

FINAL DECISION

on the transfer to Optimus - Comunicações, S. A. of rights of use for numbers held by ZON TV Cabo Portugal, S. A.

I. BACKGROUND

By order issued on 24 April 2014 by one of the members of the Management Board of ICP-Autoridade Nacional de Comunicações (ICP - ANACOM), Hélder Ferreira Vasconcelos, approval was given to the draft decision on the transfer to Optimus - Comunicações, S. A. (Optimus) of rights of use for numbers held by ZON TV Cabo Portugal, S. A. (ZON).

The referred determination provided for the following:

1. Not to oppose to the transfer from ZON TV Cabo Portugal, S. A. to Optimus - Comunicações, S. A. of rights of use for the following resources of the National Numbering Plan:

<i>Plan</i>	<i>Description</i>	<i>Resources allocated to ZON</i>
E.164 (UIT-T)	<i>Short numbers (individual numbers)</i>	1099; 1699
	<i>Publicly available fixed telephone service (blocks of 10.000 numbers)</i>	21400; 21401; 21402; 21403; 21404; 21405; 21406; 21407; 21408; 21409; 21600; 21601; 21602; 21603; 21604; 21605; 21606; 21607; 21608; 21609; 21800; 21801; 21802; 21803; 21804; 21805; 21806; 21807; 21808; 21809; 21820; 21821; 21822; 21823; 21824; 21825; 21826; 21827; 21828; 21829; 21901; 22400; 22401; 22402; 22403; 22404; 22405; 22406; 22407; 22408; 22409; 22410; 22490; 22491; 22492; 22493; 22494; 22495; 22496; 22497; 23103; 23140; 23239; 23240; 23304; 23404; 23405; 23406; 23503; 23603; 23604; 23803; 23904; 23905; 23906; 24140; 24141; 24203; 24304; 24305; 24403; 24404; 24405; 24406; 24503; 24940; 24941; 25103; 25203; 25204; 25205; 25206; 25217; 25502; 25303; 25304; 25305; 25306; 25329; 25440; 25539; 25540; 25603; 25604; 25605; 25840; 25841; 25904; 26102; 26140; 26240; 26241; 26302; 26303; 26304; 26540; 26541; 26542; 26543; 26602; 26604; 26803; 26903; 27103; 27203; 27340; 27403; 27503; 27640; 27703; 27899; 27903; 28140; 28141; 28202; 28203; 28204; 28205; 28303; 28440; 28503; 28640; 28902; 28903; 28904; 28905
	<i>Nomadic VoIP Service (blocks of 10.000 numbers)</i>	30970; 30971; 30972; 30973; 30974; 30975; 30976; 30980; 30981; 30982; 30983; 30984; 30985; 30986; 30987; 30988; 30989; 30990; 30991; 30992; 30993; 30994; 30995; 30996; 30997; 30998; 30999
	<i>Nomadic VoIP Service (individual numbers)</i>	309401309; 309402187; 309403114
<i>Direct consultation of voicemail for numbers of the mobile telephone service (blocks of 10.000 numbers)</i>	6092900; 6092901; 6092902; 6092903; 6092904; 6092905; 6092906; 6092907; 6092908; 6092909; 6092910; 6092911; 6092912; 6092913; 6092914; 6092915; 6092916; 6092917; 6092918; 6092919; 6092920; 6092921; 6092922; 6092923; 6092924; 6092925; 6092926; 6092927; 6092928; 6092929; 6092930; 6092931; 6092932; 6092933; 6092934; 6092935;	

