

Decision on the identification of bodies required to contribute to the compensation fund of the electronic communications universal service and on the establishment of the amount of contributions concerning CLSU to be compensated for 2010-2011 (CLSU approved in 2014) and for 2014 (subsequently to the USP tender designation)

Public version

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1. Scope and legal framework

Under the legal framework in force, two cumulative requirements must be met so that universal service providers (USP) are entitled to receive compensation for costs incurred in the provision of the universal service (US): (i) the existence of universal service net costs (*custos líquidos do serviço universal* - CLSU) must be established and (ii) such costs must be deemed to be an unfair burden (*vide* article 97, paragraph 1, of the Electronic Communications Law - ECL¹).

Article 95, paragraph 1, of ECL, provides for the following alternative mechanisms for determining the amount of CLSU: (i) by calculating the net cost of the universal service obligation, taking into account any market benefit which accrues to providers, in compliance with the methodology defined by *Autoridade Nacional das Comunicações* (ANACOM) (point *a*) or (ii) making use of net costs arising from the provision of the universal service identified in the scope of a designation mechanism provided for in ECL (point *b*)).

Where an unfair burden is found to exist, article 97, paragraph 1, of ECL, provides that compensation may be paid, either in alternative or cumulatively: (i) from public funds (cf. point *a*) and/or (ii) by sharing costs among companies providing on national territory public communications networks and publicly available electronic communications services, in which case a compensation fund must be established, managed by ANACOM or by another independent body appointed by the Government (cf. point *b*) of paragraph 1 and paragraph 2 of the same provision).

¹ Law No. 5/2004, of 10 February, republished by Law No. 51/2011, of 13 September, as it currently stands.

In compliance with article 95 of ECL, ANACOM approved on 09.06.2011 a decision on the concept of unfair burden, and having regard to article 96 of the same Law, the Authority approved on the same date a decision on the methodology to be used to calculate CLSU², having been determined in the decision on the concept of unfair burden that the methodology for calculating CLSU, approved by ANACOM, would be applied subsequently to 01.01.2007 and until USP(s) resulting from the tender started the provision of that service.

As regards tender-designated USPs, it must be noted that, by determination of 07.02.2012, ANACOM established that the values that resulted from tenders on the telephone service at a fixed location³ and on the provision of public pay-phones would be deemed to be an unfair burden.

In the determination on the methodology to be applied to calculate CLSU, MEO – Serviços de Comunicações e Multimédia, S.A. (MEO) was imposed the obligation to convey to ANACOM preliminary CLSU values for various years, including 2010, according to the methodology defined by this Authority, as well as all relevant information used for the respective calculation.

Being incumbent on ANACOM to ensure that all accounts and other relevant information for the calculation of the US net cost are subject to an audit, thus being required that CLSU estimates presented by MEO are audited, and that CLSU values are approved, under paragraph 4 of article 96 of ECL, the Regulatory Authority awarded to SVP Advisors, S.L.⁴

² It must be stressed that subsequently to this decision, other decisions with an impact on the methodology used to calculate the CLSU were also taken, namely:

- Determination of 29.08.2011, which partly upheld the complaint lodged by PTC and amended the determination on the methodology employed to calculate CLSU, so as to use prices effectively charged to determine unprofitable areas and unprofitable customers living in profitable areas, as well as to calculate CLSU for unprofitable areas/customers.
- Determination of 25.11.2011 on the application of the price-elasticity effect for the segment concerning retired people and pensioners (having been decided in this determination that the elasticity value to be considered for the purpose of CLSU calculation should be -0.1).
- Determination of 12.10.2012, which implemented the concept of "abnormally high access costs", to determine unprofitable customers living in profitable areas, and thus to calculate CLSU.
- Determination of 20.06.2013, which approved the final decision on the results of the audit to PTC's CLSU for the 2007 to 2009 financial years.
- Determination of 20.06.2013, which approved the final decision on the results of the audit to CLSU resubmitted by PTC for the 2010-2011 financial years.

³ Commonly referred to as FTS; this offer covers the connection to a public communications network at a fixed location and the provision of publicly available telephone services.

⁴ After being awarded the audit contract, SVP changed its name to AXON Partners Group Consulting S.L..

the audit of estimates presented by MEO on 19.08.2013 for the 2010-2011 financial periods, and later, the audit of recast CLSU estimates for the 2010-2011 period, as submitted by MEO on 13.08.2014⁵.

Upon conclusion of the referred audits, ANACOM, by determination of 20.11.2014 and taking into account results achieved and the declaration of conformity issued by auditors, approved the last accounts presented by MEO, on 13.08.2014, determining final CLSU values for the 2010 and 2011 financial periods, according to the following table⁶.

Table No. 1 – Final CLSU values for the 2010 and 2011 financial periods

	2010	2011
CLSU	€ 23,522,982.66	€ 23,527,625.33

It thus follows that overall CLSU for the 2010 and 2011 financial periods, approved in 2014, amount to 47,050,607.99 Euros (forty seven million, fifty thousand, six hundred and seven Euros and ninety nine cents)⁷.

As regards the financing of net costs arising from the provision of US, it is stressed that, taking into account possibilities provided for in article 97 of ECL, the Government decided in 2012 to opt for sharing costs among companies providing public communications networks and publicly available electronic communications services on national territory, having submitted for this purpose a Draft Law to the Parliament, which resulted in the approval of Law No. 35/2012, of 23 August, amended and republished in the meantime by Law No. 149/2015, of 10 September (hereinafter the Fund Law).

The Fund Law thus establishes the Compensation Fund of the Electronic Communications Universal Service (FCSU) and sets out the criteria for sharing CLSU among providers of public communications networks and publicly available electronic communications services.

⁵ The audit was undertaken by AXON in collaboration with Grant Thornton & Associados, SROC, Lda. The need for a second audit resulted from a provision established in ANACOM's determination of 12.06.2014, according to which MEO was ordered to submit recast CLSU estimates for 2010-2011 so as to reflect amendments made to MEO's CAS for those years. The second audit was thus aimed at verifying whether recast values complied with ANACOM's decisions included in the referred determination of 12.06.2014.

⁶ This final decision was preceded of the respective DD, which was submitted to the prior hearing of stakeholders and to the general consultation procedure.

⁷ As results from the sum of amounts for each year, according to the value expressed in the declaration of conformity of auditors for audits to years concerned.

According to article 6 of the Fund Law, the fund is intended to finance CLSU determined in the scope of the USP designation tenders, as well as to finance CLSU referred to in chapter V of that Law - concerning the period preceding the tender designation of the USP.

As regards the financing of CLSU incurred in the period preceding the USP tender designation, article 17 of the Fund Law establishes that the Fund must be called to compensate CLSU incurred until the tender-designated providers start the provision of the universal service, where the following requirements, which already result from ECL (paragraph 1 of article 97), are met:

“a) Evidence exists of net costs, further to an audit, that are deemed to be unfair by ICP - ANACOM, according to paragraph 1 a) and paragraph 2 of article 95 and articles 96 and 97 of Law No. 5/2004, of 10 February, as amended and republished by Law No. 51/2011, of 13 September;

b) The universal service provider requests of the Government compensation of costs referred to in the preceding point.”.

Under paragraph 4 of this article, the USP is required to request of the Government the compensation for CLSU that are approved further to the audit within at least five days from notification of the final decision of approval by ANACOM of the amount of the referred costs, paragraph 5 providing that compliance with obligations referred to in the preceding paragraphs, within the time-limits established therein, are deemed to be a requirement for the financing of CLSU incurred in the period preceding the tender designation.

MEO was notified of the final decision on the approval of CLSU for 2010-2011 on 24.11.2014⁸, having requested the respective compensation of the Government by communication dated 26.11.2014, within the time-limit set out in paragraph 4 of article 17 of the Fund Law. The Government informed ANACOM of this fact by letter received at this Authority on 30.09.2015. In this communication, the Government informed also ANACOM that the Secretary of State of Infrastructures, Transports and Communications had agreed with the matter and also that the then Secretary of State for Finance had approved MEO's request and had called the FCSU to compensate CLSU for 2010-2011.

⁸ MEO received this communication on 25.11.2014.

The two requirements defined in article 17 of the Fund Law - (a) existence of CLSU, further to the audit, which were approved and deemed by the Regulatory Authority to be unfair, and (b) request by MEO to the Government for compensation of CLSU approved by ANACOM on 20.11.2014, within at the most 5 working days from notification of the final decision - to ensure the financing of CLSU approved in 2014, concerning CLSU for 2010-2011, via the Compensation Fund, have thus been met.

Companies providing, on national territory, public communications networks and/or publicly available electronic communications services are thus required:

- (i) to contribute to the Fund, according to article 2 of the Fund Law, and
- (ii) to make an extraordinary contribution for the purpose of the financing of CLSU incurred in the period preceding the tender designation of the USP, that are approved by this Authority in 2013, 2014, 2015 and 2016 (under article 18 of the Fund Law, as amended by Law No. 149/2015, of 10 September).

As regards the financing of CLSU incurred in subsequently to the USP tender designation, the Fund Law lays down in article 6 that the compensation fund is intended to finance CLSU determined in the scope of tenders referred to in paragraph 3 of article 99 of ECL and deemed by ANACOM to be unfair. Articles 10 and 11, respectively, rule criteria for sharing net costs and the entry of contributions. It is recalled in this scope that, by determination of 07.02.2012, ANACOM established that the values that resulted from tenders would be deemed to be an unfair burden.

