

ALTERATIONS TO BE INTRODUCED IN THE RIO AND IN THE RUO

In wake of the determination by ANACOM Board of Directors, 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 to ANACOM the reason for the prices.

By determination of 26 December 2002, ANACOM Board of Directors asked PT Comunicações to undertake a thorough reassessment of RUO 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 analogical offers, and the productivity earnings derived there from;
- 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.

On the contrary, ANACOM believed that, despite the reduced demand, the available data enabled an integrated price reassessment.

Thus, the analysis carried out by ANACOM, took into consideration information and more recent data held by this Authority, namely labour costs suggested by PT Comunicações for the year 2002. PT Comunicações has informed, now, to dispose of labour cost estimates for 2003 which, notwithstanding the aforementioned, ANACOM must consider to proceed with price updating.

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, has considered important to specify the offer conditions.

Considering also that:

- a) Pursuant to 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) Pursuant to 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 and if the same occur;
 - f) The interested parties have been heard pursuant to articles 100 and 101 of the Code of the Administrative Procedure and their commentary analysis is included in the respective preceding hearing report;
- I. The Board of Directors of ANACOM determines, pursuant 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:**
- 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	€ 8.05
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	€ 84.07
Monthly fee of local loop	€ 11.96
Intervention for undue breakdown report	€ 40.38
De-installation of local loop	€ 8.08

Table 2. Applicable prices for shared access

Shared Access	Price in Euros
Eligibility verification	€ 8.05
Qualification tests	€ 69.83
Installation / Transfer of the local loop	€ 88.21
Monthly fee of local loop	€ 2.95
Intervention for undue breakdown report	€ 40.38
De-installation of local loop	€ 12.11

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	€ 366.66
Analysis and verification of plans	€ 281.14
Supply of budget	€ 189.86

Table 4. Applicable prices for internal HDF connection

Internal HDF Connection		Installation	Monthly fee
Initial installation (100 pairs)	In Operators Room	€ (1 507.20+7.02 C ₁ +11.92 C ₂)	€ 25.78
	In Open Space	€ (1 507.20+7.02 C ₁ +11.92 C ₂)	€ 22.89
Ampliation in modules of 100 pairs	In Operators Room	€ (942.63+7.02 C ₁)	€ 12.76
	In Open Space	€ (942.63+7.02 C ₁)	€ 10.57

C₁: Length of internal cable of 100 pairs (in meters);

C₂: Length of ducting (in meters).

Table 5. Applicable prices for internal connection without HDF

Internal connection without HDF		Installation	Monthly Fee
Initial installation (100 pairs)	In Operators Room	€ (865.60+7.02 C ₁ +11.92 C ₂)	€ 24.40
	In Open Space	€ (865.60+7.02 C ₁ +11.92 C ₂)	€ 21.51
Ampliation in modules of 100 pairs	In Operators Room	€ (771.50+7.02 C ₁)	€ 11.87
	In Open Space	€ (771.50+7.02 C ₁)	€ 9.67

C₁: Length of internal cable of 100 pairs (in meters);

C₂: Length of ducting (in meters).

Table 6. Applicable prices to specific elements of the shared access in the internal connection

Specific elements of the shared access in the internal connection	Installation	Monthly Fee
Initial installation	€ (10 016.34+7.02 C ₁ +11.92 C ₂)	€ 71.77
Ampliation in modules of 100 pairs	€ (10 016.34+7.02 C ₁)	€ 59.27

C₁: Total length of internal cable of 100 pairs (in meters);

C₂: Total length of ducting (in meters).

Table 7. 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	Installation	Monthly Fee
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Initial installation	€ (7 412.67+30.97 C_1 +62.75 C_2 +475.33 C_3)	€ 112.89
Ampliation in modules of 600 pairs	€ (7 347.40+30.97 C_1)	€ 70.66

C_1 : Length of external cable of 600 pairs (in meters);

C_2 : Total length of conduits and cable trenches;

C_3 : Number of external boxes.

Table 8. 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	Installation	Monthly Fee
Initial installation	€ (7 412.67+30.97 C_1 +62.75 C_2 +475.33 C_3)	€ 123.37
Ampliation in modules of 600 pairs	€ (7 347.40+30.97 C_1)	€ 70.66

C_1 : Length of external cable of 600 pairs (in meters);

C_2 : Total length of conduits and cable trenches;

C_3 : Number of external boxes.