Plan	Description	Resources allocated to ZON
		6092936; 6092937; 6092938; 6092939; 6092940; 6092941; 6092942; 6092943; 6092944; 6092945; 6092946; 6092947; 6092948; 6092949
	<i>Fax service of the mobile telephone service (blocks of 10.000 numbers)</i>	6392900; 6392901; 6392902; 6392903; 6392904; 6392905; 6392906; 6392907; 6392908; 6392909; 6392910; 6392911; 6392912; 6392913; 6392914; 6392915; 6392916; 6392917; 6392918; 6392919; 6392920; 6392921; 6392922; 6392923; 6392924; 6392925; 6392926; 6392927; 6392928; 6392929; 6392930; 6392931; 6392932; 6392933; 6392934; 6392935; 6392936; 6392937; 6392938; 6392939; 6392940; 6392941; 6392942; 6392943; 6392944; 6392945; 6392946; 6392947; 6392948; 6392949
	<i>Data service of the mobile telephone service (blocks of 10.000 numbers)</i>	6592900; 6592901; 6592902; 6592903; 6592904; 6592905; 6592906; 6592907; 6592908; 6592909; 6592910; 6592911; 6592912; 6592913; 6592914; 6592915; 6592916; 6592917; 6592918; 6592919; 6592920; 6592921; 6592922; 6592923; 6592924; 6592925; 6592926; 6592927; 6592928; 6592929; 6592930; 6592931; 6592932; 6592933; 6592934; 6592935; 6592936; 6592937; 6592938; 6592939; 6592940; 6592941; 6592942; 6592943; 6592944; 6592945; 6592946; 6592947; 6592948; 6592949
	<i>Direct deposit of voicemail for numbers of the mobile telephone service (blocks of 10.000 numbers)</i>	6692900; 6692901; 6692902; 6692903; 6692904; 6692905; 6692906; 6692907; 6692908; 6692909; 6692910; 6692911; 6692912; 6692913; 6692914; 6692915; 6692916; 6692917; 6692918; 6692919; 6692920; 6692921; 6692922; 6692923; 6692924; 6692925; 6692926; 6692927; 6692928; 6692929; 6692930; 6692931; 6692932; 6692933; 6692934; 6692935; 6692936; 6692937; 6692938; 6692939; 6692940; 6692941; 6692942; 6692943; 6692944; 6692945; 6692946; 6692947; 6692948; 6692949
	<i>Data network access service (blocks of 100 numbers)</i>	67090; 67840
	<i>Universal access service (blocks of 10.000 numbers)</i>	70799
	<i>Free-of-charge calls for the caller service (blocks of 10.000 numbers)</i>	80099
	<i>Shared-cost call service (blocks of 10.000 numbers)</i>	80899
Q.769.1 (UIT-T)	<i>NRN - Network Routing Number (blocks of 10.000 numbers)</i>	D099
Q.704/Q.705 (UIT-T)	<i>NSPC - National Signalling Point Codes UIT-T No. 7</i>	14-01-51; 14-01-52; 14-01-53; 14-01-54; 14-01-55; 14-01-56; 14-01-50
Q.708 (UIT-T)	<i>ISPC – International Signalling Point Codes UIT-T No. 7</i>	2-138-6; 2-138-7

2. To submit the use of above-mentioned numbers to compliance by Optimus - Comunicações, S. A., with conditions laid down in article 37 of ECL.
3. To order Optimus - Comunicações, S. A., not to assign to its clients available numbers of blocks of non-geographic numbers with a lower percentage of use, of the Universal Access Service (70710, 70793 or 70799), Free-of-Charge Calls for the Caller Service

(80010, 80093 or 80099) or Shared-Cost Call Service (80810, 80893 or 80899), as well as numbers that cease to be active, reporting to this Authority every year, by the last day of January of the following year, the state of occupation of “frozen” blocks.

4. *To establish a time-limit of one year for Optimus - Comunicações, S. A. to return to ICP - ANACOM the following resources:*
 - a. *One Indirect Access Provider code: 1010 or 1099;*
 - b. *One or two Call Centre numbers: 1610, 1693 or 1699;*
5. *To establish a time-limit of two years for Optimus - Comunicações, S. A. to return to ICP - ANACOM one NRN (Network Routing Number): “D010” or “D099”.*
6. *To determine that this decision takes effect as from the date on which the merger by incorporation of ZON TV Cabo Portugal, S. A. into Optimus - Comunicações, S. A. is entered in the commercial register.*
7. *To submit the preceding paragraphs to the prior hearing of ZON TV Cabo Portugal, S. A. and Optimus - Comunicações, S. A., for the purpose of articles 100 and 101 of the Administrative Procedure Code, a 10-working day time-limit being set for interested parties to comment on the matter in writing.*

Having parties been notified, ZON OPTIMUS, SGPS, S. A. (ZON OPTIMUS) assessed the issue on behalf of its subsidiaries ZON e Optimus, within the scope of the prior hearing.

The corresponding report was subsequently drafted, and is deemed to be an integral part of this decision, including a summary of positions expressed on the draft decision submitted to the prior hearing of interested parties, as well as ICP - ANACOM’s position thereon.