From the above it followed that contracts concluded in 2014 between tender-designated USPs and the Portuguese State specify the amount of CLSU to be compensated, under the terms provided for in paragraph 1 b) of the mentioned article 95.

As such, as regards CLSU determined in the scope of tenders for USP designation, clause 13 of the respective contracts rules the financing of costs concerned resulting from the US provision.

The table below presents the value of compensation of CLSU incurred by USP in the scope of the provision of the US, under contracts concluded with the Portuguese State.

Table No. 2 – CLSU incurred by NOS Comunicações, S.A. in 2014 concerning the US of connection to a public communications networks at a fixed location and of publicly available telephone services

	No. of days of provision of services in 2014	Total No. of days in 2014	Component 1 Connection to a public communications networks at a fixed location and publicly available telephone services		Component 2 Offer targeted to retired people and pensioners			Amount of compensation for CLSU
	D (starting on 1 June)	M	Amount of overall financing	Amount to be financed = (1/5 Amount of overall financing x D/M)	Vu	Ms	Amount to be financed = Vu x Ms x D/M	
ex-ZON	214	365	2,550,000.01 €	299,013.70	1.58000006402	0	0.00 €	299,013.70 €
ex-Optimus			7,050,000.01 €	826,684.93	0.00	0	0.00 €	826,684.93 €
NOS COMUNICAÇÕES, S.A.								1,125,698.63 €

Source: Contracts concluded between the Portuguese State and ex-ZON and between the Portuguese State and ex-Optimus, and ANACOM calculations.

Table No. 3 – CLSU incurred by MEO in 2014 concerning the provision of the public pay-phones US

	No. of days of provision of services in 2014	Total No. of days in 2014	Amount of overall financing	Amount of compensation for CLSU = (1/5 Amount of overall financing x D/M)
	D (starting on 9 April)	M		
MEO - Serviços de Comunicações e Multimédia, S.A.	267	365	12,333,000.00 €	1,804,334.79 €

Source: Contract concluded between the Portuguese State and ex-PTC, and ANACOM calculations.

It thus follows that overall CLSU incurred in by USPs, under concluded contracts, for 2014, amount to 2,930,033.42 Euros (2 million, nine hundred and thirty thousand, thirty three Euros and forty two cents)⁹.

This decision implements the ruling laid down in the Fund Law, specifically as regards:

- The contribution provided for in article 11 of the Fund Law concerning compensation of CLSU determined in the scope of tenders for designation of USP(s) and incurred in by these USP(s) in 2014.
- The extraordinary contribution provided for in article 18 of the same Law, concerning compensation for CLSU for the period preceding the tender designation of the USP, which had been approved by this Authority in 2014 and which refer to CLSU for 2010-2011.

⁹ As results from the sum of CLSU compensation amounts concerning NOS and MEO.

On 17.12.2015, the Draft Decision (DD) was approved, and submitted to the prior hearing of stakeholders required to contribute to the compensation fund, under articles 121 and 122 of the APC, for 10 working days. The establishment or modification of values concerning the eligible turnover, further to audit or verification undertaken by ANACOM, was also subject to a prior hearing for the same time period.

Timely comments were received from MEO – Serviços de Comunicações e Multimédia, S.A, NOS Comunicações, S.A, NOS Madeira Comunicações, S.A., NOS Açores Comunicações, S.A. and Vodafone Portugal – Comunicações Pessoais, S.A..

The prior hearing of stakeholders having taken place, the requirement in paragraph 4 of article 11 of the referred Law was met, which applies directly and also by reference provided for in paragraph 3 of article 19, which determines that the list with the following information is submitted to a prior hearing, under the Administrative Procedure Code (APC)

¹⁰:

- Bodies required to contribute to the compensation fund.
- Eligible turnover (ET) for calculation of contributions due to the compensation fund.
- Amount of contributions due by each body, plus compensatory interest due under paragraph 7 of article 11 of the mentioned law, if any.
- Amount of compensation to be paid to the USP.
- Any justified corrections and adjustments, namely in accordance with data collected as regards the actual ET achieved, where appropriate.

2. Contribution entry procedure

Under article 8 of the Fund Law: *“[the] turnover to be considered for the purpose of this law is the eligible turnover, which corresponds to the amount of sales and services provided on national territory, after deducting the amounts corresponding to:*

- a) Revenues from activities not related to the provision of electronic communications networks and/or publicly available electronic communications services;*

¹⁰ Approved by Decree-Law No. 4/2015, of 7 January.

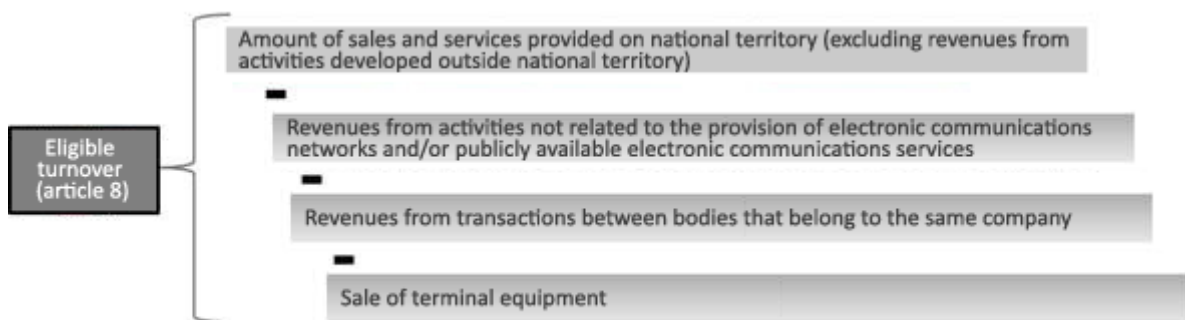
b) Revenues from transactions between bodies that belong to the same company;

c) Sale of terminal equipment.

2 - Revenues from activities developed outside national territory shall not be used in the calculation of the eligible turnover.

3 - The amount related to value added tax shall not be used in the calculation of the eligible turnover.”

It follows, then, that the amount of the sector’s eligible turnover, under article 8 of the Fund Law, corresponds to:



Article 15 of the Fund Law¹¹ provides that companies providing public communications networks and/or publicly available electronic communications services, on national territory, must send to ANACOM, by 30 June every year, a statement on the preceding calendar year, signed by a person entitled to enter into legally binding commitments, acknowledged as such, with the turnover amount and other information required to calculate the eligible turnover.

This article lays down also that “*in case of termination of activity, undertakings must submit to ANACOM, within 15 working days from the date of termination, a statement with the value of turnover and other information referred to in paragraph 1 for the calendar year in progress, as well as a statement with the same information for the preceding calendar year, where the termination of activity takes place before 30 June*”.

¹¹ Which also applies in the scope of the extraordinary contribution, by reference laid down in article 22 of the Fund Law.

In order to facilitate the communication of information related to the amount of eligible turnover, ANACOM sent, on 11.06.2015, to companies registered as network operators and/or publicly available electronic communications service providers, a letter with a model statement to be completed and signed by the person entitled to enter into legally binding commitments, acknowledged as such.

Of the 121 companies contacted (to which 14 companies must be added, which correspond to companies whose registration was cancelled in 2014 or before June 2015 and which were not contacted), 94 replied to ANACOM (plus one reply from a company whose activity registration was cancelled before June 2015 and which submitted a statement for the purpose of the Fund Law).

On the basis of statements received, ANACOM decided, on 22.07.2015, that several companies should be audited, namely those with the largest amount of eligible turnover, as well as those showing significant variations in terms of turnover compared to 2013, and for this reason 23¹² companies were audited, although some of them integrate the same economic group. It is noted that the eligible turnover of audited companies exceeds 99% of the sector's ET (taking into account ET values resulting from the audit), and includes all companies required to pay the contribution, under articles 11 and 18 of the Fund Law.

For this purpose, on 28.07.2015, ANACOM awarded to Grant Thornton & Associados, SROC, Lda., the audit of the turnover declared by network operators and electronic communications service providers, in compliance with provisions of the Fund Law.

As regards remaining companies that were not audited, ANACOM checked the consistency and accurateness of amounts reported in statements, namely by comparing the overall value presented with values presented for the various items.

¹² AR Telecom – Acessos e redes de telecomunicações, S.A.; BT Portugal – Telecomunicações Unipessoal, Lda.; Cabovisão – Televisão por Cabo, S.A.; Clara Net Portugal - Telecomunicações, S.A.; COLT – Technology Services, Unipessoal, Lda.; CTT – Correios de Portugal, S.A.; Fibroglobal – Comunicações Eletrónicas, S.A.; G9Telecom, S.A.; Knewon, S.A.; Kubi Wireless, S.L.; Lycamobile Portugal, Lda.; MEO – Serviços de Comunicações e Multimédia, S.A.; Mundio Mobile (Portugal) Limited; NACACOMUNIK – Serviços de Telecomunicações, Lda.; NOS – Comunicações, S.A.; NOS Açores Comunicações, S.A.; NOS Madeira Comunicações, S.A.; Onitelecom – Infocomunicações, S.A.; Orange Business Portugal, S.A.; REFER Telecom – Serviços de Telecomunicações, S.A (whose name changed to IP TELECOM – Serviços de Telecomunicações, S.A.); RENTELECOM- Comunicações, S.A.; Vodafone Enterprise Spain, S.L. – Portugal Branch; Vodafone Portugal, S.A..

In some residual cases, irregularities were detected, their correction having been requested.

