE), stating that:

*«Promoting the defence of users of the land mobile service, which service, given its current level of penetration, specifically as compared to penetration of the fixed telephone service, as well as its economic and social relevance, entails the guarantee that these users are able to access the service throughout the national territory, according to equal conditions. As such, the decision to cover a specific geographical area cannot depend solely on a mere economic judgment by operators, but should rather address the real communications needs of the respective users and subscribers.*

*Accordingly, the condition was established in the title, in line with the final part of point b) of paragraph 1 of article 32 of the LCE, that service coverage be guaranteed, in terms of population and in terms of geographical distribution, as not lower to that prevailing as on*

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<sup>9</sup> [Issue of renewal title of the right of use of frequencies of Vodafone](#)

*the renewal date of the right of use of frequencies, as well as the possibility that said coverage be extended to specific localities and areas.»*

Therefore, with the reasoning as set out above, both the title of Vodafone (Right of Use of Frequencies ICP-ANACOM no. 01/2006, issued on 20.07.2006), and subsequently that of TMN (Right of Use of Frequencies ICP-ANACOM no. 01/2007, issued on 28.2.2007), will include, in Annex 2 thereto, the following conditions associated with the right of use of frequencies:

4.1.b) To provide minimum coverage, both in terms of population and in terms of geographical distribution, not inferior to that prevailing as on the renewal date of the right of use of frequencies.

4.2. ICP-ANACOM may determine coverage of specific localities and areas where warranted, specifically to meet communication needs that support the interests of the population and economic and social development.

4.3. For the purposes of the preceding paragraph, any determination of coverage of specific localities is to be preceded by a prior hearing of [Vodafone / TMN].

#### **4.2. Refarming**

In 2010, as part of the consultation on the decision regarding refarming, ICP-ANACOM made clear *"that, in view of the Directive and Decision referred to above<sup>10</sup>, having awarded the operators the right to use systems other than GSM (with the safeguard mentioned above) in the 900 and 1800 MHz frequency bands, it makes no sense to continue to assess the obligations of these operators, in particular with respect to coverage obligations, while ignoring this new reality"*. It was added that *"in failing to do so, ICP-ANACOM would be contributing to inefficient use of the radio spectrum, to the extent that it would be disregarding coverage (assessed under the 900 and 1800 MHz licenses) where achieved through use of frequencies at 2.1 GHz and data coverage (assessed under the 2.1 GHz licenses) where achieved through use of frequencies at 900 and 1800 MHz"*.

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<sup>10</sup> Directive 87/372/EEC of the Council of June 25, as amended by Directive 2009/114/EC of the European Parliament and of the Council of 16 September, and Decision 2009/766/EC of the Commission of 16 October.



Under that procedure, ICP-ANACOM also saw fit to propose the withdrawal of the *"obligations existing in respect of the quantity and location of infrastructure to be installed (including base stations), maintaining the coverage obligations laid down in the license - which is the essential instrument ensuring the geographic availability of the service in question - and avoiding the imposition of obligations in respect of the quantity of infrastructure, which might lead to sub-optimal solutions in terms of network management, without any positive impact for consumers and with potentially negative implications resulting from non-productive investment, in view, in particular, of the evolution of technology"*.

In this respect, the draft unified titles submitted to consultation in 2010, in line with the provisions included in the "renewed" titles of Vodafone (in 2006) and TMN (in 2007), established that, in providing services of voice and data up to 9600 bps, undertakings shall ensure, in terms of population and geographical distribution, minimum coverage which is not inferior to the coverage prevailing as on the issue date of said titles and not inferior to the minimum defined in the previously issued licenses.

Additionally, and again in accordance with the obligations already applying to TMN and Vodafone, it was also stipulated that ICP-ANACOM may determine coverage of specific localities and areas where warranted, particularly to fulfil communication needs that support the interests of the population and economic and social development. For this purpose, determination of coverage of specific localities will be preceded by a prior hearing of the undertakings.