II. ASSESSMENT

1. Request

By letter sent to ICP - ANACOM on 10 February 2014, ZON TV Cabo Portugal, S. A. (hereinafter ZON) requested authorization, under articles 21 and 38 of the Electronic Communications Law (hereinafter ECL), for the transfer to OPTIMUS - Comunicações, S. A. (hereinafter Optimus) of all rights of use for numbers it held, on the following grounds:

- On 27 August, the merger by incorporation of Optimus, SGPS, S. A. into Zon Multimédia - Serviços de Telecomunicações e Multimédia, SGPS, S. A., was entered in the commercial register, having resulted ZON Optimus, SGPS, S. A.;
- This merger was authorized by the Autoridade da Concorrência, by decision of 26 August 2013, issued in the scope of Case File No. CCENT 5/2013, which took into consideration the implications of the concentration in over 40 product/service markets identified, bearing in mind that it would result in a single structure of (joint) control over operational companies held by Optimus SGPS and by ZON Multimédia, that is, over Optimus and ZON;

- Having the concentration taken place, Zon must now merge by incorporation into Optimus, reason for which the request is presented, as this merger implies the transfer of rights of use held by Zon to Optimus;
- With this merger, Optimus will provide all electronic communication networks and services currently provided by ZON;
- The request lists all types of numbers held by ZON, which are to be transferred to Optimus on account of the referred merger;
- Optimus currently provides the market with the same services as ZON, and is qualified to do so, thus services under consideration will integrate Optimus's respective offers. However, to ensure the provision of referred services to final users who are currently ZON's clients, it is necessary to ensure the maintenance of numbering resources allocated to ZON for this purpose;
- As such, numbers the transfer of which is intended to be operated will be effectively used (principle of effective use), all of them being required to ensure the maintenance of the provision of services (principle of efficient use);
- Finally, rights of consumers are safeguarded, as services under consideration will continue to be provided, the change of the identity of the provider, which is the sole relevant issue, being notified to final users under the law, namely ECL;
- As regards the fixed telephone service based on a GSM/UMTS network, it will be provided on the basis of Optimus' mobile network (GSM/UMTS/LTE). The provision of the "Homezoning" service will be applied the same restrictions as those set out in the communication issued to ZON;
- As far as the mobile telephone service is concerned, it will cease to be provided on the basis of an MVNO network to be provided by Optimus over its own mobile network;
- ZON thus feels that the transfer of rights of use under consideration will not have any relevant effects on the market which have not been already analysed by Autoridade da Concorrência and by ICP - ANACOM, in the scope of the mentioned company concentration procedure, and shows in fact a special simplicity given that it is the other company that will be the holder of rights of use concerned, to continue to provide the same services, having been safeguarded the effective and efficient use of numbers and rights of consumers (and of final users).

ZON further refers that this merger, with the inherent transfer of rights of use, is intended to take place during the first half of 2014, committing itself to notify ICP - ANACOM of the implementation of the merger by incorporation of ZON into Optimus, within the legal deadline.

2. Additional elements

By letter received on 7 March 2014, ZON further communicated to this Authority that the draft terms of the merger of ZON into Optimus had been approved, and had been registered on 28 February 2014.

Having been detected a fault in the list of numbering resources held by ZON, and indicated in the respective letter of 10 February 2014, namely as regards numbers of the publicly available fixed telephone service (blocks of 10.000 numbers), of the nomadic VoIP service (blocks of 10.000 numbers), nomadic VoIP service (individual numbers allocated due to a company shutdown, under article 11 of the Portability Regulation¹) and NSPC - National Signalling Point Codes UIT-T No. 7, ICP - ANACOM requested the company to submit additional information, by email sent on 11 April 2014.

By email of 14 April 2014, ZON confirmed that the elements identified by ICP - ANACOM should have been included in its initial request.

3. Framework

ZON is registered with ICP - ANACOM as an operator of a public network, of a cable distribution network and as a provider of electronic communications services, being qualified to provide the following services:

- Internet access service;
- VoIP service;
- Fixed telephone service;
- Mobile telephone service (MVNO);
- Data transfer service;
- Short data traffic service.

For the provision of these services, ICP - ANACOM allocated ZON the following numbering resources:

Plan	Description	Resources allocated to ZON
E.164 (UIT-T)	Short numbers (individual numbers)	1099; 1699
	Publicly available fixed telephone service (blocks of 10.000 numbers)	21400; 21401; 21402; 21403; 21404; 21405; 21406; 21407; 21408; 21409; 21600; 21601; 21602; 21603; 21604; 21605; 21606; 21607; 21608; 21609; 21800; 21801; 21802; 21803; 21804; 21805; 21806; 21807; 21808; 21809; 21820; 21821; 21822; 21823; 21824; 21825; 21826; 21827; 21828; 21829; 21901; 22400; 22401; 22402; 22403; 22404; 22405; 22406; 22407; 22408; 22409; 22410; 22490; 22491; 22492; 22493; 22494; 22495; 22496; 22497; 23103; 23140; 23239; 23240; 23304; 23404; 23405; 23406; 23503; 23603; 23604; 23803; 23904; 23905; 23906; 24140; 24141; 24203; 24304; 24305; 24403; 24404; 24405; 24406; 24503; 24940; 24941; 25103; 25203; 25204; 25205; 25206; 25217; 25502; 25303; 25304; 25305; 25306; 25329; 25440; 25539; 25540;

¹ Regulation No. 58/2005, published on 18 August - republished with subsequent amendments at [Regulation no. 114/2012, of 13 March](#).

