

**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 2012-2013 (CLSU approved in 2015) and for 2015 (subsequently to the USP tender designation)**

**Public Version**

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## 1. Scope and legal framework

### 1.1. Compensation of USP

The Electronic Communications Law<sup>1</sup> (ECL) lays down that universal service providers (USP) are entitled to receive compensation for costs incurred in the provision of the universal service (US) where two cumulative requirements are met: (i) where the existence of universal service net costs (*custos líquidos do serviço universal* - CLSU) is established and (ii) where such costs are deemed by ANACOM to be unfair (*vide* article 97, paragraph 1, of ECL).

Having previously approved the concept of excessive burden as well as the methodology for calculation of CLSU, under article 95 of ECL, where ANACOM considers that CLSU may represent an unfair burden on the respective providers, the Regulatory Authority must calculate CLSU through one of the two solutions provided for in paragraph 1 of this same article: (i) by calculating the net cost of the US obligation, taking into account any additional market benefits which accrue to providers, in compliance with the methodology defined by *Autoridade Nacional das Comunicações* (ANACOM) (point *a*) or (ii) by using the value indicated by the USP in the scope of a designation mechanism provided for in ECL (point *b*).

As such, where unfair CLSU are found to exist, ECL provides in article 97 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 public communications networks and publicly available electronic communications services on national territory, 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).

In compliance with paragraph 2 of article 95 of ECL, ANACOM approved on 09.06.2011 a decision on the concept of unfair burden - defining the conditions where the US provision was likely to represent an unfair burden - as well as a decision on the methodology to be

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

used to calculate CLSU<sup>2</sup>, having been determined in the decision on the concept of unfair burden that the methodology for calculating CLSU, approved by ANACOM, would be applied after 01.01.2007 and until USP(s) resulting from the tender started the provision of that service.

As regards tender-designated USPs, ANACOM established, by determination of 07.02.2012, that *values that resulted from tenders 1 (telephone service at a fixed location) and 2 (provision of public pay-phones) would be deemed to be an unfair burden and as such would be subject to financing in accordance with the terms and conditions set out in the tender and documents setting the compensation fund.* The determination made no reference to any net cost values that resulted from the telephone directory and telephone directory enquiry service (tender 3), given that at the time the financing of this US provision was not taken into consideration, as it was deemed to be broadly profitable.

Subsequently, with the approval by ANACOM, on 30.01.2015, of new specifications for this US provision, the respective financing paradigm changed from a system of “remuneration” to the State to a system of “compensation” to be paid to the USP, and there were no grounds why this offer should be handled differently as far as its financing was concerned.

For this reason, Administrative Rule No. 50-A/2015, of 25 February, which approved the tender program and specifications for the selection of the body to be designated for the provision of the universal service of provision of a comprehensive telephone directory and of a comprehensive telephone directory enquiry service, provided that *“charges associated to this tender, corresponding to the value of the referred financing, shall be borne by the electronic communications universal service compensation fund, in compliance with Law No. 35/2012, of 23 August”.*

Given that paragraph 4 of article 96 provides that all accounts and other relevant information for the calculation of the US net cost must be audited by ANACOM or another body independent of stakeholders and subsequently approved by this Authority, ANACOM awarded to AXON Partners Group Consulting S.L. (AXON) the audit of estimates presented

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<sup>2</sup> It must be stressed that, subsequently to this decision, other decisions with an impact on the CLSU calculation methodology were also taken, which are available on ANACOM's website.

by MEO – Serviços de Comunicações e Multimédia, S.A. (MEO) for the period preceding the USP tender designation for 2012 and 2013<sup>3</sup>.

Further to the referred audits, and taking into account results achieved and the declaration of conformity issued by auditors, ANACOM approved on 16.09.2015 and 17.12.2015 final CLSU values, respectively for the 2012 and 2013 financial periods, according to the following table<sup>4</sup>.

**Table No. 1 – Final CLSU values for the 2012 and 2013 financial periods**

	2012	2013	TOTAL
CLSU	€ 26,423,507.39	€ 20,343,490.71	€ 46,766,998.10

Source: ANACOM.

The overall CLSU for the 2012 and 2013 financial periods amount to 46,766,998.10 Euros (forty six million, seven hundred sixty six thousand, nine hundred ninety eight Euros and ten cents).

## 1.2. US Financing

Taking into account possibilities provided for in article 97 of ECL for the purpose of CLSU financing, it was decided, with 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 or Law No. 35/2012), to share US costs among companies providing public communications networks and publicly available electronic communications services on national territory, the Compensation Fund of the Electronic Communications Universal Service (FCSU), provided for in the ECL, thus having been set up, and criteria for sharing CLSU among the referred companies been established.

Under 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.

<sup>3</sup> It should be emphasized, in this context, that the audit to 2012 CLSU was awarded on 06.09.2012, the audit work having started in 2014. As a result of this audit, MEO submitted on 27.03.2015 reviewed results for 2012 CLSU, which were again audited by AXON, the final audit report having been submitted to ANACOM on 11.06.2015. As regards 2013 CLSU, ANACOM awarded the audit to AXON on 24.07.2014, the audit work having started in 2014. On 23.06.2015, MEO submitted recast values for 2013 CLSU as a result of the audit, having AXON submitted the respective final audit report on 17.09.2015.

<sup>4</sup> It is highlighted that the referred final decisions were preceded of the respective DD, which was submitted to the prior hearing of stakeholders and to the general consultation procedure.

According to paragraph 2 of the referred Law, 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, both for the purpose of the financing of CLSU incurred in the period preceding the tender designation<sup>5</sup>, and the financing of CLSU incurred after the tender designation.

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 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".*

It is noted that, 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 final decisions on the approval of CLSU for 2012 and 2013, respectively, on 18.09.2015 and 21.12.2015, having requested the respective

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<sup>5</sup> This concerns what the Fund Law terms extraordinary contribution for the purpose of the financing of CLSU incurred in the period preceding the tender designation, that are approved by ANACOM in 2013, 2014, 2015 and 2016 (*vide* article 18 of the referred law).

compensation of the Government by communications dated 24.09.2015 (registered at the Ministry of Economy on 25.09.2015) and 22.12.2015 (registered at the Ministry of Finance on 23.12.2015), within the time-limit set out in paragraph 4 of article 17 of the Fund Law. The Government, by letters received at this Authority on 14.10.2016, informed ANACOM that the Secretary of State of Infrastructures had agreed with the matter and also that the Assistant Secretary of State for Treasury and Finance had approved MEO's request and had called the FCSU to compensate CLSU for 2012 and 2013.