In the consultation report and in light of the comments presented by Sonaecom (as the company was named at that time), ICP-ANACOM, making clear in general terms that the process *"had no underlying intention to extend the obligations of GSM/UMTS operators, including as regards coverage"*, adopted the premise, however, that *"in the specific case of SONAECON, it may result in an increase in coverage obligations with regard to services of voice and data up to 9600 bits per second (bps), [whereby] it opts to maintain the obligations included in the company's current GSM license, notwithstanding that these obligations may be subject to review upon renewal of the rights of use of GSM frequencies (900 - 1800) as allocated to the company, which renewal is due by November 2012"* (emphasis added by author).

The same position was taken in the matter of additional coverage of specific localities and areas, in relation to which it was stated that the company's situation would be *"set out upon renewing the respective rights of use of frequencies"*.

#### **4.3. Review of the coverage obligations of Optimus**

ICP-ANACOM considers that the reasoning underlying the coverage obligations of TMN and Vodafone in the context of the respective processes of renewing their rights of use of frequencies, also apply in the case of Optimus, reinforced by the recent process of issuing unified titles of rights of use for terrestrial electronic communications services, whereas no justification is identified as would warrant a dissimilar treatment of Optimus in this matter.

In this context, note is made of the position submitted by Optimus pursuant to the prior hearing held on ICP-ANACOM determination of 3 February 2012, in which, agreeing with the proposal to unify the titles and with the systematization of the respective terms, the company held that this measure *"also has the advantage of achieving uniformity in the conditions (all conditions) governing the use of the right of use of frequencies and to be observed by the holder, without distortions or differences in treatment"*.

However, in view of the terms of the coverage conditions imposed on TMN and Vodafone and considering that, in this case, the title of Optimus specifies values that correspond to those which were binding upon the company in 1997, ICP-ANACOM held that this condition should be revised so that Optimus guarantees the coverage that, on the date of the present renewal, it provides to users, both in terms of population and in terms of geographical area.

As such, ICP-ANACOM maintains its position that the obligation in question, although distinct from that set out in the current right of use of frequencies, is not unreasonable, given that the company shall not be bound to comply with levels of coverage which exceed or which are different from the levels of coverage which it provides currently.

This alteration means that Optimus, in line with the requirements imposed on TMN and Vodafone under the terms of ICP-ANACOM determination of 17 November 2011, will be required to complete and submit an ad-hoc questionnaire to this Authority, equivalent to the questionnaire included in Annex 1 of said determination and shall present an annual declaration confirming that, as on 31 December of the preceding year, levels of coverage were provided for services of voice and data up to 9600 bps in terms of population

coverage at least equal to those prevailing as on the renewal date of the rights of use of frequencies now in question. The information compiled will be used by ICP-ANACOM as a reference in determining minimum coverage requirements to be met by Optimus in the provision of services of voice and data up to 9600 bps (coverage prevailing on the date of this renewal) and in monitoring their annual evolution.

It is also the position of ICP-ANACOM that Optimus should be made subject to the conditions as regards additional coverage, given that this has the (exclusive) aim of safeguarding, in the public interest and where necessarily examined and reasoned, assurance of coverage in specific areas or localities.

In light of the above, ICP-ANACOM concluded that there is no impediment to the renewal of rights of use under consideration for a period of 15 years, expiring on 20 November 2027, whereas paragraph 11 of unified title ICP-ANACOM no. 01/2012, as issued to Optimus, establishing coverage obligations for rights of use of frequencies in the 900 and 1800 MHz bands, should be amended and made uniform with the conditions of coverage which, in this respect, have been imposed on TMN and Vodafone.