Plan	Description	Resources allocated to ZON
		25603; 25604; 25605; 25840; 25841; 25904; 26102; 26140; 26240; 26241; 26302; 26303; 26304; 26540; 26541; 26542; 26543; 26602; 26604; 26803; 26903; 27103; 27203; 27340; 27403; 27503; 27640; 27703; 27899; 27903; 28140; 28141; 28202; 28203; 28204; 28205; 28303; 28440; 28503; 28640; 28902; 28903; 28904; 28905
	Nomadic VoIP Service (blocks of 10.000 numbers)	30970; 30971; 30972; 30973; 30974; 30975; 30976; 30980; 30981; 30982; 30983; 30984; 30985; 30986; 30987; 30988; 30989; 30990; 30991; 30992; 30993; 30994; 30995; 30996; 30997; 30998; 30999
	Nomadic VoIP Service (individual numbers)	309401309; 309402187; 309403114
	Voicemail service (block of 10.000 numbers)	60099.
	Direct consultation of voicemail for numbers of the mobile telephone service (blocks of 10.000 numbers)	6092900; 6092901; 6092902; 6092903; 6092904; 6092905; 6092906; 6092907; 6092908; 6092909; 6092910; 6092911; 6092912; 6092913; 6092914; 6092915; 6092916; 6092917; 6092918; 6092919; 6092920; 6092921; 6092922; 6092923; 6092924; 6092925; 6092926; 6092927; 6092928; 6092929; 6092930; 6092931; 6092932; 6092933; 6092934; 6092935; 6092936; 6092937; 6092938; 6092939; 6092940; 6092941; 6092942; 6092943; 6092944; 6092945; 6092946; 6092947; 6092948; 6092949
	Fax service of the mobile telephone service (blocks of 10.000 numbers)	6392900; 6392901; 6392902; 6392903; 6392904; 6392905; 6392906; 6392907; 6392908; 6392909; 6392910; 6392911; 6392912; 6392913; 6392914; 6392915; 6392916; 6392917; 6392918; 6392919; 6392920; 6392921; 6392922; 6392923; 6392924; 6392925; 6392926; 6392927; 6392928; 6392929; 6392930; 6392931; 6392932; 6392933; 6392934; 6392935; 6392936; 6392937; 6392938; 6392939; 6392940; 6392941; 6392942; 6392943; 6392944; 6392945; 6392946; 6392947; 6392948; 6392949
	Data service of the mobile telephone service (blocks of 10.000 numbers)	6592900; 6592901; 6592902; 6592903; 6592904; 6592905; 6592906; 6592907; 6592908; 6592909; 6592910; 6592911; 6592912; 6592913; 6592914; 6592915; 6592916; 6592917; 6592918; 6592919; 6592920; 6592921; 6592922; 6592923; 6592924; 6592925; 6592926; 6592927; 6592928; 6592929; 6592930; 6592931; 6592932; 6592933; 6592934; 6592935; 6592936; 6592937; 6592938; 6592939; 6592940; 6592941; 6592942; 6592943; 6592944; 6592945; 6592946; 6592947; 6592948; 6592949
	Direct deposit of voicemail for numbers of the mobile telephone service (blocks of 10.000 numbers)	6692900; 6692901; 6692902; 6692903; 6692904; 6692905; 6692906; 6692907; 6692908; 6692909; 6692910; 6692911; 6692912; 6692913; 6692914; 6692915; 6692916; 6692917; 6692918; 6692919; 6692920; 6692921; 6692922; 6692923; 6692924; 6692925; 6692926; 6692927; 6692928; 6692929; 6692930; 6692931; 6692932; 6692933; 6692934; 6692935; 6692936; 6692937; 6692938; 6692939; 6692940; 6692941; 6692942; 6692943;