As such, under the conditions described above, it was found that requirements defined in article 17 of the Fund Law - (a) existence of CLSU, further to the audit, which were approved and deemed by ANACOM to be unfair, and (b) request by MEO to the Government for compensation of CLSU approved by ANACOM within at the most 5 working days from notification of the respective final decisions - to ensure via the FCSU the financing of CLSU approved in 2015, concerning CLSU for 2012 and 2013, have thus been met.

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 ruling 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 (which at the time only covered the provision of connection to a public communications network at a fixed location and of publicly available telephone services and the provision of public pay-telephones) would be deemed to be an unfair burden. With the subsequent change of paradigm associated to the provision of a comprehensive telephone directory and of a comprehensive telephone directory enquiry service, this US provision was also deemed likely to represent an unfair burden and, consequently, in the scope of the tender that led to the respective award, the remuneration of the USP to be designated was provided for, so that this provision was ensured.

In line with the above, and in compliance with article 97, paragraph 1 of ECL, net costs resulting from all US provisions were and are deemed to be unfair and, as such, they are required to be financed, under the terms and conditions set out in the respective tender statutory instruments, as well as in the law that lays down the compensation fund.

In this context, it is emphasized that contracts concluded between tender-designated USPs and the Portuguese State specify the amount of CLSU to be compensated as well as rules to be applied on the financing of costs concerned resulting from the US provision, *vide* clause 13 of contracts on (i) the provision of connection to a public communications network at a fixed location and of publicly available telephone services and the provision of public pay-phones, both concluded in 2014, and (ii) the provision of a comprehensive telephone directory and of a comprehensive telephone directory enquiry service, concluded in 2015.

Tables below present compensation values for CLSU incurred by USPs 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 2015 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 2015	Total No. of days in 2015	Component 1 Connection to a public communications networks at a fixed location and publicly available telephone services		Component 2 Offer aimed for retired people and pensioners			Amount of compensation for CLSU
		D	M	Amount to be financed = (1/5 Amount of overall financing x D/M)	Vu	Ms	
ex-ZON	365	2,550,000.01 €	510,000,00 €	1,518000006402 €	0	0,00 €	510,000.00 €
ex-Optimus		7,050,000.01 €	1,410,000,00 €	0.00 €	0	0,00 €	1,410,000.00 €
<b>NOS COMUNICAÇÕES, S.A.</b>							<b>1,920,000.00 €</b>

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 2015 concerning the US provision of public pay-phones**

No. of days of provision of services in 2015	Total No. of days in 2015	Amount of overall financing		Amount of compensation for CLSU = (1/5 amount of overall financing x D/M)
		D	M	
MEO - Serviços de Comunicações e Multimédia, S.A.	365	365	12,333,000.00 €	<b>2,466,600.00 €</b>

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

**Table No. 4 – CLSU incurred by MEO in 2015 concerning the US provision of a comprehensive telephone directory and of a comprehensive telephone directory enquiry service**

No. of days of provision of services in 2015 Service started on 14 September	Total No. of days in 2015	Component 1 Variable component of financing per printed telephone directory proven to have been delivered to final users that expressly requested it			Component 2 Fixed financing component		Amount of compensation for CLSU	
		D	M	Vu	Ns	Amount to be financed = $Vu \times Ns \times D/M$	Amount of overall financing	
MEO - Serviços de Comunicações e Multimédia, S.A.	109	365	0.451 €	0	0.000 €	1,900,000.00 €	189,132.42 €	<b>189,132.42 €</b>

Source: Contract concluded between the Portuguese State and MEO on 10.07.2015, and ANACOM calculations.

It thus follows that the overall amount to be compensated for CLSU incurred by USPs, under concluded contracts, for 2015, is 4,575,732.42 Euros (4 million, five hundred and seventy five thousand, seven hundred and thirty two Euros and forty two cents)<sup>6</sup>.

On 15.12.2016, 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 AT&T - Serviços de Telecomunicações, Sociedade Unipessoal, Lda, Indra Sistemas de Portugal, S.A., 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.

With the prior hearing of stakeholders, the requirement in paragraph 4 of article 11 of the referred Law was thus 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:

- Bodies required to contribute to the compensation fund.

<sup>6</sup> As results from the sum of CLSU compensation amounts due to NOS and MEO.

- 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.

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

- a) 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 2015;
- b) 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, approved by ANACOM in 2015 and which refer to CLSU for 2012 and 2013.

## 2. Contribution entry procedure

Article 8 of the Fund Law lays down that the value of the sector's eligible turnover corresponds to the amount of sales and services provided on national territory, after deducting the amounts corresponding to: (i) revenues from activities not related to the provision of electronic communications networks and/or publicly available electronic communications services; (ii) revenues from transactions between bodies that belong to the same undertaking; and (iii) sale of terminal equipment.

Article 15 of the Fund Law<sup>7</sup> 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.

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<sup>7</sup> Which also applies for the purpose of the extraordinary contribution, by reference laid down in article 22 of the Fund Law.

Paragraph 4 of this article also sets out 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*".

In order to guarantee an easier communication of information related to the amount of eligible turnover, ANACOM sent, on 08.06.2016, to companies registered as network operators and/or publicly available electronic communications service providers, in operation in 2015, 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 95 companies contacted (apart from these, there were 4 companies that were not contacted, having ceased operations in 2015), 90 replied to ANACOM (plus one reply from a company that ceased operations during 2015 and which submitted a statement for the purpose of the Fund Law).

On the basis of statements received, ANACOM decided, on 21.07.2016, 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 that registered for 2014, and for this reason 24<sup>8</sup> 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), the audit covering all companies required to pay the contribution, under articles 11 and 18 of the Fund Law.

For this purpose, on 21.07.2016, 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.

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<sup>8</sup> AR Telecom – Acessos e redes de telecomunicações, S.A.; Associação Porto Digital; 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.; Dstelecom, S.A.; Fibroglobal – Comunicações Eletrônicas, S.A.; IP Telecom – Serviços de Telecomunicações, S.A.; Knewon, S.A.; Lycamobile Limited; 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.; Telefónica International Wholesale Services II, S.L. Unipersonal, Portugal branch; Vodafone Enterprise Spain, S.L. – Portugal branch; Vodafone Portugal, S.A.

