

## TELECOMMUNICATIONS MARKET COMMISSION

**MR. JOSÉ GIMÉNEZ CERVANTES**, Secretary of the Council of the Telecommunications Market Commission, by virtue of the power invested in him by article 40 of the Rules and Regulations of the Telecommunications Market Commission, approved by the Royal Decree 1994/1996, of September 6,

### CERTIFIES:

That in the session of the Council of the Telecommunications Market Commission held on June 22, 2000, the Council adopted the following **AGREEMENT**, with regard to Proceedings **2000/2455**.

In compliance with the precepts contained in Law 11/1998, of April 24, The General Communications Law, and in the Order of September 22, 1998, establishing the regimen applicable to individual licences for telecommunications services and networks, and the conditions to be fulfilled by the holders, and having considered the following

### BACKGROUND

**First:** On April 7, 2000, Mr. Agustín Bas Serra, on behalf of and representing the **SERVICIOS JURÍDICOS MARCO LEGAL, S.A.** company, with Tax Identification No. A-62204516, and registered offices for the purpose of notification in Barberà del Vallès (Barcelona), calle Mogoda número 1, presents its application for a **type B1 individual licence for rendering the publicly available fixed telephony service available by means of the establishment or operation by the holder of a public fixed telephone network in the territorial area of the Autonomous Community of Catalonia. The operation of the network will include the right to rent lines.**

**Second:** This application is accompanied by a responsible statement formally undertaking to comply with the conditions and to observe the guarantees provided for in the Order of September 22, 1998, which establishes the legal regimen applicable to individual licences for telecommunications services and networks and the conditions to be fulfilled by the holders (hereinafter the Licences Order), as well as the compliance with any requirements that may be applicable by virtue of the provisions of the General Telecommunications Law and the rules and regulations that develop it.

## TELECOMMUNICATIONS MARKET COMMISSION

- Third:** The application is likewise accompanied by an express request for the acknowledgement of the right of occupation of the public and private property for establishing or operating the network in the terms established in chapter II of title III of the General Telecommunications Law regarding the universal telecommunications service, other public service obligations and public obligations pertaining to the rendering of services and the operation of telecommunications networks approved by Royal Decree 1736/1998 of July 31 (hereinafter the Universal Service Rules and Regulations).
- Fourth:** The interested party has submitted furnished all the necessary documentation, particularly all the data to be inscribed in the Special Registry of Individual Licence Holders by virtue of the provisions contained in the Rules and Regulations of the Special Registries of Holders of Individual Licences and Holders of General Authorisations for rendering services and for establishing and operating telecommunications networks and the Regulation of the Single Window Procedure for the presentation of applications and notices for obtaining such titles, approved by Royal Decree 1652/1998 of July 24 (hereinafter the Rules and Regulations of the Special Registries).
- Fifth:** In accordance with the provisions of article 15 of the Licences Order, with 20 days having elapsed without the relevant report being issued by the competent organ, the Telecommunications Market Commission went ahead with the processing of the formalities.

## LEGAL GROUNDS

- First:** Article 15 of Law 11/1998 of April 24, the General Telecommunications Law, establishes that an individual license is required to establish or to operate public telecommunications networks for rendering a publicly available service and to render services or establish or operate telecommunications networks involving the use of the radioelectric public domain.
- Second:** Article 12 of the Licences Order provides that in order to be able to render a service or establish or operate a network for those for which an individual license is necessary, the interested party must present its application, along with the necessary documentation, to the Telecommunications Market Commission.
- Third:** In accordance with Title III of the General Telecommunications Law, and under the terms and conditions of the Universal Service Rules and

## TELECOMMUNICATIONS MARKET COMMISSION

Regulations that develop it, public service obligations may be imposed upon the holders of an individual licence.

**Fourth:** In accordance with article 15 of the Licences Order, the Telecommunications Market Commission will dictate a resolution granting or rejecting the licence requested.