In several situations, ANACOM was forced to urge bodies that submitted statements reporting turnover information that were not signed by the persons entitled to enter into legally binding commitments, acknowledged as such, to submit statements including signatures with such acknowledgement.

ANACOM also undertook an analysis of bodies that failed to submit any statement or information for the purpose of the Fund Law, seeking to obtain otherwise the respective ET value so as to obtain the amount of the sector's ET, as explained below. In parallel, these bodies were urged, both via new communications and in some cases via e-mail contacts, to submit information required under the Fund Law.

Without prejudice to the assessment of situations of non-compliance with the Fund Law in the scope of legal action, ANACOM took the view that such situations do not affect the calculation of the ET amount, given that, in the vast majority of cases, it was possible to assume an ET.

The following chapters explains the ET amount of audited companies, and as regards remaining companies, the ET amount of companies that submitted relevant information for the purpose of the Fund Law, as well as the ET amount taken into account in the case of companies that failed to submit such information.

2.1. Eligible turnover of audited companies

As referred earlier, 23 companies - network operators and electronic communications service providers - were audited, in order to check conformity with ET amounts transmitted to ANACOM for the purpose of the Fund Law.

In the scope of such audits, the need to introduce amendments to some of the statements conveyed by companies arose, given that revenues that should have been considered for the purpose of the calculation of ET had been deducted. It should be noted that auditors were not able to conclude the audit to Mundio Mobile (Portugal) Limited, having issued a statement declaring their impossibility to draft an audit report on the ET statement presented by this company. According to auditors, this results from the existence of a statement that has not been duly completed, from the fact that signed final financial

statements have not been received and that files received from the company do not allow any conclusion to be reached. This situation will be assessed at the level of legal action and of compliance with general conditions for pursue of the activity, defined in article 27, paragraph 1 t) of ECL.

The table below lists audited companies as well as ET amounts reported by the referred companies as well as adjustments introduced and ET amounts as corrected further to audits carried out.

Table No. 4 – Eligible turnover declared by companies and adjusted further to audits carried out

Companies	Declared ET	Amended ET further to audits	Adjustment introduced by the audit
Beginning of confidential information [BCI]			
AR Telecom – Acessos e redes de telecomunicações, S.A.			
BT Portugal – Telecomunicações Unipessoal, Lda.			
Cabovisão – Televisão por Cabo, S.A.			
Clara Net Portugal - Telecomunicações, S.A.			
COLT – Technology Services, Unipessoal, Lda			
CTT – Correios de Portugal, S.A.			
Fibroglobal – Comunicações Eletrónicas, S.A.			
G9Telecom, S.A.			
Knewon, S.A			
Kubi Wireless, S.L.			
Lycamobile Portugal, Lda			
MEO – Serviços de Comunicações e Multimédia, S.A			
Mundio Mobile (Portugal) Limited			
NACACOMUNIK – Serviços de Telecomunicações, Lda.			
NOS Açores Comunicações, S.A.			
NOS Comunicações, S.A.			
NOS Madeira Comunicações, S.A.			
Onitelem – Infocomunicações, S.A.			
Orange Business Portugal, S.A.			
REFER Telecom – Serviços de Telecomunicações, S.A. (1)			
RENTELECOM- Comunicações, S.A.			
Vodafone Enterprise Spain, S.L. – Portugal branch			
Vodafone Portugal – Comunicações Pessoais, S.A.			
Total ET			
Mundio Mobile (Portugal) Limited			
End of confidential information [ECI]			
Total ET	3,981,007,862.62	4,466,924,035.83 ¹³	485,916,173.21

Source: Statements from companies and audit reports prepared by Grant Thornton.
Values in Euros.

(1) Refer TELECOM changed its name in the meantime to IP TELECOM – Serviços de Telecomunicações, S.A..

It should be stressed that the company (Mundio) for which auditors issued a statement declaring that it was impossible to conclude the audit, declares a ET which is hardly

¹³ Notwithstanding the fact that it was not possible to carry out a conformity audit to the eligible turnover declared by Mundio Mobile (Portugal) Limited, the sum expressed herein includes the value declared by the company, although it was not validated in the scope of the audit procedure.

representative in the total of audited companies (far lower than 1%). To calculate the sector's ET, ANACOM takes into consideration the ET value declared by the company, without any amendments.

Under the described conditions, the ET amount to be considered for the set of 23 audited companies is 4,466,924,035.83 Euros.

2.2. Eligible turnover of remaining companies that submitted information and were not audited

In addition to the 23 companies the statements of which were audited, ANACOM also received information on 71 other companies, which altogether represent less than 0.5% in terms of the sector's eligible turnover.

From the analysis of information conveyed by these companies, and without prejudice to the fact that, in some situations, statements were submitted after the deadline indicated in the Fund Law and that some of the statements were not signed by a person entitled to enter into legally binding commitments, acknowledged as such, issues that could question the use of reported ET amounts have not been identified for most of statements.

In situations where a formal irregularity exists from the outset, due to the absence of acknowledgement of signatures in statements, in the light of the principle of good-faith and collaboration between tax-payers and administration (article 59 of the General Taxation Law), it is deemed that the referred irregularity is without prejudice to the use of information conveyed by such companies, for the purpose of the calculation of the amount of the sector's ET.

In addition to situations described above, a very limited number of companies (five) presented some inaccuracies in the completion of the statement, mainly for failing to take into consideration values reported in annexes, and four companies declared not to have activity or to have zero ET, although in the scope of the entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, an ET value other than zero had been transmitted. In order to remedy these situations, as referred earlier, ANACOM corrected them, which led to an increase of the ET declared by such companies by around 2 million Euros. This results in particular from the last situation identified, which however represents

0.1% of the sector's total ET. Some companies that failed to complete the ET statement declared also not to have started operations, and in these cases ET corresponds to zero.

The table below lists companies that submitted information for the purpose of the Fund Law, as well as the respective ET amounts that correspond to amounts declared, except for situations mentioned above.

Table No. 5 – Eligible turnover declared by companies that were not audited

Companies	Amounts [BCI]	Observations
ACP – Comunicações Electrónicas, Unipessoal, Lda.		The company is not operating, nor was in 2014
ANA AEROPORTOS DE PORTUGAL, S.A.		
Associação de Moradores do Litoral de Almancil		
Associação Porto Digital		
AT&T - Serviços de Telecomunicações, Sociedade Unipessoal. Lda.		[BCI] [ECI]
Banda Larga Rural Unipessoal, Lda.		
BELGACOM INTERNATIONAL CARRIER SERVICES (PORTUGAL), S.A.		
BLOOMBERG FINANCE L.P.		[BCI] [ECI]
BLOOMBERG L. P.		[BCI] [ECI]
BLU, S.A		
CGEST, S.A.		
CGPT, Lda.		
CHOUDHARY - Comércio de Equipamentos de Telecomunicações, Lda.		
COGENT COMMUNICATIONS PORTUGAL, Lda.		
Companhia I.B.M. Portuguesa, S.A.		
COMSAT - Serviços de Satélite, Lda.		
CYCLOP NET - Informática e Telecomunicações, Lda.		
Derivadas e Segmentos, S.A.		
Dialoga Servicios Interactivos, S.A.		The company was not operating in 2014.
DSTELECOM ALENTEJO E ALGARVE, LDA.		
DSTELECOM NORTE, LDA.		
DSTELECOM, S.A.		[BCI]

Companies	Amounts [BCI]	Observations
		[ECI]
EMACOM – Telecomunicações da Madeira, Unipessoal, Lda.		
First Rule, S.A.		
FLEXIMÉDIA - Serviços e Meios de Informação e Comunicação, Lda.		
FRACTALIA REMOTE SYSTEMS PORTUGAL, Unipessoal, Lda.		
GO4MOBILITY-Tecnologia e Serviços para a Mobilidade, Lda.		
GOWIRELESS - Comércio de Equipamentos de Telecomunicações, Lda.		
Greenmill, Lda.		
HEARTHPHONE - Comércio de Telecomunicações, Lda.		
Hibernia Atlantic Cable System Limited		[BCI]
		[ECI]
HSIA Hospital Services Portugal, S.A.		
Indra - Sistemas de Portugal, S.A.		[BCI]
		[ECI]
Inmarsat Global Limited		
IRIDIUM ITALIA S.R.L.		
Lazer Visão Antenas, Lda. (1)		
LET'S CALL-Comunicações Lda.		[BCI]
		[ECI]
Level 3 Communications España S.A.U.		
LIVIN, Consultoria e Serviços, Lda.		
MINHOCOM - Gestão de Infra-estruturas de Telecomunicações, EIM		
MONEYCALL - Serviços de Telecomunicações, Lda.		
OnAir N.V., Lda.		
ORBIRECURSO - Electricidade e Comunicações, Lda.		
OTNETVTEL, Unipessoal, Lda.		[BCI]
		[ECI]