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.

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

In several situations, ANACOM urged 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, to remedy this shortcoming.

ANACOM also undertook an analysis of the few 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 telephone calls, 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 takes the view that such situations do not affect the calculation of the ET amount, given that, as delineated further hereunder, this situation concerns only few cases with a negligible impact, and in some cases it was possible to assume an ET on the basis of alternative sources of information.

Chapters below explain (2.1) the ET amount of audited companies, and as regards remaining companies, (2.2) the ET amount of companies that submitted relevant information for the purpose of the Fund Law, as well as (2.3) the ET amount taken into account in the case of companies that failed to submit any information.

## **2.1. Eligible turnover of audited companies**

24 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. This list includes also a company that failed to submit any information for the purpose of the fund, to calculate the ET amount to be considered, information which was received in the course of the audit.

Audits conducted brought about the need to introduce adjustments to values presented in some of the statements conveyed by companies, as some revenues that should have been considered for the purpose of the calculation of ET were deducted.

The table below presents a list of audited companies, ET amounts reported by the referred companies, adjustments introduced by the audit and ET amounts corrected accordingly.

**Table No. 5 – Eligible turnover declared by companies and adjusted further to audits carried out**

Companies	Declared ET	Final ET further to audits	Adjustment introduced by the audit
<b>Beginning of confidential information [BCI]</b>			
AR Telecom - Acessos e Redes de Telecomunicações, S.A.			
Associação Porto Digital			
BT Portugal - Telecomunicações Unipessoal, Lda.			
Cabovisão - Televisão por Cabo, S.A. (1)			
Clara Net Portugal - Telecomunicações, S.A.			
COLT Technology Services, Unipessoal, Lda.			
CTT - Correios de Portugal, S.A.			
Dstecom, S.A.			
FIBROGLOBAL - Comunicações Electrónicas, S.A.			
IP Telecom - Serviços de Telecomunicações, S.A.			
KNEWON, S.A.			
Lycamobile Limited			
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.			
ONITELECOM - Infocomunicações, S.A.			
Orange Business Portugal, S.A.			
Telefónica International Wholesale Services II, S.L. Unipersonal, Portugal branch			
Vodafone Enterprise Spain, S.L. - Portugal branch			
Vodafone Portugal - Comunicações Pessoais, S.A.			
<b>End of confidential information [ECI]</b>			
<b>Total ET</b>	<b>3,961,073,886.44</b>	<b>4,316,193,610.05</b>	<b>355,119,723.61</b>

(1) The company changed its corporate name to NOWO Communications, S.A. in October 2016.  
 Source: Statements from companies and audit reports prepared by Grant Thornton.  
 Values in Euros.

Under the described conditions, the ET amount to be considered for the set of the 24 audited companies is 4,316,193,610.05 Euros.

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

In addition to the 24 companies the statements of which were audited, ANACOM also received information for 66 other companies, to which the response from a company that ceased operations during 2015, which submitted a statement for the purpose of the Fund Law, as well as that for another company under registration in 2016, is added. ET from the 68 referred companies represents altogether less than 0.63% 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, which were deemed to be likely to be corrected, and three companies declared no operation had been carried out 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 1.7 million

Euros. There were also two situations where statements had errors (the statement's main table failed to correspond to annexes), having been opted not to change the value declared by the company as ET, as values considered in annexes would result in a negative ET.

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, which were corrected.

**Table No. 6 – Eligible turnover declared by companies that were not audited**

Companies	Amounts [BCI]	Observations
3GNTW - Tecnologias de Informação, Lda.		
AFR-IX Telecom, S.L.		
ANA - Aeroportos de Portugal, S.A.		
Associação de Moradores do Litoral de Almancil		
AT&T - Serviços de Telecomunicações, Sociedade Unipessoal, Lda.		[BCI] [ECI]
Atena T, S.A.		[BCI] [ECI]
Banda Larga Rural Unipessoal, Lda.		
Bloomberg Finance, L.P.		
Bloomberg, L.P.		[BCI] [ECI]
BLU, S.A.		
Broadband Portugal BBP, Unipessoal, Lda.		
Cgest, S.A.		
CGPT, Lda.		
Choudhary 2 - Comércio de Equipamentos de Telecomunicações, Unipessoal, 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.		
DETECTOR PORTUGAL - Serviços de Segurança Privada, Unipessoal, Lda.		
Dialoga - Servicios Interactivos, S.A.		[BCI] [ECI]
Dstelecom Alentejo e Algarve, S.A.		
Dstelecom Norte, S.A.		
EMACOM - Telecomunicações da Madeira, Unipessoal, Lda.		

Companies	Amounts [BCI]	Observations
First Rule, S.A.		
FLEXIMÉDIA - Serviços e Meios de Informação e Comunicação, Lda.		
Fractalia Remote Systems Portugal, Unipessoal, Lda.		
G9Telecom, S.A.		
Go4mobility - Tecnologia e Serviços para a Mobilidade, Lda.		
Gotelecom - Unipessoal, Lda.		
HEARTPHONE - Comércio de Telecomunicações, Lda.		
Hoist Group Portugal, S.A.		
INDRA - Sistemas Portugal, S.A.		[BCI] ECI]
Inmarsat Global Limited		
IPTV TELECOM - Telecomunicações, S.A.		[BCI] ECI]
Iridium Itália, S.R.L.		
Lazer Telecomunicações, Unipessoal, Lda.		
Let's Call - Comunicações, Lda.		[BCI] ECI]
Level 3 Communications España S.A.U.		
LIVIN - Consultoria e Serviços, Lda.		
MINHOCOM, Gestão de Infraestruturas de Telecomunicações, EIM		
Moneycall - Serviços de Telecomunicações, Lda.		
Narrownet, S.A.		
OnAir, N.V.		
Otnetvtel - Unipessoal, Lda.		
PINKHAIR - Unipessoal, Lda.		
RENTELECOM - Comunicações, S. A.		
REPART - Sistemas de Comunicação de Recursos Partilhados, S.A.		
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, SpA		
STV - Sociedade de Telecomunicações do Vale do Sousa, S.A.		[BCI] ECI]
T.M.I. - Telemedia International, Limited - Portugal branch		

Companies	Amounts [BCI]	Observations
TATA Communications Portugal - Instalação e Manutenção de Redes, Lda.		
TELVENT Portugal, S.A.		
Thomson Reuters (Markets) Europe, S.A. - Portugal branch		[BCI] [ECI]
T-SYSTEMS ITC IBERIA, S.A. (Sociedade Unipersonal) - Portugal branch		
VALICOM, Gestão de infraestruturas de Telecomunicações, EIM		
Verizon Portugal - Sociedade Unipessoal, Lda.		
Viasat, Inc.		
Vivanet - Distribuição de Produtos Electrónicos, Lda.		
VOIP-IT, Lda.		
Voipunify Telecom, Lda.		
Voxbone, S.A.	[ECI]	
<b>TOTAL</b>	<b>27,262,082.93</b>	

Source: ANACOM based on statements from companies.