**Fifth:** In accordance with the provisions of article 8 of the General Telecommunications Law and in the Rules and Regulations of the Special Registries, the Telecommunications Market Commission will have to register, by the powers invested in it, the holders of the individual licences for rendering the publicly available telephone service in the Registry, the essential conditions of the licences and the acts and affairs that affect the holder of the licence vis-à-vis the service and the conditions which are the object of the inscription, so the inscription must collect the relevant data via the application.

In view of the foregoing, this Telecommunications Market Commission, in the exercise of the functions attributed to it by article 15 of the Licences Order, article 4 of Addendum 1 of the Rules and Regulations of the Special Registries and article 1. Two. 2 b) and n) of Law 12/1997 of April 24, on the Liberalisation of Telecommunications, and in accordance with the sole derogatory disposition, fourth paragraph, of Law 11/1998, of April 24, the General Telecommunications Law.

### AGREES:

**First:** To grant the **SERVICIOS JURÍDICOS MARCO LEGAL, S.A.** company, with Tax Identification No. A-62204516, and with registered offices for the purpose of notification in Barberà del Vallès (Barcelona), calle Mogoda número 1, **A TYPE B1 INDIVIDUAL LICENSE APPLICATION FOR THE TERRITORIAL AREA OF THE AUTONOMOUS COMMUNITY OF CATALONIA, which empowers the holder thereof to render a publicly available fixed telephony service by establishing or operating a fixed public telephone network. The operation of the network includes the right to rent to third parties fibre optic without switching, transmission, reception or signal processing equipment, and furthermore the right to offer the service of line rental.**

When the holder of this licence wishes to be granted rights to the use of radioelectric public domain it must apply for the corresponding concession to the Ministry of Science and Technology as per the procedure provided for in article 7.1 of the first paragraph of the Licences Order. The aforementioned concession will go on to become part of this licence,

## TELECOMMUNICATIONS MARKET COMMISSION

although it will not take effect, for the purpose of this licence, until it is registered in the Special Registry of Individual Licence Holders.

**Second:** That the **SERVICIOS JURÍDICOS MARCO LEGAL, S.A.** company be inscribed in the Special Registry of Individual Licence Holders as the holder of a **TYPE B1 INDIVIDUAL LICENCE FOR THE TERRITORIAL AREA OF THE AUTONOMOUS COMMUNITY OF CATALONIA**, which empowers the holder thereof to **render the publicly available fixed telephone service by establishing or operating a fixed public telephone network**, including the data which are the object of the first inscription specified in article 6 of the Rules and Regulations of the Special Registries.

In accordance with the provisions of article 7 of the Rules and Regulations of the Special Registries, once the first inscription has been made, any modifications that take place in the data inscribed, both pertaining to the holder and pertaining to the individual licence, will be entered.

The holder of the individual licence will be obliged to apply for the inscription of any modifications that affect the data inscribed unless they pertain to an act from the Ministry of Science and Technology or from the Telecommunications Market Commission. The application will be submitted within a maximum term of one month as of the day on which it takes place.

### **I. Scope of the Licence**

The holder of the Licence may establish and operate a public telecommunications network and offer the services it is empowered to do so through this licence for the territorial area of the Autonomous Community of Catalonia.

The operation of the network includes rental of fibre optic without switching, transmission, reception or signal processing equipment to third parties, and furthermore the right to offer the service of line rental.

The holder of the licence, on rendering the publicly available telephone service, may make all calls from the area of the licence even if the destination of the calls is outside the area, and must complete any calls made to its direct-access subscribers in its own area.

The completion of calls outside the scope of the licence shall be made by an interconnection within the sphere of this licence with anyone who is duly empowered to do so.

This licence only covers the rendering of the publicly available fixed telephone service, of lines for rental, the establishing or operation of a fixed public network

## TELECOMMUNICATIONS MARKET COMMISSION

which is developed by the use of means of switching and transmission and the rental to third parties of fibre optic without switching, transmission, reception or signal processing equipment which have been reported, on printed matter and computing medium, in the terms and conditions established by the Telecommunications Market Commission.

