

Determination of 12.4.2002

## **DRAFT DECISION ON QUALITY LEVELS FOR THE LEASED LINES SERVICES PROVIDED BY THE OPERATOR WITH SIGNIFICANT MARKET POWER IN THE LEASED LINES MARKET**

1. Directive 92/44/CEE, amended by Directive 97/51/CE, regarding the supply of an open network for leased lines, fixes certain obligations that Member-Countries must impose, namely as far as the delivery period and repair time are concerned.
2. With the transposition of such Directives into the national juridical order, and under the scope of the Public Service Telecommunication Concession Contract, service quality indicators (IQS) were defined on the form of an agreement as well as the respective levels to be observed by the concessionaire in the provision of the leased lines service. The National Communications Authority (ANACOM) is monitoring the values achieved by the concessionaire since 1995, as far as the indicators in question are concerned.
3. With the change of the access regime to the activity of public network operator and the consequent approval, in 99/07/30, of the Regulation for the Exploitation of Public Telecommunication Networks (RERPT), it was necessary for ANACOM to fix new IQS.
4. In this context, pursuant to subsection e) of no. 2 of article 3º of RERPT, ANACOM defined (in 00/07/20), after the opinion of the Consultative Council, the IQS to be fulfilled by the public telecommunication network operators who provide Leased Lines Service.
5. Considering the provisions of no. 3 of article 3 of RERPT, ANACOM published subsequently the document related to the referred indicators in the site [www.anacom.pt](http://www.anacom.pt), having rendered this act public by notice dated 2000.08.28 published in the Official Gazette no. 207 III Series of 2000.09.27.
6. Considering the content of chapter IV of RERPT, it is necessary that ANACOM fixes the quality levels associated with the already defined

IQS, which must be complied by the operators with Significant Market Power (PMS) in the market of leased lines, pursuant to paragraph 3 of article 22 of the referred diploma.

7. PT Comunicações, S.A. (PTC) has shown their interest in contributing to the definition of the quality levels applicable to the Leased Lines Services (letter with reference no. 100349), having sent to ANACOM, in 00/12/26, the list of the values performed for the IQS, as well as the foreseen evolution for the three-year period 2001-2003 (letter with the reference no. 003815), foreseeing, in this context, *“a continuation of the average repair times and the availability degree in the current levels”*.
8. , According to the report published every year by the European Commission on the leased lines supply conditions registered by the different Member-States, PTC achieves for the “delivery deadline” the third value and for the “repair deadline” the best value.
9. Due mainly to the contribution given by the concessionaire, the background and the interests of users, ANACOM submitted one first approach to indicative quality levels to be ensured in the provision of the leased lines services in 2002-2003 by PTC [www.anacom.pt/template12.jsp?categoryId=34596](http://www.anacom.pt/template12.jsp?categoryId=34596), which matched, except for the value of the indicator “Average delay in the installation of a line”, for 2003, the evolution estimates submitted by PTC.
10. In reply, the concessionaire was somehow doubtful as to the quality levels previously foreseen, namely as far as repair time indicator is concerned (“average repair time”, and “availability level”), saying that the service quality values currently reached by PTC are at a level that is difficult to overcome.
11. In this context, taking into account, namely:
  - a) the importance of ensuring adequate service quality levels, with repercussions, namely:
    - a.1) in the activities of the telecommunication service providers;

- a.2) at final users and development of the information society;
- a.3) in the impact that the development of the UMTS networks will have in the demand of leased lines,
- b) some unexpectedness associated with the evolution of the demand conditions;
- c) the evolutions that took place regarding the service quality levels;
- d) the European current practices as well,

the Board of Directors of the National Communications Authority determines, for the 2002-2003 period, the following quality service levels to be observed by the notified operator with significant market power in the leased lines market, pursuant to no. 3 of article 22 of the Regulation for the Exploitation of Public Telecommunication Networks:

**Quality Levels for the Leased Lines Service 2002-2003**

	<b>2002</b>	<b>2003</b>
<i>Average delay in the installation of a new line for 95% (days)</i>	12	11
<i>Average repair time for 80% (total hours)</i>	2,5	2,5
<i>Availability level (%)</i>	99,96	99,96

All interested parties may, within ten days, make a written statement about this draft decision, pursuant to the provisions of article 100 and following ones of the Administrative Procedural Code.