Plan	Description	Resources allocated to ZON
		6692944; 6692945; 6692946; 6692947; 6692948; 6692949
	Data network access service (blocks of 100 numbers)	67090; 67840
	Universal access service (blocks of 10.000 numbers)	70799
	Free-of-charge calls for the caller service (blocks of 10.000 numbers)	80099
	Shared-cost call service (blocks of 10.000 numbers)	80899
	Mobile Telephone service (blocks of 10.000 numbers)	92900; 92901; 92902; 92903; 92904; 92905; 92906; 92907; 92908; 92909; 92910; 92911; 92912; 92913; 92914; 92915; 92916; 92917; 92918; 92919; 92920; 92921; 92922; 92923; 92924; 92925; 92926; 92927; 92928; 92929; 92930; 92931; 92932; 92933; 92934; 92935; 92936; 92937; 92938; 92939; 92940; 92941; 92942; 92943; 92944; 92945; 92946; 92947; 92948; 92949.
Q.769.1 (UIT-T)	NRN - Network Routing Number (blocks of 10.000 numbers)	D099
Q.704/Q.705 (UIT-T)	NSPC - National Signalling Point Codes UIT-T No. 7	14-01-50; 14-01-51; 14-01-52; 14-01-53; 14-01-54; 14-01-55; 14-01-56.
Q.708 (UIT-T)	ISPC – International Signalling Point Codes UIT-T No. 7	2-138-6; 2-138-7

4.1. Electronic Communications Law (ECL)

ECL lays down in its article 17 that ICP - ANACOM is charged with “*managing the National Numbering Plan according to the principles of transparency, efficiency, equality and non-discrimination, including the establishment of conditions for the allocation and use of national numbering resources*”.

Under article 36 of ECL, the use of numbers depends on the granting of rights of use, which according to article 38 of ECL, may be transferred under terms and conditions to be established by ICP - ANACOM. Such terms and conditions must provide for mechanisms intended to safeguard, in particular, the effective and efficient use of numbers and rights of users.

4.2. Criteria and principles for the management and assignment of numbering resources

According to point 4 of the “Criteria and principles for the management and assignment of numbering resources”² (on Terms and conditions for usage of primary assignments), the resources assigned by ICP - ANACOM should be used effectively and efficiently in order to prevent their underutilization.

In this scope, it is established that the recipient of a primary assignment may not transfer or sell their assigned resources, except in exceptional circumstances and subject to a prior authorisation from ICP - ANACOM.

4.3. Code of Commercial Companies

² Available at [Criteria and principles for the management and assignment of numbering resources.](#)

In this context, attention must also be drawn to article 112 of the Code of Commercial Companies, according to which, having the merger been entered in the commercial register, the companies to be acquired or, where a new company is established, all merged companies, are extinguished and all rights and obligations are transferred to the acquiring company or to the new company. Members of extinct companies become members of the acquiring company or of the new company.

5. Analysis of the request

Having this specific request been analysed, it is concluded that the merger by incorporation of ZON into Optimus, which implies the transfer of all rights, obligations and assets from the former to the latter, involves, as such, the transfer to Optimus of rights of use for numbers held by ZON, which must be assessed by this Authority under article 38 of ECL, according to the *“Criteria and principles for the management and assignment of numbering resources”*.

Being incumbent on ICP - ANACOM to safeguard, under the applicable legal provisions mentioned above, the effective and efficient use of numbers, this Authority must verify whether, in the scope of the intended transfer of rights of use for numbers, the incorporating company - Optimus - will acquire resources it would not be able to obtain through a primary assignment, in the light of current allocation criteria and, consequently, to decide on measures to be applied in case of an accumulation of criteria as would be contrary to these criteria.

It is well known that mergers by incorporation between two operators and the inherent transfer of rights of use for numbers may generate situations of accumulation of resources in case companies involved have been allocated the same type of numbers, due to the provision of the same type of numbers.

In the situation under consideration, Optimus may accumulate numbering resources allocated to ZON together with numbering resources for which it already holds blocks of numbers.

This accumulation may evolve in a different manner according to the type of resources under consideration. Different cases resulting from the accumulation of numbering resources according to their type are identified and analysed below:

- A. In case **numbers are used to identify network termination points** where terminals are connected and which identify the respective subscribers - geographic and nomadic numbers (“2” and “30” ranges) and numbers of non-geographic services (“707”, “800” and “808” ranges) - it is deemed that the accumulation of resources may be authorized without constraints that imply the return of telephone numbers being used, as this would affect user interests, which mainly concern the maintenance of its numbers.

In this scope, it is deemed that the safeguard of user interests, which specially refer to the maintenance of one’s own numbers or of call centre numbers, must be reconciled with the principle of effective and efficient use of numbering resources, bearing in mind that a use of numbers that does not take these principles into consideration, not only leads to a waste of resources, but also constitutes a competitive advantage to the provider relatively to others who are in the same market with lower conditions of access to numbering resources.