The condition established in the previous paragraph is suspended until the Telecommunications Market Commission determines the form of submission.

### II. Content of the licence

#### 1. **Rights.**

The holder of this type 1B individual licence will enjoy the rights established in then Licences Order and in the Rules and Regulations in force without prejudice to the provisions of point 3, *Special Regimen*, of this Section II.

More specifically, the holder of this individual licence is entitled to:

- 1.1. Numbering, according to the provisions of article 26.1 of the Licences Order.
  - 1.1.1. The right to obtain numbering under the terms and conditions of the Rules and Regulations in force
  - 1.1.2. The right to be selected by the call to call procedure or by pre-selection.
- 1.2. The right to render the services of lines for rental, in accordance with article 25 of the Licences Order.
- 1.3. The right to interconnect the network that supports the provision of the publicly available telephone service with those of the owners of public networks. When the owners of public networks are obliged to have a reference interconnection offer, the holder of this licence will have interconnection right in the local switching centres and higher switching level at the prices established for type B licenses as per the provisions of the Royal Decree 1651/1998 of July 24, approving the Rules and Regulations developing Title II of Law 11/1998, of April 24, the General Telecommunications Law, pertaining to interconnection and access to public networks and numbering (hereinafter the Rules and Regulations on Interconnection and Numbering).
- 1.4. The right to occupy, for establishing and operating public networks and in the territorial area of this licence, public and private property in the terms

## TELECOMMUNICATIONS MARKET COMMISSION

establishes in Chapter II of Title III of the General Telecommunications Law and in the Universal Service Rules and Regulations.

- 1.5. The right to install public-use terminals located in the public domain of public use in accordance with article 26.4 of the Licences Order.

### 2. Obligations

The holder of this type B1 individual licence must comply with the terms and conditions established in the Licences Order and in the Rules and Regulations in force, without prejudice to the provisions of Point 3, *Special Regimen*, of this Section II.

More specifically, and for the purpose of compliance with the provisions of articles 11.2 and 16 of the General Telecommunications Law, in article 9 of the Rules and Regulations of Universal Service and in article 5.1. of the Licences Order the holder of the individual licence must send, to the Telecommunications Market Commission, any documentation or information that may be required to verify compliance with the obligations imposed on it, to satisfy statistical needs and to cater to any requirements that are imposed by the Rules and Regulations in force. This information may only be used for the purpose for which they were requested and will be confidential, as is established by the current Rules and Regulations.

More specifically, the holder of this individual licence must:

- 2.1. Offer its clients a service in accordance with the principles of objectivity and non-discrimination, pursuant to the provisions of articles 3 f) and 6 of the General Telecommunications Law.
- 2.2. Guarantee the subscribers and the users the rights corresponding to them as such, and more specifically enter into a contract with users for the provision of the services which are the object of this licence in accordance with the provisions of article 56.1 of the Universal Service Rules and Regulations.
- 2.3. Inform the Telecommunications Market Commission and the associations of users and consumers of the cost of the services which are the object of this licence at least ten days before they take effect.
- 2.4. Guarantee the free routing of calls to the emergency services via the 112 telephone number in accordance with the provisions of article 5.14 of the Licences Order.

