

<http://www.anacom.pt/template31.jsp?categoryId=246082>

Determination of 14.6.2007

DETERMINATION

By determination of the Board of Directors of 8 November 2005, the rules were fixed with respect to (1) the inclusion of advertising and (2) information of utilitarian nature in telephone directories to be provided within the scope of the universal service (US) of electronic communications.

With this determination ANACOM set out a raft of measures designed to ensure that the companies authorised to provide electronic communication services could publicise their services in these directories without any type of discrimination.

The determination further set out that, with regard to information of a utilitarian nature, PT Comunicações, S.A. (PTC) shall include, in the opening pages of the directories, the customer service and directory enquiry numbers and the identification of each provider of publicly available electronic communications services that request such inclusion and that the communications costs of such services and the websites of each of the referred providers shall be identified. To ensure the inclusion of information in directories made available as from 01 January 2006, providers of publicly available electronic communications services shall report to PTC the data which they intend to include in the opening pages of directories prior to 25 November 2005.

With a year having elapsed since the approval of this determination, it is now considered appropriate for the above rules, whose terms and application are connected to a well defined time frame, to be adapted.

In setting out that providers of publicly available electronic communications services may request the inclusion of such data as may be necessary for their identification in the opening pages of the directory until 25 November 2005, the

determination does not make express provision for undertakings whose activity commenced after that date.

This was not the objective of the determination of 8 November 2005, which in this aspect in particular requires amendment, notwithstanding the maintenance of a deadline prior to which inclusion of data of service providers in the opening pages of the directories shall be requested.

Likewise, it is considered that the various providers of electronic communication services involved should have information that, in good time, allows them to plan their activities and taking into account that the publication of the telephone directories to be made available in compliance with the obligations of the universal service obeys a previously defined plan, it is also considered appropriate to set out that, upon request, PTC shall provide information on the directories whose editions are due to be closed within the following 60 days.

With basis in these considerations, the Board of Directors of ANACOM, gave approval on 26 April 2007 to a draft decision amending the determination of 8 November 2005 and determined that such should be notified to all providers of electronic communication services in order that, within a period of 10 days, they could respond under the terms of articles 100 and 101 of the Code of Administrative Procedure (CAP).

Comments on the draft decision were received from: Onitelecom, Infocomunicações, S.A., Vodafone Portugal, Comunicações Pessoais, S.A, PT Comunicações, S.A and Sonaecom S.G.P.S., S.A., in the name of its subsidiaries Optimus Telecomunicações, S.A., Novis Telecom, S.A. and Saphety, S.A..

Having analysed the arguments of fact and law presented by those undertakings that responded, it is concluded that there are grounds to introduce some amendments to the notified draft decision, as demonstrated in the report on the prior hearing which report constitutes an integral part of the present decision.

Under these terms and in the exercise of the powers conferred upon it by points d), f) and h) of paragraph 1 of article 6 and point g) of article 9 of the Statutes in annex to Decree-Law no 309/2001 of 7 December, and in Law no 5/2004 of 10 February by points a) and c) of paragraph 1, point b) of paragraph 2 and a) and d) of paragraph 4, article 5, and by paragraph 3 article 86 and paragraph 5 of article 89, the Board of Directors of ICP-ANACOM does hereby approve the report on the prior hearing on the draft amendment to the determination of 8 November 2005 in respect of the inclusion of publicity and information of utilitarian nature in telephone directories to be provided in the scope of the universal service of electronic communications and does further determine to amend the text of the said determination as follows:

1.
2.
3. In order to ensure the inclusion of the information described in 2.iii, the providers of publicly available electronic communication services shall provide PT Comunicações, S.A. with notification of the data which they intend for inclusion in the opening pages of the directory. The publication of such information shall be guaranteed provided that it is communicated to the provider of the universal service no later than 25 working days prior to the date on which the edition of the list closes.
4. Whenever requested, PTC shall inform the providers of electronic communication services of the dates on which the edition of each list is due to close where such closure is due to occur with the following 60 days, without prejudice to the possibility of disclosing this information on the company's Internet site.
5. (previous no 4)
6. (previous no 5)

(previous no 6)