Companies	Amounts [BCI]	Observations
OVHHOSTING - Sistemas Informáticos, Unipessoal, Lda.		
PDM E FC - Projecto, Desenvolvimento Manutenção, Formação e Consultoria, Lda.		[BCI] [ECI].
PORTO DIGITAL - Operador Neutro de Telecomunicações, S.A.		
REPART - Sistemas de Comunicação de Recursos Partilhados, S.A.		[BCI] [ECI]
SATÉLITE DA SABEDORIA – Serviços de Internet, Unipessoal, Lda.		
SEMCABO – Soluções em Redes Informáticas, Lda.		
Signalhorn Trusted Networks GmbH		[BCI] [ECI].
SIPTELNET – Soluções Digitais, Unipessoal, Lda.		
SKYLOGIC, S.p.A.		[BCI] [ECI]
STV - Sociedade de Telecomunicações do Vale de Sousa, S.A.		[BCI] [ECI]
T - Systems ITC Ibéria, S.A. (Sociedad Unipersonal) - (Sucursal em Portugal)		
T.M.I. Telemedia International Limited - Portugal branch		
TATA COMMUNICATIONS (PORTUGAL) - Instalação e Manutenção de Redes, Lda.		
TELEMÁTICA PENINSULAR DE PORTUGAL, Lda.		[BCI] [ECI] On 16.07.2015, ANACOM cancelled the registration of the company for the provision of electronic communications services, with effects as from 13.02.2014.
TELVENT PORTUGAL, S.A.		
THOMSON REUTERS (MARKETS) EUROPE, S.A. - Sucursal em Portugal		
3GNTW - Tecnologias de Informação, Lda.		
ULTRASERVE - Consultoria e Apoio Empresarial, Lda.		
VALICOM - Gestão de Infra-estruturas de Telecomunicações, EIM		
VERIZON PORTUGAL - Sociedade Unipessoal, Lda.		
ViaSat, Inc.		
VIVANET - Distribuição de Produtos Eletrónicos, Lda.		
VOIP-IT, Lda.		
VOIPUNIFY TELECOM, Lda.		
VOXBONE, S.A.		
WAPOP AFRICA INTERCONNECT EXCHANGE S.L.		
ZAPPWIMAX - Unipessoal, Lda.		

Companies	Amounts [BCI]	Observations
	[ECI]	
TOTAL	21,183,785.13	

Source: ANACOM based on statements from companies.

Values in Euros.

(1) In the meantime, Lazer Visão Antenas, Lda. changed its corporate name to LAZER TELECOMUNICAÇÕES, UNIPessoal LDA..

In addition, ANACOM received a statement under paragraph 4 of article 15 concerning KPN Eurorings, BV, which terminated operations before 30.06.2015, with zero ET.

2.3. Eligible turnover of companies that failed to convey information for the purpose of the Fund Law

Of the 121 companies to which ANACOM sent a communication recalling the obligation to submit the statement, 27 companies failed to submit any information for the purpose of the Fund Law.

ANACOM sought to obtain the ET value for companies concerned through alternative sources of information, namely by using data provided by such companies on the prior procedure for entry of contributions to the FCSU and other information on the situation of their activity, although in a different context than the reporting of information for the purpose of the Fund Law, namely information on the value of relevant income declared to ANACOM, in the scope of the procedure for entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, governed by annex II to Administrative Rule No. 1473-B/2008, of 17 December 2008, as subsequently amended.

As such, it was assumed that the turnover amount is equivalent to zero in situations where, elsewhere, companies declared to ANACOM not to have yet started operations as network operators and/or electronic communications service providers or that the activity had terminated, specifically before 2014.

The ET amount of companies whose location remains unknown (companies that are not contactable at the address provided when the registration was made) was also deemed to be zero, as that fact indicates that such companies are not in operation.

There are 14 companies in these situations (no acknowledged activity or unknown location).

As regards the remaining 13 companies, ANACOM considered, for 9 of them, that the ET amount corresponds to the amount reported for the 2014 financial year, for the purpose of the procedure for entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, governed by annex II to Administrative Rule No. 1473-B/2008, as subsequently amended. Where this amount had not been declared, the amount declared for the purpose of the Fund Law for 2013, where available, was taken into account, and where it was not available, the average for 2012 and 2013 was considered, as reported for the purpose of the procedure for entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, governed by annex II to Administrative Rule No. 1473-B/2008, as subsequently amended, or in the alternative, where the values for only one of these years was available, the value for that year was taken into account.

ANACOM takes the view that the relevant income declared for the purpose of entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL is a good proxy for the ET amount to be determined for the purpose of the Fund Law, as values under consideration are similar, and in the case of some companies, exactly the same, thus the use of such amounts for the calculation of the sector's overall ET amount is deemed to be appropriate.

Based on the information referred to in the preceding paragraph, information on the ET value of 9 companies was able to be obtained, amounting to 2,804,257.10, no information being available for 4 companies.

The table below shows detailed information on each of the companies that failed to submit information on ET, on the ET amount considered for each of them, as well as information, where appropriate, on the operation of companies (in 2014).

Table No. 6 – Eligible turnover of companies that failed to convey information for the purpose of the Fund Law

Companies	Amounts [BCI]	Observations
Absolutopinion, S.A.		The company communicated on 11.08.2014 the suspension of operations. [BCI] [ECI]
AMAZING LIFE, Lda.		The company is likely to have ceased operations on 21.02.2013, according to communication conveyed on 13.02.2014. The company has no acknowledged activity.
ATENA T, S.A.		The company is likely to have operated in 2014. [BCI] [ECI]
CARDETEL EUROPE LIMITED		The company has not replied to ANACOM's communications (company with unknown location since 2012).
Compatel Limited		The company has no acknowledged activity.
Concourse Communications Group UK, Ltd.		The company is likely to have operated in 2014. [BCI] [ECI]
DETECTOR PORTUGAL - Serviços de Comunicações Electrónicas, Unipessoal, Lda.		The company is likely to have operated in 2014. [BCI] [ECI]
EASYTALK COMUNICACIONES, S.L.		The company is likely to have ceased operations in Portugal as from 31.12.2011. The company has no acknowledged activity.
INEDISINAL - Unipessoal, Lda.		In 2012, the legal representative informed that the company was in liquidation. The company has no acknowledged activity.
IPS-International Prepay Solution AG		The company is likely to have operated in 2014. [BCI] [ECI]
IPTV TELECOM – Telecomunicações, S.A.		The company is likely to have operated in 2014. [BCI] [ECI]
IV RESPONSE LIMITED		The company is likely to have operated in 2014. [BCI] [ECI]
KVA - Sistemas de Energia e Telecomunicações Unipessoal, Lda.		The company is likely not to have started operations. [BCI] [ECI]
Maritime Communications Partner AS		[BCI] [ECI]
NFSI TELECOM, Lda.		The company is likely to have operated in 2014. [BCI]

Companies	Amounts [BCI]	Observations
		[ECI]
PALCO DA VIDA - Telecomunicações, Unipessoal, Lda.		Company with unknown location since July 2014.
PINKHAIR - Unipessoal, Lda.		The company is likely to have operated in 2014. [BCI]
		[ECI]
QICOMM LIMITED		Company with unknown location since 2013. On 23.07.2015 ANACOM cancelled the company's registration.
RANUFONE, Unipessoal, Lda.		The company did not to start the provision of electronic communications services. [BCI]
		[ECI]
SMART SOLUTIONS - Formação Profissional e Consultoria, Unipessoal, Lda.		By communication of 09.07.2015, the company applied for the cancellation of registration. According to information provided by the company itself, it ceased the provision of electronic communications services in 2013.
Sweet & Mata, Lda.		[BCI]
		[ECI] ANACOM cancelled the company's registration with effects as from 19.01.2015.
TAKE SIGNAL, Lda.		The company has no acknowledged activity.
UNITELDATA - Telecomunicações, S.A.		The company is likely to have operated in 2014. [BCI]
		[ECI]
UROS, S.Á.R.L.		The company is likely to have operated in 2014. [BCI]
		[ECI]
Voz Original, Lda.		The company is likely not to have operated in 2014. [BCI]
		[ECI]
WISEVECTOR - Telecomunicações, Lda.		Company with unknown location since January 2014. [BCI]
		[ECI]
YMAZYM - Serviços de Telecomunicações, Lda.		The company referred in 2015 that it still did not start operations in Portugal. The company has no acknowledged activity.
		[ECI]
Total	2,804,257.10	

Values in Euros.

In addition to companies identified above, a group of companies¹⁴, 13 to be precise, had their registration cancelled before the end of June 2015, but were required under paragraph

¹⁴ Companies whose registration was cancelled in 2014: ALCARIA - Sistemas de Comunicações, Lda., AMPTEL - Telecomunicações & Informática, Lda., CANARY WHARF - Publicações, Unipessoal, Lda., CJSUPER - Telecomunicações Representações e Serviços, Lda., DELTA ONE PORTUGAL (Branch), FLASHAD - Electrónica e Comunicações, Unipessoal, Lda., IDT - Retail Europe Limited, MAGIC LASER, Lda., Stewart, Dobinson, Abbarado & Rodriguez - Redes Informáticas, Lda., TVI - Televisão Independente, S.A. and VaporCloud - Unipessoal, Lda.
Companies whose registration was cancelled in 2015: Especial Abraço, Unipessoal, Lda, and NOV INESC Inovação - Instituto de Novas Tecnologias.

4 of article 15 of the Fund Law to send a statement on ET for 2014, an obligation which they failed to comply with. Bearing in mind that these companies had their registration cancelled in the course of 2014 and, in two cases, in 2015, and given the absence of information on their activity concerning the provision of networks or of electronic communications services, it is assumed that their ET corresponds to zero.

2.4. Determination of the sector's eligible turnover

Taking the above into account, namely that the ET amount of audited companies is 4,466,924,035.83 Euros, that the amount of eligible turnover of companies that submitted information on this matter, but were not audited, is 21,183,785.13 Euros and that it is considered that the ET amount of companies that failed to submit any information on this subject is 2,804,257.10 Euros, ANACOM concludes that the amount of the sector's eligible turnover, calculated under article 8 of the Fund Law, is 4,490,912,078.06 Euros.