Table 9. 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	Installation	Monthly Fee
Initial installation	€ (5 013.80+30.97 C_1 +62.75 C_2 +475.33 C_3)	€ 102.35
Ampliation in modules of 600 pairs	€ (4 948.53+30.97 C_1)	€ 99.99

C_1 : Length of external cable of 600 pairs (in meters);

C_2 : Total length of conduits and cable trenches;

C_3 : Number of external boxes.

Table 10. 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	Installation	Monthly Fee
Initial installation	€ (5 013.80+30.97 C_1 +62.75 C_2 +475.33 C_3)	€ 112.83
Ampliation in modules of 600 pairs	€ (4 948.53+30.97 C_1)	€ 99.99

C_1 : Length of external cable of 600 pairs (in meters);

C_2 : Total length of conduits and cable trenches;

C_3 : Number of external boxes.

Table 11. Applicable prices to specific elements of the shared access in the external connection with cables of 600 pairs.

Specific elements of the shared access in the external connection with cables of 600 pairs.	Installation	Monthly Fee
Initial installation	€ (10 416.85+7.02 C_1 +11.92 C_2)	€ 105.63
Ampliation in modules of 100 pairs	€ (10 416.85+7.02 C_1)	€ 66.25

C_1 Total length of internal cable of 100 pairs (in meters);

C_2 : Total length of ducting (in meters).

Table 12. 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	Installation	Monthly Fee
Initial installation	€ (3 510.80+22.46 C_1 +62.75 C_2 +475.33 C_3)	€ 86.00
Ampliation in modules of 300 pairs	€ (3 445.53+22.46 C_1)	€ 44.02

C_1 : Length of external cable of 300 pairs (in meters);

C_2 : Total length of conduits and cable trenches;

C_3 : Number of external boxes.

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 with HDF and supply of conduits and cable trenches by PT Comunicações	Installation	Monthly Fee
Initial Installation	€ (3 510.80+22.46 C_1 +62.75 C_2 +475.33 C_3)	€ 96.48
Ampliation in modules of 300 pairs	€ (3 445.53+22.46 C_1)	€ 44.02

C_1 : Length of external cable of 300 pairs (in meters);

C_2 : Total length of conduits and cable trenches;

C_3 : Number of external boxes.

Table 14. 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	Installation	Monthly Fee
Initial Installation	€ (2 539.53+22.46 C ₁ +62.75 C ₂ +475.33 C ₃)	€ 58.29
Ampliation in modules of 300 pairs	€ (2 474.26+22.46 C ₁)	€ 56.17

C₁: Length of external cable of 300 pairs (in meters);

C₂: Total length of conduits and cable trenches;

C₃: Number of external boxes.

Table 15. 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	Installation	Monthly Fee
Initial Installation	€ (2 539.53+22.46 C ₁ +62.75 C ₂ +475.33 C ₃)	€ 68.77
Ampliation in modules of 300 pairs	€ (2 474.26+22.46 C ₁)	€ 56.17

C₁: Length of external cable of 300 pairs (in meters);

C₂: Total length of conduits and cable trenches;

C₃: Number of external boxes.

Table 16. Applicable prices to specific elements of the shared access in the external connection with cables of 300 pairs.

Specific elements of the shared access in the external connection with cables of 300 pairs.	Installation	Monthly Fee
Initial Installation	€ (10 416.85+7.02 C ₁ +11.92 C ₂)	€ 91.33
Ampliation in modules of 100 pairs	€ (10 416.85+7.02 C ₁)	€ 67.96

C₁: Total length of internal cable of 100 pairs (in meters);

C₂: Total length of ducting (in meters).

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

Table 17. Applicable prices for the preparation of Operators Room infrastructures.

