

DETERMINATION OF THE MANAGEMENT BOARD

Whereas:

1. By determination of the Management Board of ICP - Autoridade Nacional de Comunicações (ICP-ANACOM) of 30 December 2009, the applications submitted by BRAVESENSOR - Unipessoal, Lda., by MUNICÍPIO DE SINTRA and by ONITELECOM - Infocomunicações, S.A. to the auction for the allocation of rights of use frequencies in the 3400-3800 MHz frequency band for Broadband Wireless Access (BWA), the Regulation of which (hereinafter the Auction Regulation) was adopted by Regulation No 427/2009 of 29 October, as rectified by Statement No 2930/2009 of 27 November;
2. On 6 April 2010, the Committee, appointed by decision of the Management Board of ICP-ANACOM of 3 November 2009, approved the Preliminary Report of the auction and conducted a written hearing of interested parties on the proposed allocation of the right of use of frequencies and the reasons therefor, pursuant to article 29 of the Auction Regulation and in compliance with the provisions of Articles 100 et al. of the Code of Administrative Procedure;
3. None of the bidders admitted to the auction issued a response to the prior hearing;
4. By determination of 23 April 2010, the Committee approved the Final Report of the auction, which contains the minutes of the meetings held and other administrative items, as well as the proposed allocation of rights of use frequencies;

5. In compliance with the provisions of article 30, paragraphs 1 and 3 of the Auction Regulation, the Committee submitted this report (in annex) to the Management Board of ICP-ANACOM, setting out a reasoned proposal for the allocation of rights of use frequencies;
6. It is incumbent upon the Management Board of ICP-ANACOM, under the terms of paragraph 3 of article 30 of the Auction Regulation, to endorse the proposal for allocation submitted by the Committee, whereby it is charged with deciding on the allocation of the rights of use of frequencies, and thereafter, pursuant to article 32 of the same Regulation, issue the respective allocation titles, setting out the conditions associated with the exercise thereof in accordance with articles 27 and 32 of Law No 5/2004 of 10 February;
7. The Committee fulfilled the legal and regulatory requirements applicable to the present procedure, verifying that the winner bidders are in compliance with all due juridical - formal requirements and that there are no grounds for a decision which differs from that proposed;

Accordingly:

The Management Board of ANACOM, pursuant to article 30, paragraphs 3, 4 and 6 of Regulation No 427/2009 of 29 October, as rectified by Statement No 2930/2009 of 27 November, and under articles 15 and 16 of Law No 5/2004 of 10 February determines:

1. To endorse the proposal, submitted by the Committee appointed for the conduct of the auction, to allocate rights of use of frequencies for BWA to BRAVESENSOR - Unipessoal, Lda. and ONITELECOM - Infocomunicações, S.A., under the terms of the provisions and in accordance with the reasoning contained in the final report of the auction (in annex);

2. To determine that the present decision be notified to said undertakings, which notification shall contain explicit reference to the obligation provided for in article 31, paragraph 1 of the Auction Regulation to deposit the amount corresponding to the final price payable;
3. To amend the current National Frequency Allocation Plan (NFAP) in line with the determination.

Lisbon, 28 April 2010.