As regards the use of information from alternative sources instead of using exclusively information transmitted for the purpose of the Fund Law, it is stressed that the purpose of such information is to enable the determination of the most accurate sector overall ET amount, thus covering all companies providing, in 2014, on national territory, public communications networks and/or publicly available electronic communications services.

The exclusive use of data conveyed by companies for the purpose of the Fund Law, or in alternative the use of such information complemented with the use of data conveyed by companies for the purpose of the entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, where information is not available for the purpose of the Fund Law, has no impact whatsoever on the determination of companies that will contribute to the compensation fund, nor on the amount of such contribution. This results from the fact that the difference between the two values is completely negligible, given that the amount of the eligible turnover of companies that submitted information for the purpose of the Fund Law represents more than 99% of the total amount of eligible turnover calculated for the sector and mentioned above.

In the light of the above, it is restated that in order to calculate the amount of the sector's ET, ANACOM used data conveyed for the purpose of the Fund Law (having been audited

companies whose eligible turnover exceed 99% of the sector's eligible turnover), complemented, where such information was not transmitted, by data submitted by companies in the scope of the former procedure for compensation of CLSU as well as by data conveyed for the purpose of the entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, having been considered as regards some companies which were not active, on the basis of ANACOM's internal information, that the respective turnover amounted to zero, in 2014.

Under these conditions, the sector's eligible turnover amounts to 4,490,912,078.06 Euros.

2.5. Rectifications and adjustments to the sector's eligible turnover in 2013

Further to the identification of bodies required to contribute to the FCSU concerning CLSU for the 2007-2009 period, approved by decision of ANACOM of 29.01.2015, some companies declared the respective ET for 2013. Most statements received did not alter ET values declared initially (in some cases, these statements were merely duplicates which previously had not been signed by persons entitled to enter into legally binding commitments, acknowledged as such, and which now remedied this situations); however, one body¹⁵ submitted a statement for the purpose of the Fund Law which altered the ET value for 2013.

Following this event, a negligible amendment to the amount of the sector's ET value in 2013, approved by decision of ANACOM of 29.01.2015, was introduced, such amount increasing from 4,688,812,675.81 Euros to 4,688,819,519.10 Euros.

This amendment has not impact whatsoever on the identification of bodies required to contribute to the compensation fund for CLSU to be compensated for the 2007-2009 period, nor on the value of the respective contributions nor on the value of the compensation to be paid to the universal service provider for the same period.

¹⁵ [BCI] [ECI].

3. Bodies required to contribute to the compensation fund

The Fund Law provides in paragraph 1 of article 7 that “*undertakings providing public communications networks and/or publicly available electronic communications services on national territory that, in the calendar year to which the net costs relate, registered an eligible turnover in the electronic communications sector which gives them a weight equal to or higher than 1% of the sector’s overall eligible turnover, shall be liable to contribute to the compensation fund.*”.

Furthermore, paragraph 2 of this article provides that “*the undertaking or undertakings responsible for the provision of the universal service shall also be included among the range of undertakings liable to contribute to the compensation fund, insofar as they have registered an eligible turnover equal to or higher than that referred in paragraph 1.*”.

Under paragraph 3 of article 7 of the Fund Law, the set of bodies that, though legally separate companies, constitute, by 31 December of the calendar year to which the net costs relate, an economic unit or have interdependence links between them, arising namely from (i) a majority shareholding; (ii) holding more than half the voting rights attaching to shares; (iii) power to appoint more than half the members of the administrative board or of the supervisory board; (iv) power to manage the respective business, shall be deemed to be a single undertaking.

As regards the extraordinary contribution, article 18 of the provides that “*undertakings providing, on national territory, public communications networks and/or publicly available electronic communications services shall be required to make an extraordinary contribution to the compensation fund, relatively to each of the years 2013, 2014, 2015 and 2016, exclusively intended for the financing of net costs referred to in the preceding article, that are approved by ANACOM in those years.*”.

Paragraph 2 of this article also provides that “*the preceding paragraph shall not apply to undertakings that, in each of the years referred therein, register an eligible turnover in the electronic communications sector that is lower than 1% of the sector’s overall eligible turnover.*”.

Under paragraph 3 of article 18 of the Fund Law, for the purpose of the extraordinary contribution, the set of bodies that, though legally separate companies, constitute, by 31

December of 2013, 2014, 2015 and 2016, an economic unit or have interdependence links between them, shall be deemed to be a single undertaking, having been laid down the same provisions as those referred to above and specified in paragraph 3 of article 7 of the Fund Law.

It follows from the above that the range of bodies required to contribute to the Compensation Fund, both for the purpose of the financing of CLSU 2014 determined in the scope of tenders for USP, and for the purpose of the financing of CLSU incurred prior to the tender designation of USP, which were approved in 2014 by ANACOM and which concern the 2010-2011 period, is the same.

Article 9¹⁶ of the Fund Law specifies the calculation required to be made to obtain the weight of companies in the electronic communications sector, so as to identify companies required to make a contribution to the US compensation fund¹⁷.

It is stressed also that paragraph 2 of article 9¹⁸ provides that in the case of companies made up of more than one body, the sum of the eligible turnover of each of the integrating bodies must be considered for the purpose of the calculation of the respective weight in the sector's eligible turnover. Accordingly, ANACOM sought to find the shareholder structure of several bodies, so as to determine those which constitute a single company under the Fund Law.

In this framework, it was concluded that the following bodies, the shareholder structure of which (Level 1 and 2) is explained below, present an ET equal to or exceeding 1% of the sector's eligible turnover.

¹⁶ For the purpose of the extraordinary contribution, this article applies by virtue of paragraph 4 of article 18.

¹⁷ According to that article, the weight of companies in the electronic communications sector is calculated according to the following formula: $P_i = \frac{V_i}{\sum V_i}$, where P_i represents the weight of the company in the electronic communications sector; V_i represents eligible turnover in the electronic communications sector on national territory for company i in the calendar year concerned; and $\sum V_i$ eligible turnover in the electronic communications sector on national territory for all companies providing public communications networks and/or publicly available electronic communications services in the calendar year concerned.

¹⁸ Article which also applies, for the purpose of the extraordinary contribution, by virtue of paragraph 4 of article 18.

- **Cabovisão – Televisão por Cabo, S.A.**

Table No. 7 – Breakdown of Cabovisão’s share capital on 31.12.2014

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
Altice Portugal, S.A.	100%	Altice West Europe, S.à.r.l.	100%

Source: Annual electronic communications questionnaire – 2015 and 2014 Reports and Accounts of Altice, S.A. and Cabovisão – Televisão por Cabo, S.A.

- **MEO – Serviços de Comunicações e Multimédia, S.A.**

Table No. 8 – Breakdown of MEO’s share capital on 31.12.2014

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
PT Portugal SGPS, S.A.	100%	Oi, S.A.	100%

Source: Reports and Accounts of MEO – Serviços de Comunicações e Multimédia, S.A.

- **ONITELECOM - Infocomunicações, S.A.**

Table No. 9 – Breakdown of Onitelecom’s share capital on 31.12.2014

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
ONI SGPS, S.A.	100%	Winreason, S.A. (*)	100%

Source: 2014 Report and Accounts of ONITELECOM - Infocomunicações, S.A. and 2014 Reports and Accounts of Altice S.A. On 31.012.2014, Winreason, S.A. was totally owned by Grupo Altice.

- **NOS Comunicações, S.A.**

Table No. 10 – Breakdown of NOS Comunicações’ share capital on 31.12.2014

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2) (**)	%
NOS, SGPS, S.A.	100%	ZOPT, SGPS, S.A.	50%
		Sonaecom, SGPS, S.A.	2%
		Morgan Stanley	2%
		Free Float	41%
		Banco BPI	5%

Source: 2014 Report and Accounts for NOS Açores Comunicações, S.A., 2014 Report and Accounts for NOS SGPS, S.A.

- **Vodafone Portugal – Comunicações Pessoais, S.A.**

Table No. 11 – Breakdown of Vodafone’s share capital on 31.03.2015

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
Vodafone Holdings Europe B.V.	61.37%	[BCI] [ECI]	[BCI] [ECI]
Vodafone Group Plc (4)	38.63%		

Source: Annual electronic communications questionnaire – 2015
2015 Report and Accounts (period ended on 31 March 2015) Vodafone Group Plc.(Level 1 shareholders).
(4) Vodafone Group Plc directly or indirectly holds 100% of Vodafone Portugal’s capital.

Moreover, it was found, given the shareholder structure of the following bodies, that they maintain interdependence links with some of the bodies referred above.

- **KNEWON, S.A**

Table No. 12 – Breakdown of Knewon’s share capital on 31.12.2014

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
ONI SGPS, S.A.	100%	Winreason, S.A. (*)	100%

Source: 2014 Report and Accounts of ONITELECOM - Infocomunicações, S.A. and 2014 Reports and Accounts of Altice S.A. and Annual Electronic Communications Questionnaire – 2015. *On 31.012.2014, Winreason, S.A. was totally owned by Grupo Altice.

- **NOS Açores Comunicações, S.A.**

Table No. 13 – Breakdown of NOS Açores Comunicações’ share capital on 31.12.2014

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
NOS Comunicações S.A.	83.8%	NOS, SGPS, S.A.	100%
Fundo Banif Capital infrastructure Fund	10%	n.d.	n.d.
EDA – Electricidade dos Açores, S.A.	6.8%	n.d.	n.d.

Source: 2014 Report and Accounts for NOS Açores Comunicações, S.A., 2014 Report and Accounts for NOS SGPS, S.A.