Preparation of Operators Room infrastructures	Amount
Preparation of infrastructures	Budget per each case
Supply of budget	€ 1 085.92

Table 18. Applicable prices for collocation of modules in Operators Room

Collocation of modules in Operators Room	Installation	Monthly Fee
5 m ² Module (With metallic mesh division)	€ 4 522.41	€ 356.32
5 m ² Module (Without metallic mesh division)	€ 2 728.18	€ 354.45

Table 19. Applicable prices for collocation of module in open space regime

Collocation of module in open space regime	Installation	Monthly Fee
Analysis of the feasibility of co-mingling	€ 189.86	
Module	€ 925.13	€ 130.92

Table 20. Applicable prices for the collocation of radio-relay system antennas

Co-Installation de antenas de Feixes Hertzianos	Amount
Analysis of the feasibility of collocation and supply of information to draw up radio and construction plans	€ 435.53
Analysis and verification of radio plan	€ 281.14
Analysis and verification of construction plan	€ 281.14

Table 21. 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 per each case	€ 26.04
Space in tower for parabolic antenna (up to 1.5 m diameter)	Budget per each case	€ 171.84

Table 22. Applicable prices for access control (accompanied access)

Access control - Accompanied access	Amount per hour	Travel
Scheduled access, during normal working hours	€ 20.19	€ 13.06
Scheduled access, outside normal working hours	€ 37.16	€ 13.06

Table 23. 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	€ 7 189.42	€ 76.55
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	€ 6 407.52	€ 75.74
Individual (6 fibres)	€ 3 442.28	€ 13.56

Table 24. Applicable prices for visits to exchange buildings

Visits to exchange buildings (1)	Amount per hour	Travel
Scheduled access, during normal working hours	€ 80.32	€ 13.06
Scheduled access, outside normal working hours	€ 147.82	€ 13.06

(1) If, after a visit on the part of the OLO or ANACOM's control action, the conditions for collocation are effectively identified, PT Comunicações must compensate the OLO with the corresponding value for the accomplished visit.

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 penalized 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.

ANACOM still considers that, in open space regime, only in the cases where means of real consumption measurement are not installed, can a minimum consumption of 20% of the installed maximum power be considered, for each equipment or group of equipment in a given installation, with consumption higher than 5 Kw, having the RIO and the RUO to be modified in conformity.

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

Table 25. Applicable prices for interconnection components

Interconnection Components	Installation	Monthly Fee
Components for 2 Mbit/s interconnection line	€ 93.68	€ 0.49
Individual components for multiples of 63 x 2 Mbit/s	€ 2 905.35	€ 10.76

Table 26. Applicable prices for interconnection point at an intermediate point

Interconnection point at an intermediate point	Amount
Installation	€ 34 675.93
Monthly Fee	€ 222.47

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 27. Applicable prices for the interconnection component

Interconnection Components	Installation	Monthly Fee
Components for each interconnection line	€ 93.68	€ 0.49
Individual components (STM1 on SDH system)	€ 2 905.35	€ 10.76

4. The prices introduced or changed by PT Comunicações in the revisions of RUO, dated 24 December 2002, and the RIO dated 14 January 2003, must be in force as from those dates. The remaining prices that PT Comunicações did not change, namely the full access and shared access prices set in Tables 1 and 2 enter into force on 30 June 2003.

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)

Relatively to co-mingling process, the procedures are described below. The formulas to include in the RIO and the RUO must 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 the 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.

Relatively to collocation process for radio-relay antennas, the procedures are described below. The formulas to include in the RIO and in the RUO must express such procedures.

1. The interested OLO should submit the radio-relay system antenna collocation request to PT Comunicações, accompanied by the supply request of the radio-relay delivery service
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 licenses from the respective authorities. This visit should be undertaken in the 5 following days.

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

PT Comunicações sends the specific information to set up the preliminary plan and if necessary, installation authorization to obtain the licenses from the respective authorities.

Deadline: 10 working days.

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

Deadline: 15 working days, OLO responsibility, delays which are not its responsibility should not be imputed. For example, the elapsed time in getting the necessary licenses from the respective authorities.

4. Following the pre-order receipt, PT Comunicações proceeds to its analysis. Where the preliminary plan is not considered valid, PT Comunicações provides the OLO the grounds for denial. In the remaining cases, the OLO is informed of the plan feasibility and the work budget to be carried out by PT Comunicações, after casual alterations agreed with OLO.

Reply deadline: 15 working days.

5. The OLO after receiving the feasibility confirmation of the pre-order proceeds to order formalization to PT Comunicações.

Deadline: 5 working days.

6. In the case of tower-sharing, outside work will be undertaken by PT Comunicações, with help, if necessary, from OLO technicians. 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. The work to be carried out by PT Comunicações for the service supply of the transportation signal shall be executed simultaneously with external work.

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.

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

Deadline: 5 working days, as from the conclusion date of installation work.