Values in Euros.

In addition, ANACOM received a statement for the purpose of paragraph 4 of article 15 concerning Hibernia Atlantic Cable System Limited, which ceased 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 95 companies to which ANACOM sent a communication recalling the obligation to submit the statement, 5 companies failed to submit any information for the purpose of the Fund Law.

In addition, there was a company, HP Enterprise Services Portugal, Lda, which was still in the activity registration process at ANACOM, which submitted on 30.06.2016 a communication to this Authority, under ECL, on its turnover value for 2015 concerning electronic communications services, which is considered for the purpose of the Fund Law, although it had not been submitted for such purpose.

As regards the referred 5 companies that failed to submit information, ANACOM sought to obtain the ET value for companies concerned through alternative sources of information, namely by using data provided by such companies in prior procedures for entry of contributions to the FCSU.

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.

As such, ANACOM considered for one of the companies that the ET amount corresponds to the amount reported for the 2015 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. For two companies, and having been found that they had also failed to submit information for the purpose of the procedure for entry and settlement of the annual fee referred to above, ANACOM considered that the ET value corresponds to the value reported in prior FCSU procedures. For two other companies, no information is available.

Based on the information referred to in the preceding paragraph, information on the ET value of 3 companies was able to be obtained, which added to the ET considered for HP Enterprise Services Portugal, Lda, amounts to a total value of 974,527.69 Euros.

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 2015).

**Table No. 7 – Eligible turnover of companies that failed to convey information for the purpose of the Fund Law**

Companies	Amounts [BCI]	Observations
Belgacom International Carrier Services (Portugal), S.A.		[BCI]  [ECI]
HP Enterprise Services Portugal, Lda		Turnover value for 2015 concerning electronic communications services.
IPS - International Prepay Solution AG		The company is likely to have operated in 2015. [BCI]  [ECI]
IV Response Limited		The company is likely to have operated in 2015. [BCI]  [ECI]
UNITELDATA - Telecomunicações, S.A.		The company is likely to have operated in 2015. [BCI]  [ECI]

Companies	Amounts [BCI]	Observations
Uros S.A.R.L.	[ECI]	The company is likely to have operated in 2015. [BCI] [ECI]
Total	974,527.69	

Values in Euros.

In addition to companies identified above, a group of companies<sup>9</sup>, 4 to be precise, ceased operations in the course of 2015, but were also required, under paragraph 4 of article 15 of the Fund Law, to send an ET statement for 2015.

As referred earlier, ANACOM received a statement in this scope from Hibernia Atlantic Cable System Limited, with zero ET. As regards other companies that failed to comply with this obligation, 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 4,316,193,610.05 Euros, that the amount of eligible turnover of companies that submitted information on this matter, but were not audited, is 27,262,082.93 Euros and that it is considered that the ET amount of companies that failed to submit any information on this subject is 974,527.69 Euros, ANACOM concludes that the amount of the sector's eligible turnover for 2015, calculated under article 8 of the Fund Law, is 4,344,430,220.67 Euros.

As regards the use of information from alternative sources instead of exclusively using 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 2015, 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

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<sup>9</sup> Companies that ceased operations in 2015: Concourse Communications, UK, Ltd., Hibernia Atlantic Cable System Limited, Kubi Wireless, S. L., ULTRASERVE - Consultoria e Apoio Empresarial, Lda.

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, 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 former procedures 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 for three companies that ceased operations in 2015, and no other information being available, that the respective turnover amounted to zero.

Under these conditions, the sector's eligible turnover in 2015 amounts to 4,344,430,220.67 Euros.

## **2.5. Rectifications and adjustments to the sector's eligible turnover in previous years**

Further to the determination of the eligible turnover for 2013 and 2014, a company submitted statements for the purpose of the Fund Law, which alters the sector's ET value in 2013 and 2014.

Following this event, a negligible amendment to the amount of the sector's ET value in 2014, approved by decision of ANACOM of 28.01.2016, was introduced, such amount changing from 4,490,912,078.06 Euros to 4,490,912,077.37 Euros. In fact, for the company concerned, the determination of ET for 2014 had taken into consideration the value it had declared for the purpose of the entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, for 2014. The statement received in the meantime shows a value which is similar to the one considered for that purpose, with differences at the level of decimals.

The ET for 2013, approved by determination of ANACOM of 28.01.2016, must now be changed from 4,688,819,519.10 Euros to 4,688,102,266.10. The determination of ET for 2013 had taken into consideration the value it had declared for the purpose of the entry and settlement of the annual fee referred to in article 105, paragraph 1b) of ECL, for 2013. The statement presented by the company in the meantime corrects this value to less 717,253.00 Euros.

These changes have no impact whatsoever on the identification of bodies required to contribute to the compensation fund for CLSU to be compensated for the 2007-2009 period, or the 2010-2011 and 2014 periods, nor on the value of the respective contributions or on the value of the compensation to be paid to universal service providers for those periods.

### **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 arising from relationships mentioned earlier, provided for in paragraph 3 of article 7 of the Fund Law, shall be deemed to be a single undertaking.

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 2015 determined in the scope of tenders for USP, and for the purpose of the financing of CLSU approved in 2015 by ANACOM and which concern 2012 and 2013, is the same.

Article 9<sup>10</sup> 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 fund<sup>11</sup>.

It is stressed also that paragraph 2 of article 9<sup>12</sup> 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

<sup>10</sup> It is noted that for the purpose of the extraordinary contribution, this article applies by virtue of paragraph 4 of article 18.

<sup>11</sup> 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;  $V_i$ , the eligible turnover in the electronic communications sector on national territory for company  $i$  in the calendar year concerned; and  $\sum V_i$ , the 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.