- **NOS Madeira Comunicações, S.A.**

Table No.14 – Breakdown of NOS Madeira Comunicações’ share capital on 31.12.2014

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
NOS Comunicações S.A.	77.95%	NOS, SGPS, S.A.	100%
Banif Capital Sociedade Capital de Risco, SA	2.25%	n.d.	n.d.
E- Tempus SGPS, SA	5.86%	n.d.	n.d.
Banco Comercial Português	10.78%	n.d.	n.d.
Companhia de Seguros Açoreana, S.A.	2.89%	n.d.	n.d.

Source: 2014 Report and Accounts for NOS Madeira Comunicações, S.A., 2014 Report and Accounts for NOS SGPS, S.A.

- **Vodafone Enterprise Spain, S.L. - Portugal branch**

Table No. 15 – Breakdown of the share capital of Vodafone Enterprise Spain, S.L. – Portugal branch, on 31.03.2015

Company’s Shareholders/Direct partners (Level 1)	%	Company’s Shareholders/Indirect partners (Level 2)	%
Vodafone Enterprise Spain, S.L.	100%	[BCI] [ECI]	[BCI] [ECI]

Source: Annual Electronic Communications Questionnaire – 2015

It follows from the shareholder structures described above that there are four companies required to contribute to the FCSU, which integrate nine bodies, in the light of the concept of company provided for in the Fund Law. Accordingly, the table below lists companies required to make contributions to the compensation fund, both the contribution intended to finance CLSU for 2014 incurred by the tender-designated USP and the extraordinary contribution for 2014 intended to finance CLSU approved in this year by ANACOM, which concern the 2010-2011 period, as well as the weight of each company's ET in the sector's overall ET.

Table No. 16 – Companies required to contribute to the compensation fund and respective weight in the electronic communications sector

Companies	Weight in the sector [BCI]
Grupo Cabovisão/Onitelecom/Knewon	
CABOVISÃO - Televisão por Cabo, S.A.	
ONITELECOM - Infocomunicações, S.A.	
KNEWON, S.A.	
Grupo NOS	
NOS Comunicações, S.A.	
NOS AÇORES COMUNICAÇÕES, S.A.	
NOS MADEIRA COMUNICAÇÕES, S.A.	
Grupo VODAFONE	
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.	
VODAFONE Enterprise Spain , SL - Portugal branch	
MEO – Serviços de Comunicações e Multimédia, S.A.	[ECI]
Total	97.6%

Source: ANACOM calculations based on companies' and the sector's eligible turnover.

Companies required to contribute to the FCSU thus cover around 98% of the sector's overall ET.

4. Amount of contributions

4.1. Contribution concerning CLSU for 2014 incurred by tender-designated USPs

Pursuant to paragraph 2 of article 10 of the Fund Law, the following values are to be deducted from the amount of CLSU to be shared:

- a) The value of the annual remuneration paid to the State as consideration for supplying the universal service related to the provision of a comprehensive telephone directory and directory enquiry service, under the respective contract, where appropriate;
- b) Proceeds of contractual fines or penalties applied to the universal service provider or providers, under the contract for provision of the universal service, that are available in the compensation fund at the time the contribution entry procedure starts;
- c) Income from the administration of the compensation fund, namely income from deposit accounts where the fund's liquid assets are held, that are available in the compensation fund at the time the contribution entry procedure starts;
- d) Interest referred to in paragraph 7 of article 11 and in paragraph 1 of article 13 that are available in the compensation fund at the time the contribution entry procedure starts;
- e) Other revenues assigned to the compensation fund by law that are available in the compensation fund at the time the contribution entry procedure starts.

Under these conditions, and according to point a) above, the amount of 0.86 Euro cents received by the FCSU on 27.02.2015 must be deducted from the value of CLSU incurred in 2014 by the USP, under contracts concluded, in compliance with paragraph 2 of article 5 of the Fund Law and with clause 11 of the Contract for provision of the US of a comprehensive telephone directory and of a comprehensive directory enquiry service concluded between MEO – Serviços de Comunicações e Multimédia S.A. and the Portuguese State.

As regards point b), there seems not to be any value to be deducted from CLSU.

As far as provisions listed in the remaining points are concerned, it must be referred that there is no amount to be deducted from income from the administration of the compensation fund, and there is also no compensatory interest nor interest on account of late payment to be deducted from the amount of CLSU to be considered, given that this is the first time the compensation fund is used to finance CLSU incurred by tender-designated USP. It is noted also that no other revenues were assigned to the FCSU at the time the contribution entry procedure started.

As regards the amount of 0.86 Euros, which is to be deducted from the amount of CLSU, it must be shared between the two designated providers - MEO, concerning the provision of the universal service of provision of public pay-phones, and NOS, concerning the provision of connection to a public communications networks at a fixed location and of publicly available telephone services - a division which was undertaken, according to the proportion of the respective value of CLSU in the total value of CLSU. As such, 0.53 Euros is deducted from the amount of CLSU incurred by MEO and 0.33 Euros from the value of CLSU incurred by NOS.

Under the conditions described, and as illustrated by the table below, it follows that the final value to be considered for the purpose of contributions corresponds to the overall value of CLSU incurred by USPs in 2014 under contracts concluded, deducted of the remuneration paid to the State as consideration for supplying the US of provision of a comprehensive telephone directory and of a comprehensive directory enquiry service.

Table No. 17 – Final value of the contribution to be financed by companies and bodies required to contribute to the FCSU concerning 2014 CLSU incurred by tender-designated USP

	NOS (Provision of FTS)	MEO (Provision of the PPP offer)
Value of CLSU incurred by tender-designated USP in 2014	€1,125,698.63	€1,804,334.79
Values to be deducted from CLSU	€0.33	€0.53
Value of the annual remuneration paid to the State as consideration for the provision of the “directories and 118” US	€0.33	€0.53
Overall amount to be considered for the purpose of the determination of amounts of contributions	€1,125,698.30	€1,804,334.26

Source: ANACOM.

Under the conditions described, and in compliance with article 11 of the Fund Law, the following table presents the values of contributions required from each company/body (identified under article 7 of the Fund Law), determined in the proportion of the respective ET achieved in 2014.

Table No. 18 – Amount of contributions of companies and bodies required to contribute to the compensation fund concerning 2014 CLSU incurred by USP under contracts concluded

Companies	NOS (Provision of FTS)	MEO (Provision of the PPP offer)
Grupo Cabovisão/Onitecom/Knewon	43,772.38	70,160.89
CABOVISÃO - Televisão por Cabo, S.A. (1)	25,074.16	40,190.30
ONITELECOM - Infocomunicações, S.A.	18,698.22	29,970.59
KNEWON, S.A.	0.00	0.00
Grupo NOS	309,972.90	496,842.48
NOS Comunicações, S.A.	299,282.58	479,707.41
NOS AÇORES COMUNICAÇÕES, S.A. (2)	4,039.74	6,475.14
NOS MADEIRA COMUNICAÇÕES, S.A.	6,650.58	10,659.93
Grupo VODAFONE	230,523.44	369,496.29
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.	230,523.44	369,496.29
VODAFONE Enterprise Spain , SL - Portugal branch	0.00	0.00
MEO – Serviços de Comunicações e Multimédia, S.A.	541,429.58	867,834.60
Total	1,125,698.30	1,804,334.26

Values in Euros.

Note: Values were calculated in compliance with the Fund Law, at cent level.

(1) The determination of the aggregated contribution of Cabovisão and Onitecom resulted in a value exceeding by 1 cent the sum that results from the determination of the individual contribution of each of the companies; so that the final result corresponding to the sum of all contributions is equal to the value of the contribution identified in the “total” line and in the “NOS (Provision of FTS)” column, the cent was allocated to the company of Grupo Cabovisão/Onitecom/Knewon with the highest value in the three decimal places, which is Cabovisão, contributing with €25,074.16 instead of €25,074.15.

(2) The determination of the aggregated contribution of Grupo NOS resulted in a value exceeding by 1 cent the sum that results from the determination of the individual contribution of each of the companies; so that the final result corresponding to the sum of all contributions is equal to the value of the contribution identified in the “total” line and in the “MEO (Provision of the PPP offer)” column, the cent was allocated to the company of Grupo NOS with the highest value in the three decimal places, which is NOS Açores, which contributes with €6,475.14 instead of €6,475.13.

Source: ANACOM calculations based on statements conveyed by companies and on audit results.

4.2. Extraordinary contribution for 2014 concerning 2010-2011 CLSU

It follows from paragraph 7 of article 18 of the Fund Law that from the amount of CLSU to be considered for the purpose of the determination of the value of contributions must be deducted:

- a) Compensatory interest due on the established contribution amount, in accordance with general tax law, where the entry or settlement of the extraordinary contribution are delayed or defective due to the fault of companies required to contribute;
- b) Other revenues that under the law are assigned to the financing of net costs to be compensated in the period preceding the designation by tender and that are available in the compensation fund at the time the contribution entry procedure starts.

There is no amount of compensatory interest to be deducted from the amount of CLSU to be considered. On the other hand, it is noted that no other revenues have been assigned, under paragraph 7b) of article 18 of the Fund Law, thus the final amount to be considered for the purpose of the determination of the amount of contributions corresponds exactly to the overall amount of CLSU for 2010-2011 approved by ANACOM in its determination of 20.11.2014, which corresponds to 47,050,607.99 Euros (forty seven million, fifty thousand, six hundred and seven Euros and ninety nine cents).