8. After acceptance, if problems of a mechanical, electric or radio nature arise, both parties share responsibility for their solution.
9. 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, at least, 20 working days beforehand.

5.3. Process of equipment collocation in adjacent space

The process for collocating equipment in adjacent space must follow the procedures which 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. This visit should take place within the next 5 working days.

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

PT Comunicações sends the specific information to set up the preliminary plan and if necessary, installation authorization to obtain the licenses from the respective authorities.

Deadline: 10 working days.

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, OLO responsibility, delays which are not its responsibility should not be imputed. For example, the elapsed time in getting the necessary licenses from the respective authorities.

4. Following the pre-order receipt, PT Comunicações proceeds to its analysis. Where the preliminary plan is not considered valid, PT Comunicações provides the OLO the grounds for denial. In the remaining cases, the OLO is informed of the plan feasibility and the work budget to be carried out by PT Comunicações, after casual alterations agreed with OLO.

Reply deadline: 15 working days.

5. The OLO after receiving the feasibility confirmation of the pre-order proceeds to order formalization to PT Comunicações.

Deadline: 5 working days.

6. 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. 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.

4. 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 about the respective amounts, including common cost amounts.

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

Deadline to carry out the work: 30 working days for the modules with metallic mesh division or 20 working days for modules without metallic mesh division.

5.5. Process of Access to Active Local Loop (RUO)

As far as the process of access to active local loop is concerned, the following general procedures should be observed:

1. The interested OLO must place an order referring to a loop. As part of the order the OLO must specify whether indeed it intends qualification tests, the scheduling proposal for installation work and the access supply and if the quoted loop has associated to it a portability request of SFT number.

2. After receipt of request, PT Comunicações proceeds to its validation, verifying the loop and the subscriber elements, reporting to OLO about the existence of access eligibility conditions.

Reply deadline: 3 working days after receipt of the request.

If there are no access eligibility conditions, the request is cancelled automatically, otherwise the request is processed.

3. PT Comunicações must carry out qualification tests, if mentioned on the access request, informing the OLO about the results as soon as they are concluded.

Deadline for tests: 4 working days.

PT Comunicações waits for a possible cancellation request.

Deadline: 3 working days.

4. PT Comunicações proceeds to installation and loop supply.

Deadline for finishing the work: 10 working days. If there is a portability request associated to it, PT Comunicações will execute both works during the agreed portability window.

PT Comunicações reports to OLO on the installation result and the loop supply.

Deadline: 2 working days

5. If OLO did not apply for the tests to PT Comunicações, it may carry out those tests and report the results to PT Comunicações.

Deadline to carry out the tests and reply: 10 working days.

5.6. Process of Access to Non-Active Local Loop (RUO)

A far as the process of access to non-active local loop is concerned, the following general procedures should be observed:

1. The interested OLO must place a pre-order referring to a loop.
2. After receipt of request, PT Comunicações proceeds to its validation, verifying the loop and the subscriber elements.

Deadline: 3 working days since receipt of request.

If there are no access eligibility conditions, the request is cancelled automatically otherwise PT Comunicações draws up the budget in order to build the loop.

Reply deadline: 15 working days.

3. The interested OLO must send an order request for loop construction, and should mention whether it intends to have qualification tests.

Reply deadline: 5 working days, after budget receipt.

4. After receipt of order request, PT Comunicações proceeds to loop construction and reports to OLO on work conclusion.

Work deadline: case by case.

5. PT Comunicações must carry out qualification tests, if mentioned on the access request, informing the OLO about the results as soon as they are concluded.

Deadline for tests: 4 working days.

PT Comunicações waits for a possible cancellation request.

Deadline: 3 working days.

6. PT Comunicações proceeds to installation and loop supply.

Deadline for finishing the work: 10 working days.

PT Comunicações reports to OLO on the installation result and the loop supply.

Deadline: 2 working days.

7. If OLO did not apply for the tests to PT Comunicações, it may carry out those tests and report the results to PT Comunicações.

Deadline to carry out the tests and reply: 10 working days.

