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Determination of 19.4.2007

**Decision on the provision by OPTIMUS – Telecomunicações, S.A. of a new electronic communications service, designated “Optimus Home”**

By determination of 25 January 2007, approval was given to the draft decision on the provision by OPTIMUS – Telecomunicações, S.A. (OPTIMUS) of a new electronic communications service, designated “Optimus Home”, encompassing associated issues of frequency use and numbering, as well as the information that is to be made available to consumers.

This determination was subject to a prior hearing of OPTIMUS, pursuant to articles 100 and subsequent articles of the Code of General Administrative Procedure, by which the company was given a period of 10 working days to respond. The determination was further submitted to the general consultation procedure, for which a period of 10 working days was also provided for comments to be submitted.

Following the conclusion of the prior hearing and general consultation procedure, all received contributions were analysed and a report was compiled which also contained an appraisal of issues raised by interested parties. The detailed analysis of the issues presented is set forth, as described above, in the report in annex and forms the basis of the present determination.

In the light of the conclusions put forward, the Board of Directors of ANACOM, in the execution of the assignments conferred by points b), c), f) and h) of paragraph 1 of article 6 of its Statutes, as approved by Decree-Law no. 309/2001 of 7 December, in carrying out the regulatory objectives established in points a) and c) of paragraph 1, in point d) of paragraph 2 and in point d) of paragraph 4, all of article 5 of Law no. 5/2004 of 10 February, and under article 15, paragraph 1, article 17, paragraph 2, points a) and b), article 20, article 32, paragraph 2 and article 34, paragraph 2, all of the same Law, hereby determines to approve:

- a) The report on the prior hearing and general consultation procedure, comprised in the annex hereto;
- b) The following final decision on the provision by OPTIMUS of a new electronic communications service, designated “Optimus Home”:

**1. Authorisation is granted for the use of UMTS frequencies of the OPTIMUS terrestrial mobile network in the access network for the provision of a telephone service at a fixed location by the company, with the typical service characteristics presented to ANACOM on 06.11.2006, which authorisation is granted provided that the following conditions are adhered to:**

- a) Access to the service shall be provided through a terminal connected to a single and pre-determined BTS for making, receiving and maintaining calls;
- b) In exceptional cases, where there is technical justification and such is recognised by ICP-ANACOM, the terminal may be associated with two, or at a maximum three, pre-determined BTS;
- c) The restrictions set forth in the points above shall be ensured within a maximum period of 10 days following activation of the service.

- 2. Acknowledgment is granted to the right of OPTIMUS to use the “2” numbering range of the NNP for the provision of this service, provided that the company complies with the conditions set out in the present determination.**
- 3. It is determined that OPTIMUS shall maintain a record of all the terminals and each associated BTS, including, in particular:**
  - a) The address declared for access to the service by the end user;**
  - b) The telephone number of the final user (MSISDN);**
  - c) The date of commercial service activation**
  - d) The identification, including the geographic coordinates of the BTS or exceptionally the multiple BTSs associated with the mobile terminal after its process of selection.**
- 4. It is determined that OPTIMUS shall present to ANACOM, within a period of 15 working days of the present determination, a description of the technical process governing BTS selection, as well as duly typified situations which, exceptionally, determine the connection of more than one BTS.**
- 5. It is determined that OPTIMUS shall present clear and transparent information to end users on the features of the services, clarifying in particular the following:**
  - a) area of service coverage, including any limitations of indoor accessibility;**
  - b) impact in terms of caller location in the event of emergency calls made to the single European emergency number (112).**