

DECISION

on the programme for granting subsidies for the purchase of DTT receivers by citizens with special needs, disadvantaged groups of population and institutions of a proven social value

At the end of the public tender opened by Regulation No.95-A/2008, of 25 February, PT Comunicações, S.A. (hereinafter PTC) was allocated a right of use for frequencies of a national scope, for operation of the digital terrestrial television (DTT) broadcasting service, to which Multiplexer A (MUX A) is associated, by determination of the Management Board of ICP - Autoridade Nacional das Comunicações (ICP - ANACOM).

According to provisions in the respective Specifications, PTC undertook in its tender to *“subsidize the purchase of receivers, according to the terms in the tender, namely by citizens with special needs, disadvantaged groups of population and institutions of a proven social value, until completion of analogue switch-off”*.

The obligation undertaken by PTC in this specific scope forms an integral part of the Right for Use for Frequencies ICP - ANACOM No. 06/2008, issued on 9 December 2008, for the purposes both of article 12, paragraph 1, point f) of the issued certifying document and article 32, paragraph 1, point g) of Law number 5/2004, of 10 February. This solution builds also on article number 21, paragraph 1, of the Tender Regulation, which specifies that obligations arising from the tender provisions and commitments undertaken in the winning tender form an integral part of the document certifying the allocation of the right of use.

In 22 September 2010, PTC submitted to this Authority a subsidizing programme for DTT decoders, aimed for citizens with special needs, disadvantaged groups of population and institutions of a proven social value, which was intended to embody the commitment to which it was bound.

On 8 October 2010, PTC provided this Authority with some additional information to clarify this matter.

Further to ICP - ANACOM's first analysis of the documents under consideration, the review of some aspects was deemed to be necessary, namely as regards the following:

- a) Period of time during which the user may submit the respective application for subsidy;
- b) Cost of handling each equipment subsidy application;
- c) Deadline to respond to all subsidy applications lodged by the end of the first half of 2012;
- d) Limit number of equipment subsidy applications per social institution.

The result of the referred assessment was notified to PTC by letter dated 14 December 2010.

Additionally, ICP - ANACOM deemed it necessary to clarify another set of aspects:

- Users in areas of coverage through alternative means (Direct to Home - DTH) should also be able to qualify for the decoder subsidy programme aimed for citizens with special needs, disadvantaged groups of population and institutions of a proven social value, without prejudice to a contribution required from users living in DTH coverage areas;

- Subsidy application forms must be made available not only on the Internet but also at PT stores, given that part of the population finds it hard to access the internet;
- As regards the grant of the subsidy, in addition to the check, the possibility of using money order services should also be admitted, in the alternative, to accelerate procedures;
- Notification of ineligibility should take place by means of a letter or mail, in order to facilitate the proof;
- The return of the original equipment receipt should be ensured after the subsidy application is handled, or, in the alternative, only a copy should be required;
- The contact point for subsidy applications lodged by institutions should be a general contact of PTC (possible DTT's call centre), given that not all institutions have an account manager at PTC.

It should be referred that this decision does not cover subsidies for DTH technology satellite receivers.

By determination of 11 February 2011, ANACOM approved a draft decision (DD) on the programme for granting subsidies for the purchase of DTT receivers by citizens with special needs, disadvantaged groups of population and institutions of a proven social value. Under this DD, the subsidy programme forms an integral part of the right for use of frequencies ICP - ANACOM No. 06/2008, issued on 9 December 2008, thus binding PTC to compliance therewith.

The draft decision was submitted to the prior hearing of PTC¹, which provided its response within the time-limit set for the purpose, by letter² received at ICP - ANACOM's premises on 4 March.

The reasoning put forward by PTC, as well as ICP - ANACOM's view thereon have been reflected in a prior hearing report, which is an integral part of this decision and to the terms of which it is hereby referred.

Therefore, taking into account the letters submitted by PTC and the analysis made on the subject, as well as the reasoning presented in the prior hearing report, the Management Board of ICP - ANACOM, for the purposes of article 32, paragraph 1, point g) of Law number 5/2004, of 10 February, of article 12, paragraph 1, point f) of the right of use for frequencies ICP - ANACOM No. 06/2008, and under point l) of article 26 of its Statutes, published in annex to Decree-Law number 309/2001, of 7 December, hereby determines as follows:

1. To accept that the programme for the allocation of subsidies for the purchase of DTT receiving equipment by citizens with special needs, disadvantaged groups of population and institutions of a proven social value, refers to:

«A. Procedure for population with special needs

1.1. General description

¹ Notified by letter ANACOM-S019345/2011, of 18 February 2011.

² PTC's letter with reference 20185545.

The subsidizing programme for citizens with special needs concerns the award of a subsidy to a group of persons eligible according to conditions established in the programme, for the purchase of a decoder for reception of services available in Multiplexer A, associated to the DTT network.