<sup>12</sup> Article which also applies, for the purpose of the extraordinary contribution, by virtue of paragraph 4 of article 18.

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.

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

**Table No. 8 – Breakdown of Cabovisão's share capital on 31.12.2015**

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: 2015 Reports and Accounts of Altice, S.A. and Cabovisão – Televisão por Cabo, S.A.

\* On 20 January 2016, the capital was sold to Cabonitel, S.A., majority owned by Cabolink S.à.r.l., which is part of Grupo APAX.

\*\* On 31.12.2014, Altice West Europe S.à r.l. was wholly owned by Grupo Altice.

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

**Table No. 9 – Breakdown of MEO's share capital on 31.12.2015**

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

Source: 2015 Reports and Accounts of MEO – Serviços de Comunicações e Multimédia, S.A.

- **NOS Comunicações, S.A.**

**Table No. 10 – Breakdown of NOS Comunicações' share capital on 31.12.2015**

Company's Shareholders/Direct partners (Level 1)	%	Company's Shareholders/Indirect partners (Level 2) (**)	%
NOS, SGPS, S.A.	100%	ZOPT, SGPS, S.A. Banco BPI Sonaecom, SGPS, S.A. Norges Bank Blackrock Inc [BCI] [ECI]	50.01% 3.40% 2.14% 2.11% 2.01% [BCI] [ECI]

Source: 2015 Report and Accounts for NOS Comunicações, S.A., and 2015 Report and Accounts for NOS SGPS, S.A.

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

**Table No. 11 – Breakdown of Onitelecom's share capital on 31.12.2015**

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

Source: 2015 Report and Accounts of ONITELECOM - Infocomunicações, S.A.

On 31.012.2015, Winreason, S.A. was wholly owned by Cabovisão - Televisão por Cabo, S.A..

- **VODAFONE PORTUGAL – Comunicações Pessoais, S.A.**

**Table No. 12 – Breakdown of Vodafone's share capital on 31.12.2015**

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*	38.63%		

Source: Annual electronic communications questionnaire – 2016

\* Vodafone Group Plc directly or indirectly holds 100% of Vodafone Portugal's share 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. 13 – 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.

\* ANACOM is not provided with information on the shareholding composition of Knewon, S.A. on 31.12.2015, taking into account that, by order of 29.06.2015, this Authority cancelled the registration of this company for the provision of electronic communications services.

- **NOS Acores Comunicações, S.A.**

**Table No. 14 – Breakdown of NOS Acores Comunicações' share capital on 31.12.2015**

Company's Shareholders/Direct partners (Level 1)	%	Company's Shareholders/Indirect partners (Level 2)	%
NOS Comunicações S.A.	83.82%	NOS, SGPS, S.A.	100%
EDA – Electricidade dos Acores, S.A	6.18%	Autonomous Region of Azores [BCI]  [ECI]	50.1% [BCI]  [ECI]
Açoreana Seguros, S.A.	2.11%	Soil SGPS Oitante, S.A.	52.3% 47.7%
Millenium BCP	7.89%	[BCI]  [ECI]	[BCI]  [ECI]

Source: 2015 Report and Accounts for NOS Acores Comunicações, S.A., 2015 Report and Accounts for NOS SGPS, S.A., 2015 Report and Accounts for EDA – Eletricidade dos Acores, 2015 Report and Accounts for Açoreana Seguros, S.A.; Annual electronic communications questionnaire – 2016

- **NOS Madeira Comunicações, S.A.**

**Table No. 15 – Breakdown of NOS Madeira Comunicações' share capital on 31.12.2015**

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	2.52%	n.d.	n.d.
E- Tempus SGPS,S.A	5.86%	[BCI]  [ECI]	[BCI]  [ECI]
Banco Comercial Português	10.78%	n.d.	n.d.
Açoreana Seguros, S.A.	2.89%	Soil SGPS Oitante S.A.	52.3% 47.7%

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. 16 – 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 described shareholder structures for 31.12.2015 that there are three companies required to contribute to the FCSU, which at that date integrated 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 2015 incurred by the tender-designated USP and the extraordinary contribution for 2015 intended to finance CLSU approved in this year by ANACOM, which concern 2012 and 2013, as well as the weight of each company's ET in the sector's overall ET.

**Table No. 17 – Companies required to contribute to the compensation fund and respective weight in the electronic communications sector**

Companies	Weight in the sector [BCI]
<b>Grupo Cabovisão/Onitelecom/Knewon/MEO</b>	
CABOVISÃO - Televisão por Cabo, S.A.	
ONITELECOM - Infocomunicações, S.A.	
KNEWON, S.A.	
MEO – Serviços de Comunicações e Multimédia, S.A.	
<b>Grupo NOS</b>	
NOS Comunicações, S.A.	
NOS AÇORES COMUNICAÇÕES, S.A.	
NOS MADEIRA COMUNICAÇÕES, S.A.	
<b>Grupo VODAFONE</b>	
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.	
VODAFONE Enterprise Spain , SL - Portugal branch	[ECI]
<b>Total</b>	<b>97.90%</b>

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

Note: Discrepancies in totals are due to the effects of rounding.

Companies required to contribute to the FCSU thus cover around 97.9% of the sector's overall ET.

## 4. Amount of contributions

### 4.1. Contribution concerning 2015 CLSU 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 the provision of the universal service or of any of its components, 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 0.64 Euro cents received by the FCSU on 11.02.2016 must be deducted from the value of CLSU incurred in 2015 by USPs, 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 on 20.02.2014, which corresponds to the remuneration amount in 2015 in the initial period of duration of the contract, plus the remuneration amount in the same year in the period of contract extension.

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

As far as provisions listed above in remaining points are concerned, it must be referred that there is no amount to deduct from income from the administration of the compensation fund, and neither compensatory interest nor interest on account of late payment to deduct from the amount of CLSU to be considered. 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 0.64 Euros, which is to be deducted from the amount of CLSU, it must be shared between the three designated providers - MEO, responsible for the universal service of provision of public pay-phones and of a comprehensive telephone directory and a comprehensive telephone directory enquiry service, under the contract concluded in 2015, 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, 0.34 Euros is deducted from the amount of CLSU incurred by MEO in the provision of public pay-phones, 0.03 Euros from the value of CLSU incurred by MEO in the other US component, and 0.27 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 2015 under contracts concluded, deducted of the remuneration paid to the State as consideration for the provision of the US of provision of a comprehensive telephone directory and of a comprehensive directory enquiry service under the contract concluded in 2014.