Non-geographical numbers usually have a special commercial value of association to companies or brands, and the ease of memorization is an added value conferred in the way how digits are grouped.

From an initial set of available numbers it is of course possible to establish a larger set of easily memorized numbers - the so-called "golden numbers".

For this reason, while it is important to maintain non-geographic client numbers (e.g. call centres), it must be also ensured that the referred benefit does not exist relatively to non allocated numbers (vacant or becoming vacant) of surplus blocks, preventing them from being allocated/reallocated, and "freezing" the blocks to which they belong.

- B. In case of **numbers that are used to identify the network or specific points of the network to which final users are not connected**, or other **numbers or codes that identify the operator/provider**, it is deemed relevant to adopt the alternative of migrating them to a single number or range, and of returning released resources to ICP - ANACOM.

Depending on whether there are commercial effects related to these numbers, likely to entail an undue competitive advantage, different return deadlines may be justified. A similar approach was adopted by ICP - ANACOM in its Determination of 29 December 2008³ and draft decision of 7 December 2012⁴.

While subscriber numbers should not be altered except where the subscriber so wishes, numbers of a different type, including widely known numbers to which users are already used to, such as call centre numbers, are likely to be changed, and the provider must ensure the disclosure of new numbers. As such:

- i. **Call centre numbers** - 1610, 1699 and 1693 - and **numbers used as prefix for operator selection or pre-selection purposes** - 1010 or 1099

Given that these numbers have a commercial value and bearing in mind that they are intended for the provision of very different services (e.g. fixed telephone service - mobile telephone service) and that Optimus already uses number 1693 for the same service, it is deemed that at least one (or two⁵) call centre numbers should be discontinued, ensuring a reasonable period of time for the disclosure of the change of numbers to the market, in order to minimize the impact on users due to the process of recovery of this type of numbers by ICP - ANACOM. Like previous Decisions taken by this Authority on the transfer of numbering resources resulting from the accumulation of numbering resources, a one-year period of time is deemed to be reasonable.

Moreover, the use of a single number, of the 16xyz format, is compatible with a possible market segmentation, residential market versus business market, and in previous decisions ICP - ANACOM took the view that it would be excessive to maintain for the same type of offer two different sets of call centre numbers. This understanding applies also to the indirect access code, and as such one of the prefixes must be discontinued, a one-year period of time being deemed to be reasonable for the purpose.

³ Published at: [Transfer to SONAECOM of rights of use for numbers.](#)

⁴ Published at: [Transfer of rights of use of numbering - draft decision.](#)

⁵ Given that in the final decision of December 2008, ICP - ANACOM, taking into account that it was relevant for users to be used to some call centre number, considered that numbers of this type associated to the provision of mobile services (1693) could co-exist with similar numbers for the provision of fixed telephone services (1610).

- ii. As regards **numbers of the data network access service, in dial up mode - "67" numbering range** - ICP - ANACOM considers that the state of availability and use thereof must be assessed, namely because this requires changes in the settings of installed equipment, with operational and logistic costs for operators. In this context, without prejudice to the possibility of returning these accumulated resources, the accumulation of resources in code "67" of the National Numbering Plan by the same provider, as a result of mergers and/or acquisition of companies, is deemed to be reasonable, involving the data network access service accommodated in this range, as determined by ICP - ANACOM on 30 August 2012⁶.
- iii. As regards **Network Routing Numbers (NRN)**, it is stressed that the Portability Regulation as well as the contract for provision of services established between the Reference Entity (RE) and providers, provide for mechanisms that enable the change of NRN of all numbers ported from one operator to another, and thus the return of this type of resource to ICP - ANACOM is possible with no significant impact for Optimus and other operators involved in portability operations.

Consequently, in compliance with principles that apply to the use of numbering resources and safeguarded the rights of users, it is incumbent on ICP - ANACOM to determine, among numbers transferred from ZON to Optimus, which resources should be returned, by which period of time, and which conditions should be complied with in the use of remaining resources. Without prejudice, it must be stressed that any single number allocated and not activated or block of numbers with no activated numbers or in quarantine must at any level be returned to ICP - ANACOM.

As such, and safeguarding the exceptions: NRN, two NRN being admitted - one for the fixed network and another for the mobile network, (ii) resources accumulated in code "67" and (iii) call centre numbers, numbers or blocks of numbers that, due to the transfer of rights of use for numbers between companies which may not be accumulated by a single provider, for the above-mentioned reasons, must be the subject of a migration plan for the return to ICP - ANACOM of resources released in the meantime. Optimus is entitled to decide which numbers or blocks are returned per type of resource.