The applicant must provide proof of eligibility for the allocation of the subsidy, by submitting supporting documents to a postal box associated to the DTT service. Once the eligibility has been validated, the subsidy is granted through bank transfer, preferably to the Bank Identification Number (BIN) provided for the purpose by the applicant.

1.2. Conditions for eligibility

The following groups are eligible for the award of a subsidy:

- i) Citizens with eligible special needs, that is, with a disability degree equal to or higher than 60%;*
- ii) Social inclusion income beneficiaries;*
- iii) Retired persons and pensioners with an income below EUR 500 per month.*

The subsidy amount is granted just once per household. An additional and essential condition is that the household must not have Pay TV services.

Applications shall be accepted where the following requirements are met:

- i) Legible copy of Identity Card, Citizen Card or passport (in case of a foreign person living in Portugal) and copy of Tax Number (for applicants who do not hold a Citizen Card);*
- ii) Proof of inclusion in one of the above-mentioned groups:*
 - Legible copy of Multipurpose Certificate (“certidão multiuso”) issued under Decree-Law number 174/97, of 19 July, as amended by Decree-Law number 291/2009 (disability degree equal to or higher than 60%) or copy of effective member card of an Association of People with Disabilities (citizens with eligible special needs, that is, with a disability degree higher than 60%);*
 - Legible copy of a social inclusion income receipt (social inclusion income beneficiaries);*
 - Legible copy of a document supporting the retirement/pension amount received, issued by an official body (retired persons and pensioners with an income below EUR 500 per month);*
- iii) Copy of the purchase receipt of the decoder for reception of services available in Multiplexer A, associated to the DTT network (issued between 29.04.2009 and 30.06.2012);*

- iv) *Subsidy application form, available at the DTT website and PT stores, signed by the applicant (according to the Identity Card, Citizen Card or passport);*
- v) *Proof of residence (electricity bill, water bill, gas bill, etc.).*

1.3 Implementation deadline

Bills dated after 29 April 2009 will be accepted until 15 July 2011.

As from 15 July 2011, contributions shall only be granted to application sent no later than 60 days after the date on the bill for purchase of the DTT decoder.

Beneficiaries may apply for the subsidy until 30 June 2012.

1.4 Subsidy amount

The subsidy amount is 50% the value of the purchased DTT decoder, to a maximum limit of €22, including a cost of €3 for handling the application procedure.

1.5 Equipment and places where the equipment may be purchased

The equipment eligible for subsidy concerns decoders for reception of services available in Multiplexer A, associated to the DTT network, which may be purchased at any authorized point of sale.

1.6 Procedure

The following procedure will be used for applying for the subsidy:

- i) *After purchasing the equipment, at any authorized sales point, the applicant must gather all documents referred to in the section "Conditions for eligibility", and send them to the DTT service postal box;*
- ii) *Having the documents been received, the eligibility for receiving the subsidy is assessed;*
- iii) *In case the subsidy application is accepted, the subsidy is granted within one month for 95% of cases, preferably by bank transfer to the BIN indicated by the applicant, who is sent a registered letter with proof of the transfer carried out;*
- iv) *In exceptional situations where the applicant does not have a bank account, and therefore lacks a BIN, which must be duly justified and handled on an ad hoc basis, the subsidy may be granted in a manner other than a bank transfer, namely through a check or money order.*
- v) *Where the subsidy application is not accepted, the reason for ineligibility shall be notified to the applicant within one month for 95% of cases, by letter or email (according to the choice stated in the form by the applicant).*

B. Procedure for social institutions

1.1 General description

The subsidizing programme for disadvantaged groups of population concerns the award to social institutions of a subsidy for the purchase of decoders for reception of services available in Multiplexer A, associated to the DTT network.

1.2. Conditions for eligibility

The following groups are eligible for the award of a subsidy: public hospitals, health centres and respective branches, whether with nursing beds or not, libraries, institutions where research and development activities are pursued, charitable organisations and public schools.

The subsidy amount is granted just once per institution. This shall be without prejudice, as far as institutions with several TV-sets are concerned, to assessing on a case-by-case basis the allocation of a subsidy for a decoder per each available television programme services (at present, RTP1, RT2, SIC and TVI, as well as RTP Açores or Madeira in the Autonomous Regions).

In order to request an equipment subsidy, institutions must contact Portugal Telecom to seek a solution on a case-by-case basis.»

2. To determine that the subsidy programme referred to in the preceding paragraph forms an integral part of the right for use of frequencies ICP - ANACOM No. 06/2008, issued on 9 December 2008, thus binding PTC to compliance therewith.
3. To determine that PTC must adjust the information provided on the programme specified in paragraph 1, namely in its "Guidelines for Applicants of the Equipment Contribution Programme", to the terms herein.

Lisbon, 24 March 2011.