**Table No. 18 – Final value of the contribution to be financed by companies and bodies required to contribute to the FCSU concerning 2015 CLSU incurred by tender-designated USP**

	NOS (Provision of FTS)	MEO (Provision of PPP)	MEO (Provision of directories and 118)
<b>Value of CLSU incurred by tender-designated USP in 2015</b>	€ 1,920,000.00	€ 2,466,600.00	€ 189,132.42
<b>Values to be deducted from CLSU</b>	€ 0.27	€ 0.34	€ 0.03
Value of the annual remuneration paid to the State as consideration for the US provision of "directories and 118"	€ 0.27	€ 0.34	€ 0.03
<b>Overall amount to be considered for the purpose of the determination of amounts of contributions</b>	€ 1,919,999.73	€ 2,466,599.66	€ 189,132.39

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 proportion to the respective ET achieved in 2015.

**Table No. 19 – Amount of contributions of companies and bodies required to contribute to the compensation fund concerning 2015 CLSU incurred by USP under contracts concluded**

<b>Companies</b>	<b>NOS</b> (Provision of FTS)	<b>MEO</b> (Provision of PPP)	<b>MEO</b> (Provision of directories and 118)
<b>Grupo Cabovisão/Onitelecom/Knewon/MEO</b>	<b>958,421.39</b>	<b>1,231,271.99</b>	<b>94,410.70</b>
CABOVISÃO - Televisão por Cabo, S.A.	38,438.73	49,381.76	3,786.46
ONITELECOM - Infocomunicações, S.A.	20,540.29	26,387.86	2,023.35
KNEWON, S.A.	0.00	0.00	0.00
MEO – Serviços de Comunicações e Multimédia, S.A.	899,442.37	1,155,502.37	88,600.89
<b>Grupo NOS</b>	<b>556,094.62</b>	<b>714,407.80</b>	<b>54,778.92</b>
NOS Comunicações, S.A.	537,786.85	690,888.04	52,975.48
NOS AÇORES COMUNICAÇÕES, S.A.	6,784.39	8,715.82	668.31
NOS MADEIRA COMUNICAÇÕES, S.A.	11,523.38	14,803.94	1,135.13
<b>Grupo VODAFONE</b>	<b>405,483.72</b>	<b>520,919.87</b>	<b>39,942.77</b>
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.	405,483.72	520,919.87	39,942.77
VODAFONE Enterprise Spain , SL - Portugal branch	0.00	0.00	0.00
<b>Total</b>	<b>1,919,999.73</b>	<b>2,466,599.66</b>	<b>189,132.39</b>

Values in Euros.

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

#### **4.2. Extraordinary contribution for 2015 concerning 2012-2013 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 the following items 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. 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 2012-2013 CLSU, approved by ANACOM, respectively, in its determination of 16.09.2015 and 17.12.2015, which corresponds to 46,766,998.10 Euros.

Under the conditions described, the following table presents the values of contributions required from each company/body, in proportion to the respective eligible turnover achieved in 2015, in compliance with articles 18 and 19 of the Fund Law.

**Table No. 20 – Amount of contributions of companies and bodies required to contribute to the compensation fund concerning 2012-2013 CLSU approved in 2015**

Companies	Extraordinary contribution
<b>Grupo Cabovisão/Onitelecom/Knewon/MEO</b>	<b>23,345,050.92</b>
CABOVISÃO - Televisão por Cabo, S.A.	936,283.53
ONITELECOM - Infocomunicações, S.A.	500,316.66
KNEWON, S.A.	0.00
MEO – Serviços de Comunicações e Multimédia, S.A.	21,908,450.73
<b>Grupo NOS</b>	<b>13,545,249.72</b>
NOS Comunicações, S.A.	13,099,312.47
NOS AÇORES COMUNICAÇÕES, S.A. (1)	165,252.86
NOS MADEIRA COMUNICAÇÕES, S.A.	280,684.39
<b>Grupo VODAFONE</b>	<b>9,876,697.46</b>
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.	9,876,697.46
VODAFONE Enterprise Spain , SL - Portugal branch	0.00
<b>Total</b>	<b>46,766,998.10</b>

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 results 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, a cent was allocated to the company of Grupo NOS with the highest value in the three decimal places, which is NOS Açores, which thus contributes with €165,252.86 instead of €165,252.85.

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 article<sup>13</sup>.

## 5. Conclusion and Determination

Whereas:

- a) Law No. 35/2012, of 23 August 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, as it currently stands, 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 to finance 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 payphones would be deemed to be an unfair burden, having been deemed, on grounds set out herein, that the provision of a comprehensive telephone directory and of a comprehensive telephone directory enquiry service was also considered likely to represent an unfair burden;

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<sup>13</sup> 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.*"

- d) It was established in the respective contracts concluded in 2014 and 2015 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;
- e) In compliance with article 97, paragraph 1 of ECL, net costs resulting from all tenders were and are deemed by ANACOM to be unfair and, as such, they are required to be financed, under the terms and conditions set out in the respective tender statutory instruments, as well as in the law that lays down the compensation fund;
- f) Tender-designated USPs started the provision of the FTS and public pay-phone US under the respective contracts in 2014. As such, according to paragraph 1 of article 14 of Law No. 35/2012, such providers must be compensated for CLSU incurred in 2015 by the end of March 2017;
- g) In 2015, overall CLSU incurred by USPs under contracts amount to 4,575,732.42 Euros (4 million, five hundred and seventy five thousand, seven hundred and thirty two Euros and forty two cents), respectively 1,920,000.00 Euros for the (FTS) US provided by NOS Comunicações, S.A.; 2,466,600.00 Euros for the (public pay-phone) US provided by MEO - Serviços de Comunicações e Multimédia, S.A. and 189,132.42 for the ("directories and directory enquiry service") US provided by MEO - Serviços de Comunicações e Multimédia, S.A.;
- h) The final overall value to be considered for the purpose of the determination of contributions amounts to 4,575,731.78 Euros (four million, five hundred and seventy five thousand, seven hundred and thirty one Euros and seventy eight cents), which corresponds to the overall value of CLSU incurred by USP, in 2015, under contracts, deducted of the remuneration paid to the State as consideration for the provision of the US of provision of a comprehensive telephone directory and of a comprehensive directory enquiry service, under the contract concluded in February 2014. For the purpose of that deduction, the referred value of the annual remuneration paid to the State, which in 2015 corresponds to 0.64 Euros (sixty four 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 0.27 Euros, 0.34 Euros and 0.03 Euros, respectively for the fixed

