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ADVISORY
COUNCIL

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● ● Advisory Council

It is incumbent on the Advisory Council, pursuant to the Statutes of ICP-ANACOM, to issue an opinion on the Management Plan

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The Advisory Council considers the presentation of the guiding values and principles of ICP-ANACOM's action in the 2011-2013 Management Plan to be appropriate.

The Advisory Council likewise considers it both timely and appropriate that relevance is given in the Plan to the new potential offered by the digital dividend and to the need to define the spectrum allocation process for the provision of electronic communications. It is acknowledged that digital dividend frequencies have important advantages over alternative technologies in terms of effectiveness of coverage and lower cost in terms of deployment of services.

In line with the Plans that preceded it, the Plan under present consideration is characterized by a notable level of objectivity, timing and quantification.

Nevertheless, the Advisory Council notes that certain of the programmes, or even actions, warrant description in greater detail, in order that they be better understood in terms of their significance and scope, as well as in relation to the monitoring of their execution; meanwhile, others, in view of their recurrent and purely instrumental nature, have no place in a management plan. Examples of such programmes are given below:

- There is a lack of detail in actions which, due to their strategic importance in terms of the development of the electronic communications market, require more detailed coverage, e.g., next generation access networks.
- No note is made of the actions which ANACOM will be bound to undertake in order to assist the Government in defining the terms and conditions of the Universal Service, nor of the actions related to the determination of any net cost of Universal Service and evidence of excessive burden.

- Whereas refarming is determined, no reference is made to the timetable and actions required in order to accomplish the release of spectrum in the 900 MHz band.

Meanwhile, reference is made in the Management Plan to the following actions:

- Preparation of ANACOM's internal Human Capital Portfolio.
- Execution of the study on the organizational climate.
- Performance of functions of the Secretariat of ARCTEL -Associação de Reguladores de Comunicações e Telecomunicações da CPLP (Association of Communications and Telecommunications Regulators of the CPLP).
- Evaluation of the reality of the situation regarding non-compliant set top boxes in this equipment market.

It is therefore recommended that in future plans consideration be given to examples such as those referenced, in order that all actions set out truly reflect strategic goals and that determinants can be understood in their entirety.

The establishment of global activity indicators in order to enable performance monitoring is key, making the regulator appropriately accountable. In order that this measure complies fully with its purpose, the Advisory Council takes the view that it is essential that ICP-ANACOM reports on the results achieved, on an annual basis, comparing them against the established targets. Likewise, it is reiterated that it is fitting that ICP-ANACOM present performance indicators with regard to a broader range of situations subject to evaluation, adding other indicators such as, for example, time taken to respond to requests from regulated undertakings and cost rationalization.

II

Specifically, the Advisory Council, as proposed by the operators, sees fit to highlight the following situations, so that they are taken into consideration in the Plan's execution:

Regulatory framework for development of next generation networks

Continued pendency of a final decision regarding the consultation on the amendments to be implemented in the reference offer of access to ducts, which consultation process was launched in November 2009.

Furthermore, the consultation process related to the Centralized Information System (CIS), launched in December 2009, which is still pending final decision of the regulator.

The market continues to await regulatory decisions concerning the availability of dark fibre and bitstream fibre access.

In terms of the transition to the paradigm of NGN, ICP-ANACOM has not effected the additional changes to the procedures related to local loop unbundling which were announced by determination in February 2010.

DTT

Review of the scheduling of actions regarding DTT in terms of bringing it forward, in light of the planned date for the switch off.

Transposition of the European framework

ICP-ANACOM identifies the transposition of the new European framework as one of the strategic actions to be concluded by the second quarter of 2011, whereas the formal deadline for transposition is May 2011. It is appropriate that ICP-ANACOM notify the market as to the specific actions it intends to undertake in respect of this objective, including those related to promoting the participation of various stakeholders in this process.

Lisbon, 27 September 2010.