

Decision

Calculation of fees due for the provision of electronic communications networks and services, in 2015 - correction of the t_2 contribution rate

By determination of 16 February 2017, ANACOM approved (i) the review of relevant income for 2014, (ii) the review of the t_2 fee for 2015 and (iii) the additional settlement of fees due by providers of publicly available electronic communications networks and services, for 2015, due to the correction of relevant income for MEO - Serviços de Comunicações e Multimédia, S.A., according to final values of universal service net costs for 2014.

As such, the correction of relevant income for MEO to a lower value led to the decrease of total relevant income of companies of tier 2, affecting the value of the t_2 contribution rate, which changed for 2015 from 0.6209% to 0.6213%.

Calculation of fees due for the provision of publicly available electronic communications networks and services (article 105, paragraph 1 b), of the Electronic Communications Law - ECL)¹

Correction of t2 contribution rate for 2015, due to the correction of relevant revenues for MEO - Serviços de Comunicações e Multimédia, S.A. (ex. PT Comunicações, SA) according to final values of universal service net costs for 2014

1. Under paragraph 4a) of annex II to Administrative Rule No. 1473-B/2008, of 17 December, the calculation of relevant revenues shall not take into consideration revenues resulting from (i) the provision of universal service to final users, or to groups of specific final users, in the situation provided for in paragraph 2 b) of article 96 of Law no. 5/2004 (ECL), (ii) the provision of public payphones, (iii) the provision of the universal service to retired people and pensioners that enjoy specific conditions for retired people and pensioners in the scope of the universal service and (iv) the provision of services for which any negative operation margins must be directly compensated by the State, pursuant to the bases of concession of the telecommunications public service.

2. On the other hand, under paragraph 5 of annex II to the referred administrative rule, revenues resulting from the provision of the universal service are established on the basis of calculations undertaken by ANACOM pursuant to articles 95 and 96 of ECL, for the purpose of calculating net costs of universal service obligations. Nevertheless, for the purpose of payment of fees due in each year, ANACOM provisionally accepts the values of relevant revenues indicated by MEO - Serviços de Comunicações e Multimédia, S.A., until the Regulatory Authority has calculated the referred net costs, any adjustment of values being then carried out.

3. Further to the audit to recast results of the cost accounting system for 2014, by determination of 25 May 2016, ANACOM's Management Board approved a final decision on operating margins of the telex, telegraph, terrestrial broadcasting and mobile maritime services.

¹ Law No. 5/2004, of 10 February, republished by Law No. 51/2011, of 13 September, as amended by Law No. 10/2013, of 28 January, by Law No. 42/2013, of 3 July, by Decree-Law No. 35/2014, of 7 March, by Law No. 82-B/2014, of 31 December, by Law No. 127/2015, of 3 September and Law No. 15/2016, of 17 June.

4. By determination of 27 October 2016, this Authority's Management Board, taking into account the audit results, as well as the corresponding prior hearing and public consultation report, determined the final value of universal service net costs for 2014.

5. As such, in compliance with paragraph 4 of article 9 of Administrative Rule No. 296-A/2013, and in order to replace values of relevant revenues indicated by MEO - Serviços de Comunicações e Multimédia, S.A. and provisionally accepted by this Authority, that company was requested to submit a new declaration of relevant revenues for 2014.

6. The correction of the value of relevant revenues of MEO - Serviços de Comunicações e Multimédia, S.A. to a lower value led to the decrease of total relevant revenues of companies of tier 2, affecting the value of the t_2 contribution rate, which changed for 2015 from 0.6209% to 0.6213%, according to calculations in the table below:

Formula: $t_2 = (C - t_1 n_1) / \sum R_2$;

C= Total costs incurred in the regulation of the provision of electronic communications networks and services, in 2015 = 27,820,613 €;

$\sum R_0$ = Amount of relevant revenues of bodies of tier 0, in 2014 = 1,819,971 €;

$\sum R_1$ = Total amount of relevant revenues of bodies of tier 1, in 2014 = 14,712,815 €;

$\sum R_2$ = Total amount of relevant revenues of bodies of tier 2, in 2014 = 4,468,780,735 €;

$\sum R$ = Amount of relevant revenues of all providers of electronic communications networks and services in 2014 = 4,485,313,521€;

T1 = Fee due by bodies of tier 1 (relevant revenues $\leq 1,500,000$ €) = 2,500€;

n_1 = Number of bodies of tier 1 = 22;

$T_1 n_1$ = 2,500 € x 22 = 55,000€;

t_2 = Fee due by bodies of tier 2 (relevant revenues $> 1,500,000$ €) = $(27,820,613 \text{ €} - 55,000\text{€}) / 4,468,780,735 \text{ €} = 0.6213\%$;

The amount of fees to be settled results from applying the 0.6213% rate to the relevant income of each operator in tier 2.

7. This new t_2 contribution rate requires, under paragraph 5 of annex II to Administrative Rule No. 1473-B/2008, of 17 December, the review of the settlement of the annual fee due by providers of electronic communications networks and services for 2015, a procedure which ANACOM will immediately put in place.