

**Telephone directories and information services in the context of the Universal Service. Determination issued to ZON TV CABO, S.A. and PT - Comunicações, S.A.**

By determination of 21 October of 2009, the Management Board of ICP-ANACOM gave approval to a draft decision by which ZON TV CABO, S.A. (ZON) and PT Comunicações, S.A. (PTC) were ordered that, within the subsequent 15 days, they take such steps as may be necessary to reach an agreement, pursuant to and for the purposes of article 89 of Law No 5/2004 of 10 February, on the format and the conditions applicable to the provision of relevant information about subscribers who have expressed a wish that their data be included in the directories and information services of the universal service .

Under the terms of articles 100 and 101 of the Code of Administrative Procedure, this draft decision was submitted to the prior hearing of interested parties, who had a period of 10 working days to respond. Responses were received from both companies under this procedure and the report on the prior hearing was drawn up presenting a summary of the comments received and setting out the position of this Authority on the issues raised, as well as the reasoning which gives basis to the present draft determination.

Since no new fact or reason of law has emerged which is liable to cause ICP-ANACOM to amend its position in respect of this matter, the decision will remain as it was notified to the parties, except with respect to the deadline stipulated for the conclusion of the agreement, which is changed from the subsequent 15 days to 15 working days.

Accordingly the Management Board of ANACOM, in exercising the powers conferred upon it under points b), f), h) and n) of paragraph 1 of article 6 of its Statutes, approved by Decree-Law No 309/2001 of 7 December, and under the terms of point g) of article 9 and point l) of article 26 of the same Statutes, and pursuant to paragraph 2 of article 89 of Law No 5/2004 of 10 February, and in pursuit of the regulatory objectives set out in point c) of paragraph 1 and point a) of paragraph 4 of article 5 of the same Law, determines:

- 1) To approve the report of the previous hearing to which the draft decision (attached) was submitted;**
- 2) To approve, on the grounds set out therein, the following decision:**
  - a) To order ZON TV CABO, S.A. and PT Comunicações, S.A. that, within a period of 15 working days, they take such steps as may be necessary to reach an agreement, pursuant to and for the purposes of article 89 of Law No 5/2004 of 10 February, on the format and the conditions applicable to the provision of relevant information about subscribers who have expressed a wish that their data be included in the directories and information services universal service**
  - b) To order said companies, upon the conclusion of the period provided for in the preceding paragraph, to send to ICP-ANACOM copies of the agreement they have concluded and information on its implementation, which implementation shall be immediate;**
  - c) To determine that in the event that no such agreement is made, the companies concerned shall notify this Authority accordingly and send detailed evidence of the steps taken, of the difficulties encountered and of the means by which they believe that such obstacles could be surpassed, in order that ANACOM may determine the format and conditions to apply to the provision of said information to the provider of the universal service.**

Lisbon, 13 January 2010.