## TELECOMMUNICATIONS MARKET COMMISSION

- 2.5. Guarantee the fundamental confidentiality of communication and adopt the measures needed to guarantee the protection of personal data in accordance with the provisions of article 5.5 and article 5.6 of the Licences Order.
  - 2.6. Establish the procedures required to guarantee the subscribers' right to keep their numbers in accordance with the Rules and Regulations in force.
  - 2.7. Provide subscribers with the telephone directory made by itself or else supplied by the operator obliged to do so in accordance with the Rules and Regulations in force.
  - 2.8. Furnish this Commission, on printed matter and computing medium, with the data on its subscribers in order to produce a telephone directory under the conditions provide for in article 37.1 b) of the General Telecommunications Law and the Rules and Regulations of Universal Service, observing, as the case may be, the rights of the users, particularly those provided for in article 56 of the aforementioned Law.
  - 2.9. On rendering the service of lines for rental it will also be subject to the following obligations, within the framework of the provisions of article 27.1.7 of the Licences Order:
    - 2.9.1. To submit an offer of lines for rental to the public to the Secretariat of State for Telecommunications and the Information Society and the Telecommunications Market Commission, presenting this offer one month before the service takes effect. This offer will include information on features, techniques, prices, general conditions of supply and the conditions pertaining to the connection of terminals.
    - 2.9.2. To enter into a contract with users for the supply of the service.
    - 2.9.3. Not to restrict access to the lines for rental and use thereof unless the maintenance and the protection of the basic requirement thus require, as defined in the Addendum to the General Telecommunications Law.
- When it is regarded as dominant in the service of lines for rental, pursuant to the provisions of article 23 of the General Telecommunications Law, it must comply with the conditions detailed in Section II of Addendum I of the Licences Order in the geographical territory involved.
- 2.10. The operation, consisting of the allocation or rental of means of transmission, including fibre optic, without switching or termination equipment, will be carried out in accordance with the principles of objectivity and non-discrimination.

## TELECOMMUNICATIONS MARKET COMMISSION

2.11. By virtue of article 44.2 of the Universal Service Rules and Regulations and according to the express application by the interested party of the general acknowledgement of the rights to occupy public or private property, and taking on the obligations of public service imposed on it, as provided for in Addendum II, the holder of this individual licence must comply with the public service obligations referred to in article 35.2 of the General Telecommunications Law, and which are developed in articles 7, 8 and 9 of the aforementioned Rules and Regulations.

More particularly, the holder of this licence must:

- a. Guarantee access to the service of any users who request it from the group or the territory covered by this licence.
- b. Offer the service to the users at a reasonable price.
- c. The prices asked by the holder of this licence of the users will conform to the prices of non-discrimination, transparency, and will be public and flexible. To this end, the holder of this licence will offer users an itemised list of the facilities provided and will take into account the specific needs of disabled groups referred to in the aforementioned Rules and Regulations.
- d. Provide a continuous and permanent service.
- e. Observe the conditions of quality service in accordance with the provisions of article 8 of the Universal Service Rules and Regulations and the fifth additional disposition of the Licences Order.

2.12. Assume the quality commitments, with failure to comply entitling subscribers to compensation, in the rendering of the service or in establishing or operating the network. These commitments must be identified and reported to the Telecommunications Market Commission in objectifiable and measurable parameters, one month at the latest as of the award of this licence and, in any event, prior to the start-up of the service.

2.13. Carry telephone calls efficiently in accordance with the provisions of the Rules and Regulations on Interconnection and Numbering.

2.14. The telecommunications equipment and apparatuses used by the interested party pursuant to this licence must be duly certified and accepted following the evaluation of their compliance in accordance with the Rules and Regulations approved in the development of Title IV of Law 11/1998 of April 24, the General Telecommunications Law, and transitorily, in accordance with the provisions of the First Transitory Disposition of the aforementioned Law.

2.15. Facilitate the interconnection and access to its networks under the terms and conditions provided for in the General Telecommunications Law and in the Rules and Regulations on Interconnection and Numbering.



## TELECOMMUNICATIONS MARKET COMMISSION

- 2.16. Guarantee, when necessary, the interconnection of the networks and the interoperability of services in accordance with article 27.1.3. of the Licences Order.
- 2.17. Establish at least one point of interconnection in each one of the provinces included in the scope of this licence as of the start-up of the service. The obligation to have one interconnection point per province must be complied with even if the territorial area covered by the licence includes only part of the province in accordance with the provisions of article 27.2.2. of the Licences Order.
- 2.18. Share its infrastructure with other operators as per the provisions of article 47 of the General Telecommunications Law and 27.1.5 of the Licences Order when thus necessary for reasons of the general interest or for environmental protection.

