

Appointment of Operators Required to Provide Universal Service

THE HELLENIC TELECOMMUNICATIONS & POST COMMISSION (EETT)

With regard to:

- a. the provisions of Law No. 2867/2000 "Organization and Operation of Telecommunications and Other Provisions" (Government Gazette 273/A/2000), in particular article 8, par. 5 of same;
- b. Presidential Decree No. 181/1999 "Adapting to Directive 98/10/EC of the European Parliament and of the Council on the application of Open Network Provision (ONP) to Voice Telephony and on universal service for telecommunications in a competitive environment" (Government Gazette 170/A/1999);
- c. Presidential Decree No. 165/99 "On the amendment of Law No. 2246/94, as applicable at any given time, (a) in compliance with Directive 97/33/EC of the European Parliament and of the Council on interconnection in telecommunications with regard to ensuring universal service and interoperability, through application of the principles of Open Network Provision (ONP), and (b) in compliance with Directive 98/61/EC of the European Parliament and of the Council "On the Adjustment of Directive 97/33/EC with regard to Operator Number Portability and Carrier Preselection" (Government Gazette 159/A/1999);
- d. Decision No. 255/83/14.6.2002 made by EETT "Definition of the Content of Universal Service (Government Gazette 874/B/2002), taking into account:
 - i. the fact that the company "Hellenic Telecommunications Organization S.A. (OTE S.A.)" has an access network for voice telephony and data transmission services, which covers the entire area of Greece;
 - ii. the fact that, at this present time, the only alternatives for accessing the public telephony network for the provision of voice telephony and data transmission services are provided by:
 - (a) fixed wireless access networks, which are mainly provided to large corporate customers in big cities, due to the high cost of the required equipment; and
 - (b) local loop unbundling, which is under development, since only a few hundred of local loops, in big cities, have been delivered so far;

- iii. the fact that the above, based on current facts of the telecommunication market, are not expected to change in the next two years to such a degree that a provider, other than OTE S.A., be able to acquire, through Local Loop Unbundling (LLU) or another affordable technology, in the entire area of Greece or part thereof, an access network for voice telephony and data transmission from a fixed position with such characteristics as will put the said provider under the obligation to provide Universal Service in the said part of the area of Greece;
- iv. the fact that the provisions of the present Decision do not create any cost for the State Budget; decides:

To determine:

- a. the appointment of the Hellenic Telecommunications Organization S.A. (OTE S.A.) as an Operator Required to Provide Universal Service until 31.12.2005;
- b. that the content of Universal Services for the purposes of the present Decision includes such minimum set of services as determined in EETT Decision No. 255/83/14.6.2002 "Definition of the Content of Universal Service (Government Gazette 874/B/2002), in particular in article 3 of same, as applicable at any given time;
- c. that based on a Decision made by EETT, it is possible to determine any other detail that, pursuant to article 8, par. 5 of Law No. 2867/2000 and Presidential Decree No. 181/1999, could be considered necessary for the provision of Universal Service;
- d. that the present Decision regarding the appointment of the Hellenic Telecommunications Organization S.A. (OTE S.A.) as an Operator Required to Provide Universal Service until 31.12.2005 may be amended or/and revised, either on *ipso jure* basis upon a well-documented request made by the Operator Required to Provide Universal Service.

The present Regulation shall enter into force when published in the Government Gazette.

The present Regulation be published in the Government Gazette.

Marousi, 11 September 2003

The Chairman
EMM. A. GIAKOUMAKIS