Under the conditions described, the following table presents the values of contributions required from each company/body, in the proportion of the respective eligible turnover achieved in 2014, in compliance with article 18 and 19 of the Fund Law.

Table No. 19 – Amount of contributions of companies and bodies required to contribute to the compensation fund concerning 2010-2011 CLSU approved in 2014

Companies	Extraordinary contribution
Grupo Cabovisão/Onitelecom/Knewon	1,829,546.05
CABOVISÃO - Televisão por Cabo, S.A.	1,048,019.83
ONITELECOM - Infocomunicações, S.A.	781,526.22
KNEWON, S.A.	0.00
Grupo NOS	12,955,881.33
NOS Comunicações, S.A.	12,509,059.93
NOS AÇORES COMUNICAÇÕES, S.A.	168,848.41
NOS MADEIRA COMUNICAÇÕES, S.A.	277,972.99
Grupo VODAFONE	9,635,146.59
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.	9,635,146.59
VODAFONE Enterprise Spain , SL - Portugal branch	0.00
MEO – Serviços de Comunicações e Multimédia, S.A.	22,630,034.02
Total	47,050,607.99

Values in Euros.

Note: Values were calculated in compliance with the Fund Law, at cent level.

Source: ANACOM calculations based on statements conveyed by companies and on audit results.

In compliance with paragraph 5 of article 18 of the Fund Law, it was found that amounts of the extraordinary contribution expressed in the table above do not exceed the 3% threshold of the annual eligible turnover of each body and are also in compliance with paragraph 6 of the same article¹⁹.

¹⁹ Paragraph 6 of article 18 of the Fund Law provides as follows: “The amount of the extraordinary contribution to be charged to each body shall never exceed the value it would be required to pay as a result of the sharing of net costs referred to in paragraph 2 of article 17 among bodies required to contribute, in the proportion of the respective eligible turnover.”

5. Conclusion and Determination

Whereas:

- a) Law No. 35/2012, of 23 August, as amended and republished by Law No. 149/2015, of 10 September, establishes the compensation fund for the electronic communications universal service provided for in the Electronic Communications Law, intended to finance net costs arising from the provision of the universal service;
- b) The referred Law provides that companies providing public communications networks and/or publicly available electronic communications services on national territory are required to make i) contributions to the compensation fund concerning CLSU determined in the scope of the USP designation tenders, ii) as well as an extraordinary contribution to the compensation fund, relatively to each of the years 2013, 2014 and 2015 and 2016, exclusively intended to finance CLSU that are approved by ANACOM in those years;
- c) As regards contributions to the compensation fund concerning CLSU determined in the scope of USP tender designation, ANACOM established that values that resulted from tenders on the fixed telephone service and the provision of public pay-phones would be deemed to be an unfair burden; for this purpose, it was established in the respective contracts concluded in 2014 with the Portuguese State that values specified in winning tenders constitute CLSU to be compensated, as provided for in paragraph 1 b) of article 95 of the Electronic Communications Law;
- d) Tender-designated USPs started the provision of US under the respective contracts in 2014, thus the compensation fund must be used for the purpose of the transfer of amounts due to those USPs for that provision, for the year concerned, by the end of March 2016, according to paragraph 1 of referred to 14 of Law No. 35/2012;
- e) In 2014, overall CLSU incurred by USPs under contracts concluded in 2014 amount to 2,930,033.42 Euros (2 million, nine hundred and thirty thousand, thirty three Euros and forty two cents), respectively 1,125,698.63 Euros for the US provided by NOS Comunicações, S.A. and 1,804,334.79 Euros for the US provided by MEO - Serviços de Comunicações e Multimédia, S.A.;

- f) The final overall value to be considered for the purpose of the determination of contributions amounts to 2,930,032.56 Euros (two million, nine hundred and thirty thousand, thirty two Euros and fifty six cents), which corresponds to the overall value of CLSU incurred by the USP, in 2014, under contracts concluded in 2014, deducted of the remuneration paid to the State as consideration for supplying the US of provision of a comprehensive telephone directory and of a comprehensive directory enquiry service. For the purpose of that deduction, the referred value of the annual remuneration paid to the State, which in 2014 corresponds to 0.86 Euros (eighty six Euro cents), was shared according to the proportion of CLSU incurred by each of the referred operators in the total value of CLSU incurred under the respective contracts, that is 0.33 Euros and 0.53 Euros. As such, the values to be considered for the determination of contributions are 1,125,698.30 Euros (one million, one hundred and twenty five thousand, six hundred and ninety eight Euros and thirty cents) and 1,804,334.26 Euros (one million, eight hundred and four thousand, three hundred and thirty four Euros and twenty six cents), corresponding respectively to the provision of FTS US (by NOS Comunicações, S.A.) and the provision of the public pay-phones US (by MEO – Serviços de Comunicações e Multimédia, S.A.);
- g) As regards the extraordinary contribution to be made to the compensation fund, ANACOM approved in 2014 CLSU for the 2010-2011 financial years, which correspond to an overall amount of 47,050,607.99 Euros (forty seven million, fifty thousand, six hundred and seven Euros and ninety nine cents);
- h) The requirements defined in article 17 of Law No. 35/2012, to call the CLSU Compensation Fund, in line with ECL (paragraph 1 of article 97), have been met: (i) existence of CLSU, further to an audit, approved by ANACOM and deemed by this Regulatory Authority to be unfair, and (ii) request by MEO to the Government for compensation for CLSU approved by ANACOM within the legally required period;
- i) The overall amount of the extraordinary contribution for 2014 corresponds exactly to the amount of CLSU approved by ANACOM in its determination of 20.11.2014, and there are no other values to be deducted, namely compensatory interest or revenues assigned under the law;

- j) Under Law No. 35/2012, it is incumbent on ANACOM to perform all actions required for a proper administration of the compensation fund , and pursuant to articles 11 and 19, the Regulatory Authority must identify every year the bodies required to contribute to the compensation fund, to finance net costs to be compensated to tender-designated USP as well as net costs for the period preceding the designation by tender, and to set the precise amount of the respective contributions;
- k) In 2014, there were 135 companies registered with ANACOM as providers of public communications networks or of publicly available electronic communications services;
- l) Of the referred companies, 95 sent information for the purpose of Law No. 35/2012;
- m) Of the 40 companies that failed to submit any information:
 - a. 14 have no acknowledged activity or have unknown location, their ET amount having been deemed to be zero;
 - b. 13 ceased operations in 2014 or by the end of July 2015, having been considered, in the light of the absence of information on the respective activity in 2014, that the respective ET is zero;
 - c. For 9 of these companies, it was assumed that the amount of eligible turnover corresponds to the amount reported for the 2014 financial year, for the purpose of the procedure for entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, where it existed, or in its absence, the value declared for the purpose of the Fund Law for 2013. Where such information was not available to ANACOM, the average for 2012 and 2013 was considered, as reported for the purpose of the procedure for entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, governed by annex II to Administrative Rule No. 1473-B/2008, as subsequently amended, or in the alternative, where the values for only one of these years was available, the value for the last year available was taken into account. Values assumed in this context are not likely to give expression to any of the companies so that they would be required to contribute to the fund nor have any impact at the level of the identification of companies required to contribute to the compensation fund; and

- d. For 4 companies there is no available information.

- n) The audit to turnover values reported by 23 companies providing networks and/or electronic communications services in the scope of Law No. 35/2012, was promoted, including in particular the ten companies with the largest values of eligible turnover;

- o) As a result of the audit and of the analysis carried out by ANACOM to other networks operators or electronic communications service providers, in conformity with the description in chapters 2.1, 2.2, 2.3 and 2.4, it was found that the sector's eligible turnover amounts to 4,490,912,078.06 Euros;

- p) On the basis of the determined amount of eligible turnover and in the light of the concept of company laid down in the Fund Law, four companies (which integrate nine bodies) were identified as being required to make: (i) contributions intended to finance CLSU for 2014 incurred by the USPs under contracts concluded (for NOS and MEO); and (ii) an extraordinary contribution to the compensation fund for 2014, having been excluded from these contributions all companies that in the year concerned registered an electronic communications sector eligible turnover below 1% of the sector's overall eligible turnover;

- q) Under articles 121 and 122 of the Administrative Procedure Code, a prior hearing of was held, stakeholders having been notified to submit comments on the draft final decision, if they so wished, for 10 working days. Contributions received were analysed as described in the prior hearing report, which substantiates and integrates this decision;

- r) Arguments put forward by some of the stakeholders, as substantiated in the prior hearing report, did not determine the amendment of the amount of eligible turnover for those bodies compared to the value considered in the scope of the DD, the sector's overall ET having also remained unchanged;

- s) In the scope of comments received, MEO – Serviços de Comunicações e Multimédia, S.A., requested, under article 12, paragraph 2, of Law No. 35/2012, a waiver of the requirement for a contribution given that it is entitled to a compensation which exceeds that contribution.