The Telecommunications Market Commission may, when no agreement is reached as to the shared use of infrastructures between the parties involved, resolve the situation as may be necessary and will be empowered to impose shared-use conditions in accordance with the provisions of article 48 of the Universal Service Rules and Regulations.

- 2.19. Comply with commitments regarding coverage and scope of the service taken on in its bid, and more specifically vis-à-vis those detailed in the summary chart of Addendum I, in accordance with article 27.1.6 of the Licences Order.
- 2.20. In accordance with the provisions of article 18.4 of the General Telecommunications Law and 16.1 and 27.1.6. of the Licences Order, and with a view to balancing the rights and obligations of the operator, the holder of this licence must observe the following ratio:

$$\alpha = \frac{\textit{Minutes of interconnection of access acquired}}{\textit{Minutes invoiced to the final demand sector}}$$

The denominator of the ratio is formed by the minutes of telephone service sold by the holder of this licence to its users via direct or indirect access. It is therefore a variable related to the turnover of the holder of this licence, excluding its active participation in the national interconnection business.

The numerator of the ratio is related to the support which, in order to reach the aforementioned turnover, the holder of this licence receives from the access networks of other holders of national licences for the rendering of publicly available telephone services in the form of "*minutes of indirect access interconnection*".

## TELECOMMUNICATIONS MARKET COMMISSION

The  $\alpha$  indicator will have a variability interval between the values of 0 and 1, which means:

0 => minimum support received from “*the access networks*” of other holders of licences granted in Spain.

1 => maximum support (and total dependence) on the access networks of other holders of licences granted in Spain.

The ratio is met when  $\alpha$  is equal to or lower than “ $x$ ”, where “ $x$ ” is a value that will vary as a function of the market share attained by the holder of this licence for the rendering of the telephone service in the area covered.

$$c = \frac{\text{Minutes invoiced by the holder to the final demand sector}}{\text{Total market minutes}}$$

$$x = 0.5 + (e^{-25c} / 2)$$

The holder of this licence must inform the Telecommunications Market Commission, before January 31 of each year, of the minutes invoiced “*to the final demand sector*” in the course of the preceding year.

The Telecommunications Market Commission will determine, in the first four months of the year, *the market share “t”* of the holder of this licence in the rendering of the publicly available telephone service, with the corresponding “ $x$ ” value calculated as a function of the data obtained for the previous year. Once these data have been forwarded to the Commission, the holder of this licence must fulfil the corresponding ratio in the course of the natural year.

- 2.21. The holder of this licence will not incur in unfair competition conduct in the telecommunications market and must comply with any resolutions and instructions issued in this regard by the Telecommunications Market Commission in accordance with the provisions of article 5.11 of the Licences Order.
- 2.22. When it is regarded as dominant in public telephone service pursuant to the provisions of article 23 of the General Telecommunications Law, it must comply with the conditions detailed in Section II of Addendum I of the Licences Order in the geographical territory involved.
- 2.23. The holder of this licence is obliged to pay an annual fee to the Telecommunications Market Commission in accordance with the provisions of

## **TELECOMMUNICATIONS MARKET COMMISSION**

article 71 of the General Telecommunications Law and in Royal Decree 1750/1998 of July 31, the quantity of which will be set annually in the laws on the General State Budgets, although the sum may not surpass 0.2% of the holder' annual gross operating income. The fee will accrue until December 31. Within the term of three months as of the day after the aforementioned accrual date, the holder of this licence must present a declaration of gross income for the year in question to the Telecommunications Market Commission (Board of Administration and Economic Management).

### **3. Special regimen for the rental of fibre optic.**

By virtue of the powers recognised by article 5.16, paragraph 2, of the Licences Order, the following articles of the aforementioned Order are declared to be inapplicable to the activity of operation of a network involving the rental of fibre optic to third parties without switching, transmission, reception or signal processing equipment:

- Article 26.1
- Article 26.2
- Article 27.1.1
- Article 27.1.3
- Article 27.2.3
- Article 27.3

### **4. Modification of the conditions of the licence**

In accordance with the provisions of article 18.5 of the General Telecommunications Law and article 16.4 of the Licences Order, the Telecommunications Market Commission may modify the conditions imposed on the holder of this licence in the resolution granting the individual licence when there is an objective justification for doing so, including amendments to any Rules and Regulations in force, and always observing the principle of proportionality. Any such modifications will in no way entitle the holder of this licence to any compensation, and the modifications will be specified in a resolution issued with due cause and justified by reasons of the general interest.

### **III. Term of the licence and the start-up of the service**

The interested party must start up the service within a maximum term of one year as of the date of this resolution, as provided for in article 17.2 of the Licences Order.

## **TELECOMMUNICATIONS MARKET COMMISSION**

In any event, and to be covered by the individual licence, the interested party must inform this Telecommunications Market Commission in advance as to when the service will actually come into operation.

The holder of the individual licence must continue to offer the service of a maximum period of four years as of the date of the award of this licence, a term which expires on June 22, 2004.

This individual licence will have a term of twenty years, renewable for ten-year periods. The total term of the licence, including extensions thereto, may not be longer than fifty years, as provided for in article 17.1 of the Licences Order,

The holder of this licence must apply to have it renewed at least three months before the end of the term. Should the Telecommunications Market Commission fail to issue any finding as to the application for the extension of the licence by the end of the term of the latter, the licence will be understood to have been extended.

### **IV. Assignment of the individual licence**

The assignment of this individual licence will be governed by the provisions of article 115 of Law 13/1995 of May 18, on Public Administration Contracts, in the part pertaining to contracts for the management of public services, in accordance with the provisions of article 21 of the Licences Order.

### **V. Penalties**

Within the framework of Title VIII of the General Telecommunications Law, failure by the holder of this licence to fulfil the terms and conditions imposed herein is classified as an administrative offence.

The Telecommunications Market Commission will impose the corresponding penalties in accordance with the provisions of article 82 of the General Telecommunications Law.

### **VI. Termination of the individual licence**

The individual licence will be terminated in the following eventualities, as determined in articles 19 and 20 of the Licences Order:

- a. If the time awarded for the term of the licence elapses without an extension being granted.

## **TELECOMMUNICATIONS MARKET COMMISSION**

- b. Through waiver by the holder of this licence, notified to the Telecommunications Market Commission six months in advance, with acceptance thereof by the latter.
- c. For the causes applicable as per article 168 of Law 13/1995, of May 18, on Public Administration Contracts.
- d. The revocation of the licence by the Telecommunications Market Commission. When the Commission ascertains non-fulfilment by the holder of any of the obligations contained in this resolution, it shall serve notice thereof to the holder, allowing it a period of one month to remedy any such non-fulfilment. Should the aforementioned term elapse without the holder having provided remedy, the Telecommunications Market Commission may annul the licence via the relevant proceedings for revocation of contract provided for by Law 13/1995 of May 18, on Public Administration Contracts for the termination of public service management contracts.

This certificate is issued pursuant to the provisions of article 27.5 of Law 30/1992 of November 26, and article 23.2 of the Order of April 9, 1997, approving the Rules and Regulations of the Internal Regimen of the Telecommunications Market Commission, prior to the approval of the Minutes of the corresponding session.

It is likewise hereby made known that an appeal for reversal may be lodged before this Telecommunications Market Commission against the resolution referred to herein, which terminates any administrative procedure, within a term of one month as of the day of its publication, or else an appeal may be made to the High (Supreme) Court within a term of two months as of the day following notification of the resolution, in accordance with the provisions of article 1.Eight of Law 12/1997, of April 24 on the Liberalisation of Telecommunications, the fourth additional Disposition, section 5, of Law 29/1998, of July 13, regulating judicial review jurisdiction (appeals to the ordinary courts against government or administrative decisions) and article 116 of Law 30/1992, of November 26, on the Legal Regimen of the Public Administrations and Common Administrative Procedure, amended by Law 4/1999 of January 13, and without prejudice to the provisions of number 2 of article 58 of the same Law.

**APPROVAL OF THE PRESIDENT**

**José María Vázquez Quintana**

**THE SECRETARY**

**José Jiménez Cervantes**

**TELECOMMUNICATIONS MARKET COMMISSION**

**ADDENDUM I**

**ACCUMULATED COMMITMENTS FOR THE COVERAGE AND SCOPE  
EXPRESSED AND TAKEN ON BY SERVICIOS JURÍDICOS MARCO LEGAL,  
S.A.**

## TELECOMMUNICATIONS MARKET COMMISSION

### Summary chart

	1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year
<b>Carrier network<sup>2</sup> (in km)</b>	263	604	652	1217
<b>Carrier network (mean capacity)<sup>3</sup></b>	1280 Gbps	1280 Gbps	1280 Gbps	1280 Gbps
<b>Access network<sup>2</sup> (in km)</b>	183.75	367.5	538.1	708.7
<b>Access network (mean capacity)<sup>3</sup></b>	45 Mbps	45 Mbps	45 Mbps	45 Mbps
<b>Properties passed<sup>4</sup> Reference distance</b>	350	700	1025	1350

1. In the first year, the applicant will include information on transmission systems and switching elements already used in a previous concession, and which it wishes to include in the present licence.

2. Own or leased: the kilometres of the carrier network, including underwater cable, or the access network, will be calculated by determining the linear distance between 2 nodes (for underwater cable 12 nautical miles will be calculated = 22.224 km. – of network, corresponding to the distance between the mooring point and the territorial sea limit of the in accordance with article 3 of Law 10/1997 of January 4).

3. Mean capacity: The result of the sum of the products resulting from the multiplication of the number of kilometres of each circuit by the kilobits/second of their capacity, divided by the total number of kilometres of the carrier /access network.

4. Total number of properties passed, with an indication of the reference distance, comprising each one of the buildings under the property in condominium regimen. "Passed" properties refers to properties actually reached by the telecommunications network and those which, while not reached, are within an area (bounded by the reference distance) where the operator is willing to offer the service by means of direct access.

**TELECOMMUNICATIONS MARKET COMMISSION**

**ADDENDUM II**

**APPLICATION FOR THE GENERIC ACKNOWLEDGEMENT OF  
PUBLIC AND PRIVATE PROPERTY,  
TAKING ON PUBLIC SERVICE OBLIGATIONS**



## TELECOMMUNICATIONS MARKET COMMISSION

### EXPRESS DECLARATION:

I, Mr. Agustín Bas Serra, holder of ID card no. 37.648.738-S, on behalf of and representing the **SERVICIOS JURÍDICOS MARCO LEGAL, S.A.** company as the sole administrator thereof, a company holding Tax Identification No. A-62204516, with registered offices for the purpose of notification in Barberà del Vallès (Barcelona), calle Mogoda número 1,

In accordance with the provisions of Chapter II of Title III of the General Telecommunications Law, apply for the generic acknowledgement of the occupation of public and private property, and likewise expressly undertake to observe any public service obligations imposed upon me.

Signed: Agustín Bas Serra  
Sole Administrator

In Barberà del Vallès, March 8, 2000

COMISIÓN DEL MERCADO DE LAS TELECOMUNICACIONES  
Dirección de Licencias  
C/ Alcalá, 37  
28014 MADRID