
Determination of 17.2.2005

DETERMINATION OF ICP - ANACOM REGARDING THE ALTERATIONS TO BE INTRODUCED IN THE RUO

On 17 September 2004, following a request from ICP- ANACOM, PT Comunicações, S.A. submitted to this Authority information on (a) supply time of non-active loops and (b) the maximum supply time, in working days, for 95% of the cases, of network lines supply, in the subscriber modality, for both cases installed in the 1st semester of 2004.

Following the assessment of the information submitted by PT Comunicações S.A., the granted prior hearing, and the analysis of observations submitted by interested parties, according to the attached document, which is an integral part of the present determination, and:

- (a) Whereas the period that elapsed between the pre-order and the information on the termination of the installation was, in the 1st semester of 2004, of 119 working days;
- (b) Whereas the supply time for network line installation, in the subscriber modality was, was in the 1st semester of 2004, of 14 working days for 95% of the cases;
- (c) Whereas the activities involved in the transfer of non-active loops identified by PT Comunicações, S.A. do not justify the excessive time limits that are currently practised;
- (d) Whereas the justification put forth by PT Comunicações, S.A., that the time limits under consideration were the result of the effort connected to the introduction of telecommunications infrastructures concerning the Euro 2004, does not apply at present;
- (e) Having regard to the current practices in other Member States of the European Union concerning the maximum supply time for active and non-active loops;
- (f) Whereas the supply of non-active loops is typified and comparable to the supply of active loops;
- (g) Whereas the information submitted by PTC states that there are no manual tasks involved as far as the process of verification of the eligibility of active loops ordered through the RUO IS is concerned;

(h) Whereas the automatic order system, which should already be in operation, introduces a higher efficiency and swiftness to the order process;

(i) Having regard to the regulation objectives provided for in article 5 of Law no. 5/2004, of 10 February, namely to promote competition in the provision of electronic communications networks and services, to ensure that users derive maximum benefit in terms of choice, price, and quality and to encourage efficient investment in infrastructure, and to promote innovation; and

in the scope of the assignments provided for in points b), e) and f) of article 6 of the Statutes, approved by Decree-Law no. 309/2001, of 7 December, and pursuant to point g) of paragraph 2 of article 122 of Law no. 5/2004 and to points b) and g) of article 9 of the Statutes, the Board of Directors of ICP-ANACOM hereby deliberates:

I. To determine upon PT Comunicações, S.A., that within 30 days it alters the RUO as follows:

1 The offer shall include the following time limits and procedures associated to the supply and transfer of loops:

(a) Process for the supply of an active local loop without portability;

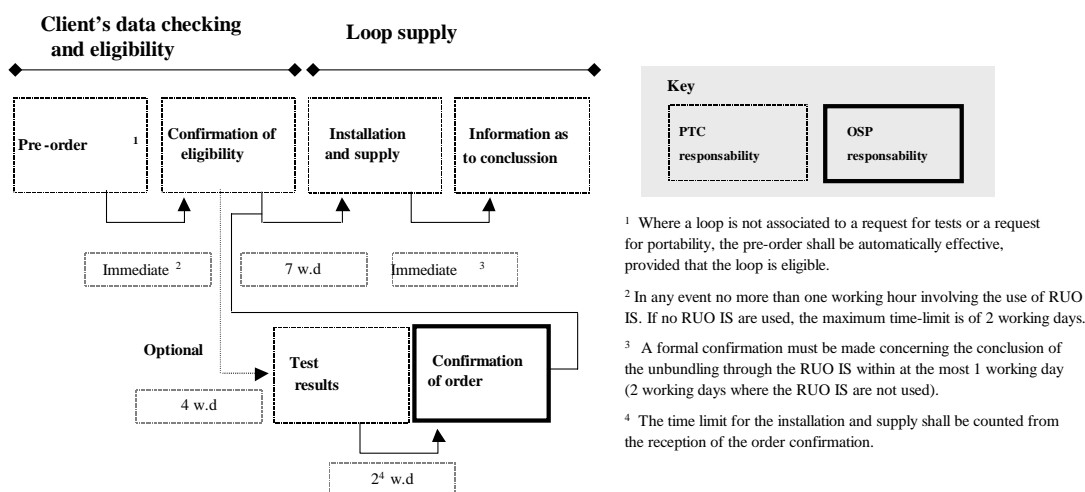


Table 1. Maximum supply time of an active local loop without a request for portability

Supply stage	Maximum supply time (for 95 % of the cases)
Assessment of eligibility	1 working hour with RUO IS or 2 working days without RUO IS
Test results	4 working days
Loop installation	7 working days
Information as to conclusion	Immediate, with formal confirmation within 1 working day with RUO IS or 2 working days without RUO IS

(b) Process for the supply of an active local loop with portability;

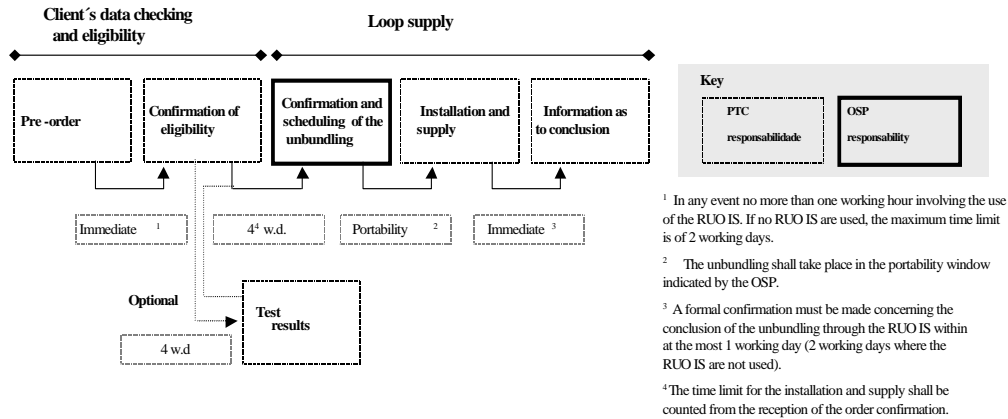


Table 2. Maximum supply time of an active local loop with a request for portability