telephone service, the public pay-phone service and the directory and directory enquiry services. As such, the values to be considered for the determination of contributions are 1,919,999.73 Euros (one million, nine hundred and nineteen thousand, nine hundred and ninety nine Euros and seventy three cents), 2,466,599.66 Euros (two million, four hundred and sixty six thousand, five hundred and ninety nine Euros and sixty six cents) and 189,132.39 Euros (one hundred and eighty nine thousand, one hundred and thirty two Euros and thirty nine cents), corresponding respectively to the FTS US (by NOS Comunicações, S.A.), and the US provision of public pay-phones and of a comprehensive telephone directory and a comprehensive telephone directory enquiry service (by MEO – Serviços de Comunicações e Multimédia, S.A., under the contract concluded on 10 July 2015);

- i) As regards the extraordinary contribution to be made to the compensation fund, ANACOM approved in 2015 CLSU for the 2012 and 2013 financial years, which correspond to an overall amount of 46,766,998.10 Euros (forty six million, seven hundred sixty six thousand, nine hundred ninety eight Euros and ten cents);
- j) The requirements defined in article 17 of Law No. 35/2012, to call the compensation of CLSU incurred by MEO with the provision of the universal service in 2012 and 2013, prior to the USP tender designation, through the 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;
- k) The overall amount of the extraordinary contribution for 2015 corresponds exactly to the amount of CLSU approved by ANACOM in its determinations of 16.09.2015 and 17.12.2015, and there are no other values to be deducted, namely compensatory interest or revenues assigned under the law;
- l) 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;

- m) In 2015, 99 companies registered with ANACOM as providers of public communications networks or of publicly available electronic communications services were active, 91 companies having submitted ET information to ANACOM;
- n) Of the 8 companies that failed to submit any information:
  - a. 3 companies ceased operations in 2015, failing to comply with the obligation provided for in paragraph 4 of article 15 of the Fund Law, having been assumed that the respective ET is zero;
  - b. For 3 other companies, it was assumed that the amount of eligible turnover corresponds to the amount reported for the 2015 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 in prior procedures. Values concerned are not likely to give expression to any of the companies so that they would be required to contribute to the fund nor have they any impact at the level of the identification of companies required to contribute to the compensation fund;
  - c. There is no available information for the remaining 2 companies.
- o) The audit to turnover values reported by 24 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, plus a company that had not sent information at first;
- p) As a result of the audit and of the analysis carried out by ANACOM to other networks operators and/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 4,344,430,220.67 in 2015;
- q) 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, three companies (which integrate 9 bodies) were identified as being required to make: (i) contributions intended to finance CLSU for 2015 incurred by the USPs under contracts concluded (for NOS and MEO); and (ii) an extraordinary contribution to the compensation fund for 2015, having been excluded from these contributions all companies that in the year

concerned registered an eligible turnover of the electronic communications sector below 1% of the sector's overall eligible turnover;

- r) Under articles 121 and 122 of the Administrative Procedure Code, a prior hearing 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;
- s) 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. As such, there is no reason why the list of bodies required to contribute to the FCSU, or the respective contribution amounts, should be amended;
- t) 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.

ANACOM's Management Board, under paragraphs 1, 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, both 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:

- a. 2013, from 4,688,819,519.10 Euros to 4,688,102,266.10 Euros, an amendment which has no impact whatsoever on the identification of bodies required to contribute to the compensation fund for CLSU to be compensated for 2007-2009, nor on the value of the respective contributions or on the value of the compensation to be paid to universal service providers for those periods.

- b. 2014, from 4,490,912,078.06 Euros to 4,490,912,077.37 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 2010-2011 and 2014, nor on the value of the respective contributions or on the value of the compensation to be paid to the universal service provider for the same periods.
- 2. To order, for the purpose of the calculation of the electronic communications sector's overall eligible turnover for 2015:
  - a. The review/establishment of eligible turnover amounts for the following companies: [BCI]

**CONFIDENTIAL**

- [ECI], further to audits carried out, as described in chapter 2.1;
- b. The review of the eligible turnover amount for the following companies: ([BCI])

**CONFIDENTIAL**

- [ECI]), as a result of corrections/amendments introduced, as described in chapter 2.2;
- c. The establishment of the eligible turnover amount for the following companies: ([BCI])

**CONFIDENTIAL**

[ECI]), as described in chapter 2.3, for failing to provide information for the purpose of Law No. 35/2012.

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 for 2015 amounts to 4,344,430,220.67 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 2015, 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., from which the amount of 0.27 Euros was deducted, corresponding to the respective proportion of the annual remuneration paid to the State as consideration for the provision of the universal service related to the provision of a comprehensive telephone directory and comprehensive directory enquiry service, under the contract concluded in February 2014 (a value which shall be paid at the same time as the value of contributions, to fully cover the compensation to which NOS Comunicações, S.A. is entitled).

**Table No. 21 – Amount of contributions of bodies required to contribute to the compensation fund concerning CLSU incurred by NOS Comunicações, S.A in 2015 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
<b>Grupo Cabovisão/Onitelecom/Knewon/MEO</b>			958,421.39
CABOVISÃO - Televisão por Cabo, S.A. (1)			38,438.73
ONITELECOM - Infocomunicações, S.A.			20,540.29
KNEWON, S.A.			0.00
MEO – Serviços de Comunicações e Multimédia, S.A.			899,442.37
<b>Grupo NOS</b>			<b>556,094.62</b>
NOS Comunicações, S.A.			537,786.85
NOS AÇORES COMUNICAÇÕES, S.A.			6,784.39
NOS MADEIRA COMUNICAÇÕES, S.A.			11,523.38
<b>Grupo VODAFONE</b>			<b>405,483.72</b>
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.			405,483.72
VODAFONE Enterprise Spain , SL - Portugal branch	[ECI]	[ECI]	0.00
<b>Total</b>	<b>4,253,172,791.57</b>	<b>100%</b>	<b>1,919,999.73</b>

(1) The company changed its corporate name to NOWO Communications, S.A. in October 2016.

Note: Values in Euros.

