

This is an unofficial translation. The legally binding text is the original Czech version.



Czech Telecommunication Office
with headquarters at Sokolovská 219, Prague 9
P.O. Box 02, Postcode 225 02, Prague 025

Prague 15 December 2010
Ref. 93 440/2010-611

In accordance with Point 10 of Article II (Transitional Provisions) of Act No. 153/2010, amending Act No. 127/2005 on electronic communications and on amendment to certain related acts (the Electronic Communications Act), as amended, and certain other Acts, and on the basis of the results of public consultation under Section 130 of Act No. 127/2005 on electronic communications and on amendment to certain related acts, as amended, and on the basis of the decision of the Council of the Czech Telecommunication Office (the "Office") under Section 107(8)(b)(2) of the Electronic Communications Act, and in order to implement Section 49(7) of the Electronic Communications Act (its version that was in effect until the effective date of Act No. 153/2010 (the "Act")), the Office as the appropriate state administration body under Section 108(1)(b) of the Electronic Communications Act hereby issues this

**Measure of General Nature No. OOP/18/12.2010-17,
laying down the percentage shares of revenue from the provision of services referred
to in Section 49(5) of the Act for the year 2008**

Article 1

Introductory provisions

This Measure of General Nature lays down the individual payers' percentage shares of revenues generated from the provision of the services referred to in Section 49(5) of the Act out of the total revenue from the provision of the services referred to in Section 49(5) generated by all payers in the given accounting period.

Article 2

Determination of individual payers' percentage shares of the total revenue

The following percentage shares of revenues under Section 49(7) of the Act out of the total revenue of CZK 125,547,404.000 for the accounting period of the calendar year 2008:

Order number	Payer	Company number (IČ)	Percentage shares
a	b	c	d
1	ABAK, spol. s r.o.	40763153	0.01289
2	Advantel, a.s.	25766937	0.01063
3	Alberon Letohrad s.r.o.	27461289	0.00843
4	Aston com s.r.o.	26915588	0.01184
5	ATC RESLER spol. s r.o.	25954792	0.01009
6	AVONET, s.r.o.	25322478	0.03637

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Order number	Payer	Company number (IČ)	Percentage shares
a	b	c	d
7	Blue4.cz s. r. o. ¹⁾	27461254	0.01391
8	BOHEMIA TELEKOM s.r.o.	25732048	0.00884
9	BroadNet Czech, a.s. ²⁾	26201224	0.12834
10	BT Global Česká republika s.r.o.	26209101	0.02881
11	BT Limited, organizační složka	70802025	0.47291
12	CABEL MEDIA s.r.o.	27288668	0.00910
13	CASABLANCA INT s.r.o.	25079832	0.07504
14	CentroNet, a.s.	26165473	0.01746
15	CERBEROS s.r.o.	27071324	0.01162
16	CL - NET s.r.o. ³⁾	25011022	0.07395
17	COMA s.r.o.	47471557	0.06988
18	COPROSYS a.s.	45534152	0.05196
19	Coprosys NeTron, s.r.o.	25864980	0.01062
20	Coprosys-LVI s.r.o.	27304230	0.01259
21	ČD - Telematika a.s.	61459445	0.21142
22	Česká síť s.r.o.	26088983	0.00871
23	České Radiokomunikace a.s.	27444902	1.21766
24	Český bezdrát s.r.o.	25902415	0.01225
25	ČEZnet, a.s. ⁴⁾	26470411	0.74004
26	Dat, s.r.o.	25521233	0.01768
27	Dial Telecom, a.s.	28175492	0.30453
28	Dragon Internet a.s.	27237800	0.03877
29	Družstvo EUROSIGNAL	26461129	0.01052
30	EMEA s.r.o.	26898101	0.03221
31	ERKOR OLOMOUC, s.r.o.	27466442	0.00937
32	ERKOR OSTRAVA, s.r.o.	27467163	0.01086
33	ERKOR, spol. s r. o.	47472995	0.02493
34	Euphony Czech Republic a.s. ⁵⁾	27645690	0.12609
35	Faster CZ spol. s r.o.	60722266	0.02881
36	FOFRNET spol. s r.o.	25835548	0.01408
37	FORTECH, spol. s r.o.	48155811	0.03534
38	GiTy, a.s.	25302400	0.09880
39	GRAPE SC, a.s.	25708783	0.02375
40	GREPA Networks s.r.o.	25492900	0.00915
41	GTS NOVERA a.s. ⁶⁾	61058904	4.22881
42	ha-vel internet s.r.o.	25354973	0.06956
43	Hlucin.net, s. r. o.	26840731	0.00871
44	IJC, s.r.o. ⁷⁾	26762544	0.01327
45	INet Home Cz, s.r.o.	27136108	0.01652
46	INTERNET Pb, spol. s r.o.	25729934	0.01780
47	INTERNEXT 2000, s.r.o.	25352288	0.03812
48	IPEX a.s.	45021295	0.03631
49	Jan Rýznar	46101802	0.01356
50	JaroNet s.r.o.	26969866	0.01040
51	JHComp s.r.o.	26051362	0.01084
52	Jiří Doležal	66028990	0.00915
53	Jiří Ouda	18379575	0.00955
54	K + K cable s.r.o. ⁸⁾	12895563	0.01400
55	Kabelová televize Kadaň, a.s.	46709584	0.01339

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Order number	Payer	Company number (IČ)	Percentage shares
a	b	c	d
56	Kabelová televize Karviná, a.s. ⁹⁾	25878310	0.02145
57	Kabelová televize Kopřivnice, s.r.o.	60318988	0.01006
58	Kabelová televize Přerov, a.s.	47672099	0.03293
59	Kabelová televize Třinec, spol. s r.o. ¹⁰⁾	48394980	0.02305
60	LAM plus s.r.o.	25129619	0.01965
61	LICA s.r.o.	47542756	0.00943
62	Marta Krmelová	70046859	0.00931
63	Martin Frýzl	66822009	0.00817
64	Martin Richtarik	73311693	0.01113
65	Master Internet, s.r.o.	26277557	0.02823
66	MATTES AD, spol. s r.o. ¹¹⁾	42868602	0.08272
67	MAXPROGRES, s.r.o.	25307126	0.02052
68	Mikenopa a.s.	26467704	0.02016
69	miniTEL s.r.o.	27718808	0.00799
70	MobilKom, a.s.	48171000	0.18863
71	Mopos Communications, a.s.	26222396	0.01938
72	M - SOFT, spol. s r.o.	49434853	0.02515
73	Net-Connect s.r.o.	27735052	0.01195
74	NetDataComm, s.r.o.	26923386	0.02029
75	NEW TELEKOM, spol. s r.o.	26690471	0.04689
76	NWT Computer s.r.o. ¹²⁾	63469511	0.01975
77	OrbisNet, s.r.o.	26862531	0.01218
78	OVANET a.s.	25857568	0.03983
79	OXID Networks s.r.o.	26890950	0.01063
80	Pe3ny Net s.r.o.	27252183	0.00917
81	Petr Golasovský	73188905	0.00994
82	PODA a.s.	25816179	0.06921
83	POHODA - SERVIS spol. s r.o.	62497901	0.01654
84	Radim Pytela	10106456	0.00968
85	RETE internet, s.r.o.	26404524	0.01134
86	RTV - 5, spol. s r. o. ