

Determination of 7.2.2002

DECISION RELATIVE TO THE RIO AND RIAO

Under the terms of Decree Law n° 415/98 dated 31st December, the elaboration of a reference interconnection offer (RIO) is a specific obligation of entities with significant market power (SMP) who, duly qualified, offer (a) fixed telephone networks or fixed telephone services and (b) leased lines.

In accordance with n° 2 of article 10 of Decree Law n° 415/98, it is the responsibility of ANACOM to determine and publish the set of items to be included in the RIO.

In 1999, bearing in mind the recent publication of Decree Law n° 415/98 and the obligations it brought with it, this Authority determined and published the set of items that must be a part of the RIO, which constitute the minimum conditions that mark the elaboration of the said document. Considering the evolution of regulatory and market conditions in 2000 and 2001, ANACOM also defined the set of items to be included in the RIO for this period.

RIO evolution and improvement was progressive, also paying attention to the alterations to the RIO determined by ANACOM under the terms of article 13 of Decree Law n° 415/98.

A revision of the set of items foreseen in n° 2 of article 10 of Decree Law n° 415/98 under present circumstances could mean the necessary integration of the RIAO in the RIO. However, the new Internet access regime model, due to its late implementation, should be evaluated globally during the year 2002, without excluding, at this time, any future alterations to the RIAO before analysing the method in which it should be integrated into the RIO.

As for the remaining issues, the set of items preserves its actuality. Therefore, there is no justifiable reason to change the set of items, without prejudice to the determination, by ANACOM, of the alterations deemed necessary to be introduced in the RIO, as foreseen in article 13 of Decree Law n° 415/98.

In this context, under the terms of articles 100 and those following of the Administrative Procedure Code and in the sequence of the prior hearing of PT Comunicações, S.A., the ANACOM Board of Directors determined that PT Comunicações, S.A., as an entity with SMP in the relevant markets for the purposes of the specific obligations of article 9 of Decree Law n° 415/98, must present, under the terms of paragraph c) of n° 1 of this order:

- I. An evolution of the RIO within a time limit of 10 days and taking into account:
 - (a) the “set of items to include in the reference interconnection offer for 2001” (approved by deliberation of 2000-10-09) and
 - (b) the subsequent determinations of this Authority related to the alterations to the RIO (approved by deliberations of 2001-01-19 and 2001-10-26),

and which considers, namely, a reduction in the interconnection prices, taking into account the expected evolution of costs, based on, amongst other things, efficiency criteria;

- II. An evolution of the RIAO, until 15/03/02, which reflects the determinations of this Authority on the conditions applicable to Internet Access traffic, namely those approved by the deliberations of 21/02/01, 03/05/01, 16/05/01 and 31/07/01 and by the order of 22/08/01, excepting matters related to prices and to the dates of transition to the new regime.