

Calculation of fees due in respect of the activity of supplier of publicly available electronic communications networks and services, under the terms of point b) of paragraph 1 of article 105 of Law no. 5/2004 of 10 February

Correction of the values of t2 fees charged in respect of 2009 and 2010, following a correction made to the relevant revenues of PT Comunicações (PTC) as a function of the final values of the CLSU - custos líquidos do serviço universal (net costs of universal service provision) in respect of the 2007-2009 financial years

1. Under point a) of paragraph 4 of Annex II to Administrative Rule no. 1473-B/2008 of 17 December, the following revenues are not considered for the purposes of calculating relevant revenues: revenues resulting from (i) provision of the universal service to end-users or groups of specific end-users, who are in the situation described in point b) of paragraph 2 of article 96 of the LCE - Lei das Comunicações Eletrónicas (Electronic Communications Law); and (ii) provision of public pay-telephones, as defined in point a) of the same paragraph.

2. Furthermore, pursuant to paragraph 5 of Annex II to the same Administrative Rule, the revenues derived from provision of the universal service are determined based on calculations performed by ICP-ANACOM under the terms of articles 95 and 96 of the LCE and for the purposes of the calculation of CLSU - custos líquidos das obrigações de serviço universal (net cost of universal service obligations), whereby the values of the relevant revenues indicated by PT Comunicações are accepted for the purposes settling the fee due each year on a provisional basis. However, when the net costs are calculated by ICP-ANACOM, the revenue values in question are subject to adjustment.

3. By determination of 19 September 2013, and taking into account the results of the audit and respective declaration of conformity, the Management Board of ICP-ANACOM approved the latest accounts presented by PT Comunicações on 28.06.2013, and determined the final values of the net costs of the universal service in respect of the years 2007 to 2009.

4. Accordingly, and in accordance with the provisions of paragraphs 4 and 5 of Annex II of Administrative Rule no. 1473-B/2008, and with a view to substituting the values of relevant revenues indicated by PTC and accepted by ICP-ANACOM on a provisional basis, new statements were sought from PT Comunicações as regards relevant revenues reported for 2009 and 2010 - these were sent by the company.

5. The upward correction of the values of the relevant revenues of PT Comunicações resulted in an increase in the total relevant revenues reported for companies in Band 2, with an impact on the t2 value, which is revised to 0.4827% from 0.5079% in 2009 and to 0.4908% from 0.5209% in 2010, according to calculations shown as follows:

Year 2009 (corrected)

Formula: $t2 = (C-t1n1) / \Sigma P2$;

C= Total cost of regulating the activity of supplier of electronic communications networks and services in 2009
= 28,808,344 euros

$\Sigma P0$ = Total relevant revenues of undertakings in band 0 = 261,523 euros

t1 = Fee payable by undertakings in band 1 (Relevant Income \leq 1,500,000 euros) = 2,500 euros;

n1 = Number of undertakings in band 1=22

Σ relevant revenues from all providers of electronic communications networks and services in 2008 =
5,967,492,705 euros

$\Sigma P1$ = Total relevant revenues of undertakings in band 1 in 2008 = 10,473,218 euros

$\Sigma P2$ = Total relevant revenues of undertakings in band 2 in 2008 = 5,956,757,963 euros

t1n1 = 2,500 euros x 22 = 55,000 euros;

t2 = Fee payable by undertakings in band 2 (Relevant revenues > 1,500,000 euros) = (28.808.344 euros - 55.000 euros) / 5.956.757.963 euros = 0.4827%

The fees payable are obtained by applying the rate of 0.4827% to the relevant revenues reported by each provider in band 2.

Year 2010 (corrected)

Formula: $t2 = C - t1n1 / \sum P2$;

C= Total cost of regulating the activity of supplier of electronic communications networks and services in 2010 = 28,466,608 euros

$\sum P0$ = Total relevant revenues of undertakings in band 0, in 2009 = 380,793 euros

t1 = Fee payable by undertakings in band 1 (Relevant Income \leq 1,500,000 euros) = 2,500 euros;

n1 = Number of undertakings in band 1 = 21

\sum relevant revenues from all providers of electronic communications networks and services in 2009 = 5,800,093,220 euros

$\sum P1$ = Total relevant revenues of undertakings in band 1 in 2009 = 10,226,955 euros

$\sum P2$ = Total relevant revenues of undertakings in band 2 in 2009 = 5,789,485,471 euros

$t1n1$ = 2,500 euros x 21 = 52,500 euros;

t2 = Fee payable by undertakings in band 2 (Relevant revenues > 1,500,000 euros) = (28,466,608 euros - 52,500 euros) / 5,789,485,471 euros = 0.4908%

The fees payable are obtained by applying the rate of 0.4908% to the relevant revenues reported by each provider in band 2.

6. Pursuant to paragraph 5 of Annex II to Administrative Rule no. 1473-B/2008 of 17 December, these new t2 fees entail a revision of the settlements applied in 2009 and 2010 to suppliers of electronic communications networks and services. ICP-ANACOM will undertake this revision without delay.