## **5. Decision**

Accordingly, **the Management Board of ICP-ANACOM**, under the terms of articles 32 and 33, paragraph 3, point c) of Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September, and pursuant to point I) of article 26 of its Statutes, as approved in annex to Decree-Law no. 309/2001 of 7 December, **determines the following:**

1. To renew, for a period of 15 years, the rights of use of frequencies set out in Part III, Chapter I, paragraph 9.1, paragraph a) of title ICP-ANACOM no. 01/2012 granted to Optimus for provision of publicly available terrestrial electronic communications services in the 900 MHz band (880-915 MHz / 925-960 MHz) and in the 1800 MHz (1710-1785 MHz / 1805-1880 MHz) band for the systems identified in annex to Decision 2009/766/EC, as amended by Decision 2011/251/EU, as well as for other systems that may come to be included therein.
2. To amend paragraph 11 (coverage obligations) and paragraph 16.1. point b) (time periods and renewal) of Title ICP-ANACOM no. 01/2012 issued to Optimus, under the

terms of the draft set out in **Annex 1** of the present determination, which forms an integral part thereof.

3. To maintain ICP-ANACOM determination of 17 November 2011 on "*Questionnaires regarding information on coverage, quality of service and how to implement sharing of sites, to be sent to ICP-ANACOM by undertakings providing the Land Mobile Service (GSM/UMTS) / Annual Declaration to be presented by TMN - Telecomunicações Móveis Nacionais, S.A. and Vodafone - Comunicações Pessoais, S.A. on total coverage, per locality with over 10,000 inhabitants and per municipality receiving provision of services of voice and data up to 9600 bps*", in force until the adoption of the separate decision on the provision of information foreseen under Title ICP-ANACOM no. 01/2012, as issued to Optimus, whereas Optimus is bound to comply with the obligations to send information laid down in said determination.
4. For purposes of the draft amendment of paragraph 11.2 of Title ICP-ANACOM no. 01/2012, as set out in Annex 1, Optimus shall also submit to ICP-ANACOM:
  - a) A response to the ad-hoc questionnaire, as set out in **Annex 2** of the present determination and forming an integral part thereof, no later than 60 working days following the date of the present renewal decision.
  - b) An annual declaration confirming that, on 31 December of the preceding year, levels of total population coverage were provided for services of voice and data up to 9600 bps per locality with over 10,000 inhabitants and per municipality, which are at least equal to levels prevailing as on the date of the present renewal decision and as reported in the ad-hoc questionnaire set out in **Annex 2**. This declaration is to be submitted simultaneously with the annual questionnaire referred to in paragraph 3 of determination of 17 November 2011, is to be signed by a person who has authority to bind Optimus and does not affect, in its submission, the accomplishment of supplementary supervision, inspection and oversight actions to be undertaken by this Authority, pursuant to its powers and responsibilities.
5. With the presentation to ICP-ANACOM, within the time limits established for the purpose, of the items referenced in paragraphs 3 and 4 of the present determination, Optimus will fulfil the obligations to send this Authority periodic information as

presently required by ICP-ANACOM for the exercise of its responsibility to verify compliance with the conditions laid down in Unified Title ICP-ANACOM no. 01/2012 and to monitor the evolution of the coverage achieved by the company.

Lisbon, 17 May 2012.

## **ANNEX 1**

**ENDORSEMENT No. 1**

**TITLE**

**OF RIGHTS OF USE FREQUENCIES FOR TERRESTRIAL ELECTRONIC  
COMMUNICATIONS SERVICES**

**ICP-ANACOM No. 01/2012**

[...]

**Part III**

**Conditions governing the rights of use of frequencies**

**Chapter I**

**Conditions governing the rights of use of frequencies granted prior to the multi-  
band auction**

[...]