This is a matter which ICP - ANACOM will monitor in detail so as to permanently ensure, on the one hand, the effective and efficient use of numbers by Optimus and, on the other hand, non-discrimination in the conditions of access to resources of the National Numbering Plan relatively to other providers of electronic communication services, with due respect for "*Criteria and principles for the management and assignment of numbering resources*", namely the minimum 60% rate of the usage capacity of previous assignments of numbers which may be assigned to subscribers and also unit allocations for numbers identifying the operator or the network.

III. DECISION

In the light of the above and in accordance with powers granted to ICP - ANACOM under paragraph 1 b), f) and h) of article 6 of its Statutes, published in annex to Decree-Law No. 309/2001, of 7 December, in the pursue of regulatory objectives set out in paragraphs 1 a) and 2 d) of article 5 of ECL, pursuant to articles 17, 37 and 38 of ECL and in the exercise of

⁶ Vide [Accumulation of numbers for data network access services, as identified by PNN code "67"](#).

competencies delegated on me under paragraph 4 n) of Determination No. 810/2012, published in the Official Gazette, II Series, No. 117, of 19 June 2012, **it is hereby decided:**

1. Not to oppose to the transfer from ZON TV Cabo Portugal, S. A. to Optimus - Comunicações, S. A. of rights of use for the following resources of the National Numbering Plan:

Plan	Description	Resources allocated to ZON
E.164 (UIT-T)	Short numbers (individual numbers)	1099; 1699
	Publicly available fixed telephone service (blocks of 10.000 numbers)	21400; 21401; 21402; 21403; 21404; 21405; 21406; 21407; 21408; 21409; 21600; 21601; 21602; 21603; 21604; 21605; 21606; 21607; 21608; 21609; 21800; 21801; 21802; 21803; 21804; 21805; 21806; 21807; 21808; 21809; 21820; 21821; 21822; 21823; 21824; 21825; 21826; 21827; 21828; 21829; 21901; 22400; 22401; 22402; 22403; 22404; 22405; 22406; 22407; 22408; 22409; 22410; 22490; 22491; 22492; 22493; 22494; 22495; 22496; 22497; 23103; 23140; 23239; 23240; 23304; 23404; 23405; 23406; 23503; 23603; 23604; 23803; 23904; 23905; 23906; 24140; 24141; 24203; 24304; 24305; 24403; 24404; 24405; 24406; 24503; 24940; 24941; 25103; 25203; 25204; 25205; 25206; 25217; 25502; 25303; 25304; 25305; 25306; 25329; 25440; 25539; 25540; 25603; 25604; 25605; 25840; 25841; 25904; 26102; 26140; 26240; 26241; 26302; 26303; 26304; 26540; 26541; 26542; 26543; 26602; 26604; 26803; 26903; 27103; 27203; 27340; 27403; 27503; 27640; 27703; 27899; 27903; 28140; 28141; 28202; 28203; 28204; 28205; 28303; 28440; 28503; 28640; 28902; 28903; 28904; 28905
	Nomadic VoIP Service (blocks of 10.000 numbers)	30970; 30971; 30972; 30973; 30974; 30975; 30976; 30980; 30981; 30982; 30983; 30984; 30985; 30986; 30987; 30988; 30989; 30990; 30991; 30992; 30993; 30994; 30995; 30996; 30997; 30998; 30999
	Nomadic VoIP Service (individual numbers)	309401309; 309402187; 309403114
	Voicemail service (block of 10.000 numbers)	60099.
	Direct consultation of voicemail for numbers of the mobile telephone service (blocks of 10.000 numbers)	6092900; 6092901; 6092902; 6092903; 6092904; 6092905; 6092906; 6092907; 6092908; 6092909; 6092910; 6092911; 6092912; 6092913; 6092914; 6092915; 6092916; 6092917; 6092918; 6092919; 6092920; 6092921; 6092922; 6092923; 6092924; 6092925; 6092926; 6092927; 6092928; 6092929; 6092930; 6092931; 6092932; 6092933; 6092934; 6092935; 6092936; 6092937; 6092938; 6092939; 6092940; 6092941; 6092942; 6092943; 6092944; 6092945; 6092946; 6092947; 6092948; 6092949
Fax service of the mobile telephone service (blocks of 10.000 numbers)	6392900; 6392901; 6392902; 6392903; 6392904; 6392905; 6392906; 6392907; 6392908; 6392909; 6392910; 6392911; 6392912; 6392913; 6392914; 6392915; 6392916; 6392917; 6392918; 6392919; 6392920; 6392921; 6392922; 6392923; 6392924; 6392925; 6392926; 6392927; 6392928; 6392929; 6392930; 6392931; 6392932; 6392933; 6392934; 6392935; 6392936; 6392937; 6392938; 6392939;	

