

Calculation of the fees due in respect of the activity of supplier of publicly available electronic communications networks and services, under the terms of point b) of paragraph 1 of article 105 of Law no. 5/2004 of 10 February.¹

Correction of the value of the t2 contributory rate for the year 2015, subsequent to receipt of information, on 6 May 2016, as to the value of relevant income reported by Atena T, S.A.

1. Submission by the company Atena T, S.A., on 6 May 2016, of its declaration of relevant revenues relating to the 2014 financial year, determines **(i)** the need to carry out settlement of the annual fee payable by this supplier of electronic communications networks and services for 2015 financial year and **(ii)** a consequent adjustment of the t2 contributory rate for the year 2015. The statement of rectification as regards the value of relevant revenues and its impact on the value of the t2 contributory rate is according to the calculations presented below:

Formula: $t2 = (C-t1n1) / \sum R2$;

C= Total regulation costs resulting from the activity of providers of electronic communications networks and services, for 2015 = 27,820,613 euros;

$\sum R0$ = Value of relevant revenues reported by Tier 0 undertakings in 2014 = 1,819,971 euros;

T1 = Fee payable by Tier 1 entities (relevant revenues \leq 1,500,000 euros) = 2,500 euros;

n1 = number of tier 1 undertakings = 22;

$\sum R$ = Value of the relevant revenues reported for all suppliers of electronic communication networks and services in 2014 = 4,488,406,510 euros;

$\sum R2$ = Total value of relevant revenues reported by Tier 1 undertakings in 2014 = 14,712,815 euros;

$\sum R2$ = Total value of relevant revenues reported by Tier 2 undertakings in 2014 = 4,471,873,724 euros;

T1n1 = 2,500 euros x 22 = 55,000 euros;

¹ Republished by Law no. 51/2011 of 13 September, with the amendments which stem from Law no. 10/2013 of 28 January and from Law no. 42/2013 of 3 July, from Decree-Law no. 35/2014 of 7 March, from Law no. 82-B/2014 of 31 December, from Law no. 127/2015 of 3 September and from Law no. 15/2016 of 17 June.

$t2 = \text{Fee payable by Tier 2 entities (relevant revenues } >1,500,000 \text{ euros)} = (27,820,613 \text{ euros} - 55,500 \text{ euros}) / 4,471,873,724 \text{ euros} = 0.6209\%$;

Applying the rate of 0.6209% to the relevant revenues reported by each tier 2 operator gives the amount of fees payable.

2. The new t2 contributory percentage requires a refund of overcharged amounts to suppliers of electronic communication networks and services in proportion to the relevant revenues applied in order to calculate the fees already settled, in accordance with paragraph 5 of article 105 of the LCE, necessitating a review of the settlement performed in 2015; ANACOM will apply this procedure immediately.