11.1. Optimus is bound, pursuant to point a) of paragraph 1 of article 32 of *Lei das Comunicações Eletrónicas* (Electronic Communications Law), to ensure, in terms of population and in terms of geographical distribution, accomplishment of the following coverage obligations:

- a) In the provision of services of voice and data up to 9600 bps, minimum coverage not less than that prevailing as on 17 May 2012, renewal date of the Rights of Use of Frequencies as covered by paragraph 9.1.a) of the present title;
- b) In the provision of data services with speeds of 144 kbps and 384 kbps:

<b>POPULATION COVERAGE (%)</b>		<b>COVERAGE AREA (%)</b>	
<b>TRANSMISSION SPEEDS</b>		<b>TRANSMISSION SPEEDS</b>	
<b>144 kbps</b>	<b>384 kbps</b>	<b>144 kbps</b>	<b>384 kbps</b>
60.8%	29.7%	23.8%	7.8%

11.2. For the purposes of point a) above, the information sent by Optimus to ICP-ANACOM in response to the ad-hoc questionnaire as approved by ICP-ANACOM determination of 17 May 2012, is to be considered as a basis of reference for the level of coverage provided.

11.3. Compliance with the coverage obligations referred to in paragraph 11.1 may be provided using the spectrum identified in paragraph 9.

11.4. ICP-ANACOM may determine coverage of specific localities and areas where warranted, specifically to meet communication needs that support the interests of the population and economic and social development.

11.5. For the purposes of the preceding paragraph, the determination of coverage of specific sites is to be preceded by a prior hearing of Optimus.

[...]

## **16. Time periods and renewal**

16.1. The rights of use of frequencies as are object of the present title are allocated for a period of 15 years, expiring on the following dates:

- a) (...);
- b) Frequencies allocated in the 900 MHz and 1800 MHz bands, on 20 November 2027

Lisbon, 17 May 2012.



## **ANNEX 2**

## **AD-HOC QUESTIONNAIRE**

### **INFORMATION ON COVERAGE TO BE SENT ICP-ANACOM PURSUANT TO PARAGRAPH 11.2 OF TITLE No. 01/2012**

This request is made by ICP-ANACOM in exercise of the powers and responsibilities set out in point n) of paragraph 1 of article 6 of its Statutes, approved in annex to Decree-Law no. 309/2001 of 7 December, under the terms of article 108 and for the purposes laid down in point c), paragraph 1 of article 109, and also pursuant to article 27, paragraph 1, point s) all of Law no. 5/2004 of 10 February, as amended by Law no. 51/2011 of 13 September.

The questionnaire has two parts:

- Part A: Information on coverage in relation to services of voice and data up to 9600 bps.
- Part B: Items to be submitted in order to support the results of coverage, in relation to the service of voice and data up to 9600 bps, as reported in Part A of the questionnaire.

This information is to be sent by Optimus to ICP-ANACOM no later than 60 working days following the renewal date of the rights of use of frequencies set out in Part III, Chapter I, paragraph 9.1, paragraph a) of ICP-ANACOM title no. 01/2012.

**Identification of the responding company:**

\_\_\_\_\_

**Company contact person:**

Name: \_\_\_\_\_

Telephone contacts: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

## **PART A**

Information on coverage in relation to the services of voice and data up to 9600 bps prevailing as on 17 May 2012

**INDICATOR 1 - TOTAL POPULATION COVERED ON 17 MAY 2012**

<b>TOTAL NATIONAL POPULATION (In thousands)<sup>2</sup></b>	<b>TOTAL POPULATION COVERED ON 17 MAY 2012 (in %)<sup>1</sup></b>	<b>Indication of the technology(ies)/band(s) relevant to assessment of population coverage</b>

<sup>1</sup> As a reference, use is to be made of the Census which, on the reference date of the information, is the most recent Census published by Instituto Nacional de Estatística (Statistics Portugal). Annual estimates of resident population should be used which, on the reference date of the information, are the most recently published by Instituto Nacional de Estatística (Statistics Portugal) (based on the most recent Census).

<sup>2</sup> This indicator refers to the population covered (considering coverage in outdoor spaces), in thousands of inhabitants, compared to the total national population.

**INDICATOR 2 - TOTAL POPULATION COVERED PER MUNICIPALITY AS ON 17 MAY 2012**

<b>LIST OF MUNICIPALITIES</b>	<b>POPULATION BY MUNICIPALITY (thousands of inhabitants)<sup>3</sup></b>	<b>POPULATION COVERAGE BY MUNICIPALITY AS ON 17 MAY 2012 (In %)<sup>4</sup></b>	<b>Indication of the technology(ies) /band(s) relevant to assessment of population coverage <u>in each municipality</u></b>
Municipality A			
Municipality B			
Municipality C			
Municipality .....			