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

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

5. 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 2015, under the contract concluded with the Portuguese State for the US provision of public pay-phones, 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., from which the amount of 0.34 Euros was deducted, 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

under the contract concluded in February 2014 (a value which shall be paid at the same time as the value of contributions, to fully cover the compensation to which MEO – Serviços de Comunicações e Multimédia, S.A. is entitled).

**Table No. 22 – 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 2015 under contracts concluded for the US provision of public pay-phones**

Companies and bodies	Eligible Turnover [BCI]	Contribution % [BCI]	Contribution
<b>Grupo Cabovisão/Onitelecom/Knewon/MEO</b>			1,231,271.99
CABOVISÃO - Televisão por Cabo, S.A. (1)			49,381.76
ONITELECOM - Infocomunicações, S.A.			26,387.86
KNEWON, S.A.			0.00
MEO – Serviços de Comunicações e Multimédia, S.A.			1,155,502.37
<b>Grupo NOS</b>			<b>714,407.80</b>
NOS Comunicações, S.A.			690,888.04
NOS AÇORES COMUNICAÇÕES, S.A.			8,715.82
NOS MADEIRA COMUNICAÇÕES, S.A.			14,803.94
<b>Grupo VODAFONE</b>			<b>520,919.87</b>
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.			520,919.87
VODAFONE Enterprise Spain , SL - Portugal branch	[ECI]	[ECI]	0.00
<b>Total</b>	<b>4,253,172,791.57</b>	<b>100%</b>	<b>2,466,599.66</b>

(1) The company changed its corporate name to NOWO Communications, S.A. in October 2016.

Note: Values in Euros.

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

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

6. 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 2015, under the contract concluded with the Portuguese State in July 2015 for the US provision of a comprehensive telephone directory and of a comprehensive directory enquiry service, 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., from which the amount of 0.03

Euros was deducted, 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 of a comprehensive directory enquiry service under the contract concluded in February 2014 (a value which shall be paid at the same time as the value of contributions, to fully cover the compensation to which MEO – Serviços de Comunicações e Multimédia, S.A. is entitled).

**Table No. 23 – 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 2015 under contracts concluded for the US provision of a comprehensive telephone directory and of a comprehensive directory enquiry service**

Companies and bodies	Eligible Turnover [BCI]	Contribution % [BCI]	Contribution
<b>Grupo Cabovisão/Onitelecom/Knewon/MEO</b>			<b>94,410.70</b>
CABOVISÃO - Televisão por Cabo, S.A. (1)			3,786.46
ONITELECOM - Infocomunicações, S.A.			2,023.35
KNEWON, S.A.			0.00
MEO – Serviços de Comunicações e Multimédia, S.A.			88,600.89
<b>Grupo NOS</b>			<b>54,778.92</b>
NOS Comunicações, S.A.			52,975.48
NOS AÇORES COMUNICAÇÕES, S.A.			668.31
NOS MADEIRA COMUNICAÇÕES, S.A.			1,135.13
<b>Grupo VODAFONE</b>			<b>39,942.77</b>
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.			39,942.77
VODAFONE Enterprise Spain , SL - Portugal branch	[ECI]	[ECI]	0.00
<b>Total</b>	<b>4,253,172,791.57</b>	<b>100%</b>	<b>189,132.39</b>

(1) The company changed its corporate name to NOWO Communications, S.A. in October 2016.

Note: Values in Euros.

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

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

7. To order the issue of the respective Invoices/Settlement Notices of contributions identified in points 4, 5 and 6, 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.

8. 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 2015 (period subsequent to the USP tender designation) to which it is bound, as the amount of compensation to which it is entitled as USP of public pay-phones and of a comprehensive telephone directory and of a comprehensive directory enquiry service exceeds the value of the contribution it is required to pay. As such, the amount of the overall contribution for the period subsequent to the USP tender designation is deducted from the amount of compensation to which the company is entitled for the US provision of public pay-phones, as well as of a comprehensive telephone directory and a comprehensive directory enquiry service.
9. 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 2012 and 2013 financial years, as approved by ANACOM in 2015.

**Table No. 24 – Amount of contributions of bodies required to contribute to the compensation fund concerning CLSU for 2012 and 2013 established in 2015 (extraordinary contribution)**

Companies	Eligible Turnover [BCI]	Contribution % [BCI]	Extraordinary contribution
<b>Grupo Cabovisão/Onitelecom/Knewon/MEO</b>			<b>23,345,050.92</b>
CABOVISÃO - Televisão por Cabo, S.A. (1)			936,283.53
ONITELECOM - Infocomunicações, S.A.			500,316.66
KNEWON, S.A.			0.00
MEO – Serviços de Comunicações e Multimédia, S.A.			21,908,450.73
<b>Grupo NOS (2)</b>			<b>13,545,249.72</b>
NOS Comunicações, S.A.			13,099,312.47
NOS AÇORES COMUNICAÇÕES, S.A.			165,252.86
NOS MADEIRA COMUNICAÇÕES, S.A.			280,684.39
<b>Grupo VODAFONE</b>			<b>9,876,697.46</b>
VODAFONE PORTUGAL - Comunicações Pessoais, S.A.			9,876,697.46
VODAFONE Enterprise Spain , SL - Portugal branch	[ECI]	[ECI]	0.00
<b>Total</b>	<b>4,253,172,791.57</b>	<b>100%</b>	<b>46,766,998.10</b>

Note: Values in Euros.

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

(1) The company changed its corporate name to NOWO Communications, S.A. in October 2016

(2) The determination of the aggregated contribution of Grupo NOS results 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, a cent was allocated to the company of Grupo NOS with the highest value in the three decimal places, which is NOS Açores, which thus contributes with €165,252.86 instead of €165,252.85.

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

10. To order the issue of the respective Invoices/Settlement Notices of contributions identified in point 9, 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.
11. 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 of Law No. 35/2012, not to pay the contribution concerning CLSU for 2012 and 2013 to which it is bound, as the amount of compensation to which it is entitled is higher. As

such, the amount of the contribution is deducted from the amount of compensation to which the company is entitled.

12. To notify bodies covered by the determination in point 2 of the approval of this decision in the part which specifically concerns them.
13. To notify bodies covered by determinations in point 4, 5, 6 and 9, under paragraph 5 of article 11 of Law No. 35/2012, of the approval of this decision.
14. To make the approval of this decision publicly available at ANACOM's website, in compliance with paragraph 6 of article 11 of Law No. 35/2012.