The Management Board of ANACOM, under paragraphs 2, 3, 4 and 6 of article 97 of ECL, as well as paragraphs 1, 2, 3 and 4 of article 11 and paragraphs 1, 2 and 3 of article 19 of Law No. 35/2012, of 23 August, as amended and republished by Law No. 149/2015, of 10 September 2015, and in the exercise of powers conferred under paragraph 1 q) of article 26 of its Statutes, approved by Decree-Law No. 39/2015, of 16 March, hereby determines:

1. To correct the sector's ET value for 2013, from 4,688,812,675.81 Euros to 4,688,819,519.10 Euros, an amendment which has not impact whatsoever on the identification of bodies required to contribute to the compensation fund for CLSU to be compensated for the 2007-2009 period, nor on the value of the respective contributions nor on the value of the compensation to be paid to the universal service provider for the same period.
2. To order, for the purpose of the calculation of the electronic communications sector's overall eligible turnover for 2014:

- a. The review of eligible turnover amounts for the following companies: [BCI]

[ECI], further to audits carried out, as described in chapter 2.1;

- b. The review of the amount of eligible turnover for the following companies:

([BCI])

[ECI]), as a result of corrections/amendments introduced, as described in chapter 2.2;

- c. The establishment of the amount of eligible turnover for the following companies: ([BCI])

[ECI]), as described in chapter 2.3, as such companies failed to provide information for the purpose of Law No. 35/2012, as amended and republished by Law No. 149/2015, of 10 September.

3. To establish, on the basis of information provided by network operators and electronic communications service providers, and bearing in mind point 2, that the sector's overall eligible turnover amounts to 4,490,912,078.06 Euros.
4. To approve the list of bodies that, in accordance with the calculated eligible turnover and in compliance with article 11 *et seq.* of Law No. 35/2012, are required to pay a contribution to the compensation fund, intended to finance CLSU incurred by NOS Comunicações, S.A, in 2014, under contracts concluded with the Portuguese State for the provision of the US of connection to a public communications networks at a fixed location and of publicly available telephone services as well as the contribution amount each body is required to pay, according to the table below. The total value of such contributions corresponds to the amount of compensation to be paid to NOS Comunicações, S.A., which must be added 0.33 Euros, corresponding to the respective proportion of annual remuneration paid to the State as consideration for supplying the universal service related to the provision of a comprehensive telephone directory and directory enquiry service.

Table No. 20 – Amount of contributions of bodies required to contribute to the compensation fund concerning CLSU incurred by NOS Comunicações, S.A in 2014 under contracts concluded for the provision of the US of connection to a public communications networks at a fixed location and of publicly available telephone services

Companies and bodies	Eligible Turnover [BCI]	Contribution % [BCI]	Contribution
Grupo Cabovisão/Onitelecom/Knewon			43,772.38
CABOVISÃO - Televisão por Cabo, S.A. (1)			25,074.16
ONITELECOM - Infocomunicações, S.A.			18,698.22
KNEWON, S.A.			0.00
Grupo NOS			309,972.90
NOS Comunicações, S.A.			299,282.58
NOS AÇORES COMUNICAÇÕES, S.A.			4,039.74
NOS MADEIRA COMUNICAÇÕES, S.A.			6,650.58
Grupo VODAFONE			230,523.44
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.			230,523.44
VODAFONE Entreprise Spain , SL - Portugal branch			0.00
MEO – Serviços de Comunicações e Multimédia, S.A.	[ECI]	[ECI]	541,429.58
Total	4,381,516,189.69	100%	1,125,698.30

Values in Euros.

Note: Values were calculated in compliance with the Fund Law, at cent level.

(1) The determination of the aggregated contribution of Cabovisão and Onitelecom resulted in a value exceeding by 1 cent the sum that results from the determination of the individual contribution of each of the companies; so that the final result corresponding to the sum of all contributions is equal to the value of the contribution identified in the "total" line and in the "Contribution" column, the cent was allocated to the company of Grupo Cabovisão/Onitelecom/Knewon with the highest value in the three decimal places, which is Cabovisão, contributing with €25,074.16 instead of €25,074.15.

Source: Data from companies, audit results and ANACOM calculations.

- To approve the list of bodies that, in accordance with the calculated eligible turnover and in compliance with article 11 *et seq.* of Law No. 35/2012, are required to pay a contribution to the compensation fund, intended to finance CLSU incurred by MEO Comunicações e Multimédia, S.A., in 2014, under contracts concluded with the Portuguese State for the provision of the public pay-phones US, as well as the contribution amount each body is required to pay, according to the table below. The total value of such contributions corresponds to the amount of compensation to be paid to MEO Comunicações e Multimédia, S.A., which must be added 0.53 Euros

corresponding to the respective proportion of annual remuneration paid to the State as consideration for supplying the US related to the provision of a comprehensive telephone directory and directory enquiry service.

Table No. 21 – Amount of contributions of bodies required to contribute to the compensation fund concerning CLSU incurred by MEO – Serviços de Comunicações e Multimédia, S.A. in 2014 under contracts concluded for the provision of the public pay-phones US

Companies and bodies	Eligible Turnover [BCI]	Contribution % [BCI]	Contribution
Grupo Cabovisão/Onitelecom/Knewon			70,160.89
CABOVISÃO - Televisão por Cabo, S.A.			40,190.30
ONITELECOM - Infocomunicações, S.A.			29,970.59
KNEWON, S.A.			0.00
Grupo NOS			496,842.48
NOS Comunicações, S.A.			479,707.41
NOS AÇORES COMUNICAÇÕES, S.A. (1)			6,475.14
NOS MADEIRA COMUNICAÇÕES, S.A.			10,659.93
Grupo VODAFONE			369,496.29
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.			369,496.29
VODAFONE Enterprise Spain , SL - Portugal branch			0.00
MEO – Serviços de Comunicações e Multimédia, S.A.	[ECI]	[ECI]	867,834.60
Total	4,381,516,189.69	100%	1,804,334.26

Values in Euros.

Note: Values were calculated in compliance with the Fund Law, at cent level.

(1) The determination of the aggregated contribution of Grupo NOS resulted in a value exceeding by 1 cent the sum that results from the determination of the individual contribution of each of the companies; so that the final result corresponding to the sum of all contributions is equal to the value of the contribution identified in the "total" line and in the "Contribution" column, the cent was allocated to the company of Grupo NOS with the highest value in the three decimal places, which is NOS Açores, contributing with €6,475.14 instead of €6,475.13.

Source: Data from companies, audit results and ANACOM calculations.

- To order the issue of the respective Invoices/Settlement Notices of contributions identified in points 4 and 5, which shall refer to this decision and respective grounds, and indicate the Compensation Fund as active party and respective Tax Identification Number, defence measures and means of payment, and which shall be paid within 20 days, in compliance with paragraph 1 of article 12 of Law No. 35/2012.

7. To authorize MEO – Comunicações e Multimédia, S.A., further to the request made by the latter, and pursuant to paragraph 2 of article 12 of Law No. 35/2012, not to pay the contribution concerning CLSU for 2014 (period subsequent to the USP tender designation) to which it is bound, as the amount of compensation to which it is entitled exceeds the value of the contribution it is required to pay. As such, from the amount of compensation to which the company is entitled for the provision of the public pay-phones US is deducted the amount of the overall contribution for the period subsequent to the USP tender designation.
8. To approve the list of bodies that, in accordance with the calculated eligible turnover and in compliance with article 18 *et seq.* of Law No. 35/2012, are required to pay an extraordinary contribution to the compensation fund, as well as the contribution each body is required to pay, according to the table below, where the total value of such contribution corresponds to the amount of compensation to be paid to MEO – Serviços de Comunicações e Multimédia, as universal service provider, for net costs incurred in the 2010-2011 financial years, as approved by ANACOM in 2014.

Table No. 22 – Amount of contributions of bodies required to contribute to the compensation fund concerning 2010-2011 CLSU approved in 2014 (extraordinary contribution)

Companies	Eligible Turnover [BCI]	Contribution % [BCI]	Extraordinary contribution
Grupo Cabovisão/Onitelecom/Knewon			1,829,546.05
CABOVISÃO - Televisão por Cabo, S.A.			1,048,019.83
ONITELECOM - Infocomunicações, S.A.			781,526.22
KNEWON, S.A.			0.00
Grupo NOS			12,955,881.33
NOS Comunicações, S.A.			12,509,059.93
NOS AÇORES COMUNICAÇÕES, S.A.			168,848.41
NOS MADEIRA COMUNICAÇÕES, S.A.			277,972.99
Grupo VODAFONE			9,635,146.59
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.			9,635,146.59
VODAFONE Enterprise Spain , SL - Portugal branch			0.00
MEO – Serviços de Comunicações e Multimédia, S.A.	[ECI]	[ECI]	22,630,034.02
Total	4,381,516,189.69	100%	47,050,607.99

Values in Euros.

Note: Values were calculated in compliance with the Fund Law, at cent level.

Source: Data from companies, audit results and ANACOM calculations.

9. To order the issue of the respective Invoices/Settlement Notices of contributions identified in point 8, which shall refer to this decision and respective grounds, and indicate the Compensation Fund as active party and respective Tax Identification Number, defence measures and means of payment, and which shall be paid within 20 days, in compliance with paragraph 1 of article 20 of Law No. 35/2012.

10. To authorize MEO – Comunicações e Multimédia, S.A., further to the request made by the latter and pursuant to paragraph 2 of article 12, applicable *ex vi* article 20, paragraph 1 of Law No. 35/2012, not to pay the contribution concerning 2010-2011 CLSU to which it is bound, as the amount of compensation to which it is entitled is higher. As such, to the amount of compensation to which the company is entitled is deducted the amount of the contribution.

11. To notify bodies covered by the determination in point 2 of the approval of this decision in the part which specifically concerns them.
12. To notify bodies covered by determinations in point 4, 5 and 8, under paragraph 5 of article 11 of Law No. 35/2012, of the approval of this decision.
13. To make the approval of his decision publicly available at ANACOM's website, in compliance with paragraph 6 of article 11 of Law No. 35/2012.