<sup>3</sup> As a reference, use is to be made of the Census which, on the reference date of the information, is the most recent Census published by Instituto Nacional de Estatística (Statistics Portugal). Use is to be made of the annual estimates of resident population in each municipality, on the reference date of the information, as most recently published by Instituto Nacional de Estatística (Statistics Portugal) (based on the most recent Census).

<sup>4</sup> This indicator corresponds, per each municipality to, the population covered (considering coverage in outdoor spaces), in thousands of inhabitants, compared to total population of the same municipality.

**INDICATOR 3 - TOTAL POPULATION COVERED AS ON 17 MAY 2012**  
**PER LOCALITY WITH OVER 10,000 INHABITANTS**

LIST OF LOCALITIES WITH MORE THAN 10,000 INHABITANTS IN EACH MUNICIPALITY <sup>5</sup>		POPULATION PER LOCALITY WITH MORE THAN 10,000 INHABITANTS (In thousands of inhabitants) <sup>6</sup>	POPULATION COVERED PER LOCATION AS ON 17 MAY 2012 (In %) <sup>7</sup>	Indication of the technology(ies) /band(s) relevant to assessment of population coverage <u>in each place with over 10,000 inhabitants</u>
Municipality A	Locality 1			
	Locality 2			
	Locality 3			
	Locality ---			
Municipality B	Locality 1			
	Locality 2			
	Locality 3			
	Locality ---			
Municipality ...	Locality 1			
	Locality 2			
	Locality 3			
	Locality ---			

<sup>5</sup> Definition of "locality": Population cluster with 10 or more residential dwellings and to which a distinct place name is attached, irrespective of whether it belongs to 1 or more parishes (Source: INE - Instituto Nacional de Estatística (Statistics Portugal) - Manual de Procedimentos da Construção da Base Geográfica de Referência de Informação (Manual for Constructing the Information Reference Geographical Database) 2001). Note: In the event of difficulty in clearly identifying the locality's boundaries, the continuity of the built-up area must be considered, i.e., that no building is separated by more

than 200 m from its nearest neighbour. In the assessment of these criteria, discontinuity of the built-up area caused by transport links, football pitches, courtyards, gardens, etc., is not considered (This note was added to the concept on 21 February 2002, in accordance with the recommendation of the "Manual de Procedimentos da Construção da BGRI de 2001" (2001 Procedure Manual for Constructing the Information Reference Geographical Database).

<sup>6</sup> As reference, use is to be made of the Census which, on the reference date of the information, is the Census most recently published by Instituto Nacional de Estatística (Statistics Portugal). Use is to be made of the annual estimates of resident population in each locality with over 10,000 inhabitants which, on date of the information, are those most recently published by Instituto Nacional de Estatística (Statistics Portugal) (based on the most recent Census).

<sup>7</sup> This indicator corresponds, per each "locality with over 10,000 inhabitants", to the population covered (considering coverage in outdoor spaces), in thousands of inhabitants, and compared to total population of the same "locality".

## **PART B**

Items supporting the results of coverage in relation to the services of voice and data up to 9600 bps, as reported in Part A of the questionnaire

In addition to the response to Part A of the questionnaire, your company is required to send ICP-ANACOM a description of the coverage in outdoor spaces using maps at appropriate scales (at a minimum corresponding to 1:1 500 000). Indication must be given of the assumptions and methodology used to scale the coverage, with indication given, as a minimum, of the following items:

- Maps used in the calculations, including population maps;
- Propagation models;
- Indication, if applicable, of benchmarking measures performed in the calibration of the propagation models used;
- Sensitivity by service;
- Configuration and types of antenna used including diagrams of typical radiation;
- Link budget(s);