Supply stage	Maximum supply time (for 95 % of the cases)
Assessment of eligibility	1 working hour with RUO IS or 2 working days without RUO IS
Test results	4 working days
Loop installation	Scheduled portability window
Information as to conclusion	Immediate, with formal confirmation within 1 working day with RUO IS or 2 working days without RUO IS

(c) Process for the supply of an active local loop without tests;

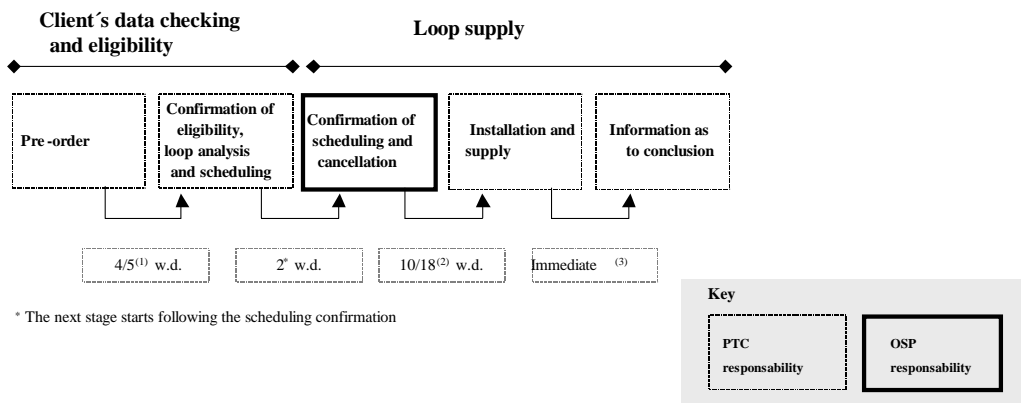


Table 3. Maximum supply time of an active local loop without tests

Supply stage	Maximum supply time (for 95 % of the cases)
Assessment of eligibility, loop analysis and scheduling	4/5 ⁽¹⁾ working days
Installation and supply	10/18 ⁽²⁾ working days
Information as to conclusion	Immediate ⁽³⁾

(d) Process for the supply of a non-active local loop with tests.

¹ Loops the order of which is not carried out through the RUO IS.

² Non-active loops which need other types of material in addition to cables or a subscriber's private block.

³ In addition to the immediate communication, a formal communication concerning the conclusion of the unbundling must also be made, within 1 or 2 working days, whether the RUO IS are used or not.

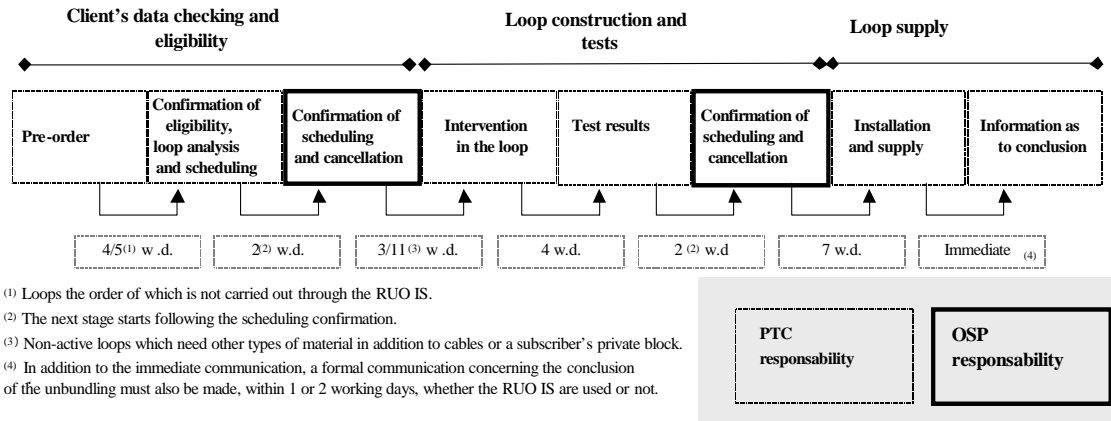


Table 4. Maximum supply time of a non-active local loop with tests

Supply stage	Maximum supply time (for 95 % of the cases)
Assessment of eligibility, loop analysis and scheduling	4/5 ⁽¹⁾ working days
Intervention in the loop	3/11 ⁽²⁾ working days
Test results	4 working days
Installation and supply	7 working days
Information as to conclusion	Immediate ⁽³⁾

- 2 Compensation regarding non-compliance with supply time limits in the scope of the local loop unbundling offer shall be defined separately for the supply of active loops and the supply of non-active loops.
- 3 To define a compensation of € 7,5 for each working day for which the maximum time limit for the conclusion of the stage of analysis and intervention in the loop has been exceeded.
- 4 The maximum additional price to be applied in the unbundling of non-active loops which do not require cable installation or a subscriber's private block is of €50.
- 5 The maximum additional price to be applied in the unbundling of non-active loops which require cable installation or a subscriber private block is of €75.
- 6 In exceptional cases of non-active loops that need other type of material, apart from cable or a subscriber private block, the price may be established on a case-by-case basis, in a cost-orientated perspective.
- 7 The technical staff of PT Comunicações, S.A shall duly identify the loops in the general switch of the building.

II. The offer conditions enter into force on the day the offer is altered and notified.