Plan	Description	Resources allocated to ZON
		6392940; 6392941; 6392942; 6392943; 6392944; 6392945; 6392946; 6392947; 6392948; 6392949
	Data service of the mobile telephone service (blocks of 10.000 numbers)	6592900; 6592901; 6592902; 6592903; 6592904; 6592905; 6592906; 6592907; 6592908; 6592909; 6592910; 6592911; 6592912; 6592913; 6592914; 6592915; 6592916; 6592917; 6592918; 6592919; 6592920; 6592921; 6592922; 6592923; 6592924; 6592925; 6592926; 6592927; 6592928; 6592929; 6592930; 6592931; 6592932; 6592933; 6592934; 6592935; 6592936; 6592937; 6592938; 6592939; 6592940; 6592941; 6592942; 6592943; 6592944; 6592945; 6592946; 6592947; 6592948; 6592949
	Direct deposit of voicemail for numbers of the mobile telephone service (blocks of 10.000 numbers)	6692900; 6692901; 6692902; 6692903; 6692904; 6692905; 6692906; 6692907; 6692908; 6692909; 6692910; 6692911; 6692912; 6692913; 6692914; 6692915; 6692916; 6692917; 6692918; 6692919; 6692920; 6692921; 6692922; 6692923; 6692924; 6692925; 6692926; 6692927; 6692928; 6692929; 6692930; 6692931; 6692932; 6692933; 6692934; 6692935; 6692936; 6692937; 6692938; 6692939; 6692940; 6692941; 6692942; 6692943; 6692944; 6692945; 6692946; 6692947; 6692948; 6692949
	Data network access service (blocks of 100 numbers)	67090; 67840
	Universal access service (blocks of 10.000 numbers)	70799
	Free-of-charge calls for the caller service (blocks of 10.000 numbers)	80099
	Shared-cost call service (blocks of 10.000 numbers)	80899
	Mobile Telephone service (blocks of 10.000 numbers)	92900; 92901; 92902; 92903; 92904; 92905; 92906; 92907; 92908; 92909; 92910; 92911; 92912; 92913; 92914; 92915; 92916; 92917; 92918; 92919; 92920; 92921; 92922; 92923; 92924; 92925; 92926; 92927; 92928; 92929; 92930; 92931; 92932; 92933; 92934; 92935; 92936; 92937; 92938; 92939; 92940; 92941; 92942; 92943; 92944; 92945; 92946; 92947; 92948; 92949.
Q.769.1 (UIT-T)	NRN - Network Routing Number (blocks of 10.000 numbers)	D099
Q.704/Q.705 (UIT-T)	NSPC - National Signalling Point Codes UIT-T No. 7	14-01-50; 14-01-51; 14-01-52; 14-01-53; 14-01-54; 14-01-55; 14-01-56.
Q.708 (UIT-T)	ISPC – International Signalling Point Codes UIT-T No. 7	2-138-6; 2-138-7

2. To submit the use of above-mentioned numbers to compliance by Optimus - Comunicações, S. A., with conditions laid down in article 37 of ECL.
3. To order Optimus - Comunicações, S. A., without prejudice to the “freeze” of ranges “70793”, “80093” and “80893” as a result of ICP - ANACOM’s determination of 29 December 2008, not to assign to its clients available numbers of blocks of non-geographic numbers with a lower percentage of use in each of the following services: Universal Access Service (70710 or 70799), Free-of-Charge Calls for the Caller Service (80010 or 80099) and Shared-Cost Call Service (80810 or 80899), as well as numbers

that cease to be active, reporting to this Authority every year, by the last day of January of the following year, the state of occupation of “frozen” blocks.

4. To establish a time-limit of one year for Optimus - Comunicações, S. A. to return to ICP - ANACOM the following resources:
 - a. One Indirect Access Provider code: 1010 or 1099;
 - b. One or two Call Centre numbers: 1610, 1693 or 1699.
5. To establish a time-limit of two years for Optimus - Comunicações, S. A. to return to ICP - ANACOM an NRN (Network Routing Number): “D010” or “D099”.
6. To determine that this decision takes effect as from the date on which the merger by incorporation of ZON TV Cabo Portugal, S. A. into Optimus - Comunicações, S. A. is entered in the commercial register.