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Determination of 14.2.2002

## **Price of calls terminated in Green Numbers (800) and Blue Numbers (808) pertaining to PT Comunicações S.A.**

1. The Autoridade Nacional de Comunicações (ANACOM) has received claims from ONITELECOM Infocomunicações S.A. (ONITELECOM), regarding the conditions of the offer made by PT Comunicações, S.A. (PTC) applicable to the free-of-charge numbers (“green numbers”) and to the shared costs numbers (“blue Numbers”) – services 800 e 808.
2. In this scope, ANACOM was informed that PTC’s tariffs for “green numbers” presented values to be paid by the holders of those numbers, for calls originated in mobile networks, incompatible with the origination prices applied to the same type of traffic. A similar situation has occurred with the “blue number”.
3. As regards the interconnection agreements which duration started in 2001, ANACOM did not receive agreements signed between PTC and mobile operators or agreements signed between ONITELECOM and mobile operators.
4. However, additional information recently disclosed gave evidence of the following facts:
  - 4.1 Vodafone Telecel Telecomunicações Pessoais, S.A. (Vodafone) informed, in 02/01/22, to have agreed with PTC, in 01/03/26, on the conditions that would ensure this mobile operator the following remunerations per minute: national call, pursuant to the tariffs of PTC fixed telephone service – between 00/10/01 and 01/02/28; (b) 32\$50 (0.162€) – between 01/03/01 and 01/06/30 and (c) 37\$50 (0.187€) – between 01/07/01 and 01/12/31. According to Vodafone, there was not yet a consensus as to the value to be applied to the invoicing and collection of calls to “blue numbers”, having required the intervention of ANACOM.
  - 4.2 According to the information forwarded in 01/12/18 by PTC, this operator would have established with TMN – Telecomunicações Móveis Nacionais, S.A. equal conditions to the ones agreed with Vodafone.
  - 4.3 PTC did not agree the price conditions applied in 2001 with Optimus Telecomunicações S.A. and therefore latter requested in 01/12/18 the intervention of ANACOM. In this context, it is assured that this mobile operator will have as from 02/03/31 (following the decision of ANACOM dated 02/01/24 concerning the prices of the interconnection services practiced by mobile operators) the same remuneration as the one applied to the remaining mobile operators (37\$50 (0.187€) per minute), in calls terminated in “green numbers” and “blue numbers” of PTC.

5. In this way, the remuneration that PTC gets, regarding the traffic originated in the above-mentioned mobile networks and terminated in “green numbers” and “blue numbers” of their costumers is lower than the corresponding origination prices paid to the mobile operators referred to above.
6. Within this context, no. 4 of article 34 of the Regulations for the Operation of the Fixed Telephone Service (attached to Decree-Law no. 474/99) foresees that the price for access to and use of the fixed telephone networks and the fixed telephone service, to be collected by the operators and/or providers that have significant market power in that market should comply with the cost-orientation principle.
7. Taking into account, namely, (a) the impact that this situation may have in the development of competition, in particular in the “special services” segment and (b) the fact that PTC itself has already communicated to ANACOM its intention to redefine the retail prices in question in 2002, the Board of Directors of ANACOM decides that PTC must reformulate, within a five days period, the prices to be applied to “green numbers” and to “blue numbers” in order to promote the correct compliance with the applicable regulation principles, namely with the cost-orientation principle, taking into account, namely, the origination prices practiced by the mobile operators and the costs of the PTC resources used for the provision of the service.