5.7. Deadlines

Table 28. 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	OCCURRENCE (%)
Reply deadlines	Report of incorrect data	2	95
	Information on denial of collocation	5	95
	Information on existence of collocation conditions	4	95
	Specific information on preliminary plan preparation	10	95
	Pre-order study for collocation in external space	15	95
	Information on budget to build the Operators Room	10	95
	Information on specific cost and common costs when the Operators Room is completed	10	95
	Approval by PT Comunicações of the characteristics of the MDF to be installed by the OLO	2	95

Table 29. Supply deadlines

INDICATORS		WORKING DAYS	OCCURRENCE (%)
Supply deadlines	Modules with metallic mesh division in existing Operators Room	30	95
	Modules without metallic mesh division in existing Operators Room	20	95
	Modules 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
	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	30	95
	Deadline for amplification 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.

For the quantification of all the above mentioned deadlines, the delays that are not exclusively imputable to PT Comunicações are excluded.

5.8. 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 30. Compensations for failure to meet reply deadlines

INDICATORS		COMPENSATION BY THE OLO INVOLVED AND PER EXCHANGE
Reply deadlines	Report on 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	
	Specific information on preliminary plan preparation	
	Pre-order study for collocation in external space	
	Information on the budget to build the Operators Room	
	Information on specific cost and common costs when the Operators Room is completed	
	Approval 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 31. Compensations for failure to meet supply deadlines

INDICATORS		COMPENSATION BY THE OLO INVOLVED AND PER EXCHANGE
Supply deadlines	Modules with metallic mesh division in existing Operators Room	$\frac{d}{2}(d+1) \times \frac{u}{20.000} \times 7,5 \text{ Euros}$
	Modules without metallic mesh division in existing Operators Room	
	Modules 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	
	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	
	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 32. 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	

The limit for the compensation for failure to uphold the deadline for modules supply in open space regime is the price of the service installation.

5.9. Other matters

5.9.1. *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.

5.9.2. *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 and such space should not be bound to the Operators Room. In the scope of connection of the transmission support, the same infrastructures can also be used for both interconnection and LLU ends.

5.9.3. *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.

For one given exchange, PT Comunicações can only be remunerated by the first co-mingling feasibility study. In that study, PT Comunicações must collect all the pertinent information to solve the subsequent orders of co-mingling in order to prevent the additional displacement of specific technicians to a place.

Thus, and taking into account the need to encourage the previsibility, PT Comunicações must keep Annex 2 to the RUO duly updated having to include such annex in the RIO, indicating also, the exchanges in which were carried out co-mingling feasibility studies and the respective result, within 5 working days after request reply to a co-mingling feasibility study.

5.9.4. Collocation in spaces in offices 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.

5.9.5. 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. However, PT Comunicações will be able to safeguard, in the RIO and the RUO, possible situations of cessation of lease contracts of the space in question and possible PT Comunicações network reconfiguration, having, in these situations, PT Comunicações to adequately inform the OLOs with the antecedence that it is operationally possible.

5.9.6. Change of site and of installations

PT Communications introduced in the RIO and the RUO conditions relating to the change of place and installations foreseen in the services providing contract which established the terms where PT Comunicações grants the right to use its infrastructures, equipment and 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. Exception when change of site arises from situations of cessation of lease contracts of the space where the equipment was collocated and possible PT Comunicações network reconfiguration. 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 equipment and/or material identical to the one which was collocated.

In cases duly justified where PT Comunicações cannot install equipment and/or identical material to the one which was collocated, it must be installed equipment and/or material of equivalent quality and with the same functionalities of the original.

5.9.7. 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.

5.9.8. 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.

5.9.9. 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 by OLO. 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.

5.9.10 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.

5.9.11. Fire Safety

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.

5.9.12. 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.

5.9.13. References to norms

For transparency reasons, PT Comunicações must identify clearly and with no doubts the reference to norms which are reported in the RIO and the RUO, through type of norm, number, indication of version, date of publication in the official gazette and title.

5.9.14. 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.

- II. The Board of Directors of ANACOM 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, to proceed with preceding hearing of the interested parties, pursuant to articles 100 and 101 of the Code of Administrative Procedure, setting a 10-day deadline for same to comment in writing on the determination it aims to implement with the following content:**

Taking into account the necessity to simplify the process relating to shared access and to promote a solution economically more efficient, PT Comunicações must modify the RUO within 10 days, in order for the OLOs to proceed with the splitter installation, where the same can be integrated in the DSLAM.

PT Comunicações will connect, if necessary, through internal or external cable, the intermediate router to the handover router (HDF), as well as the return, from the handover router to the intermediate router.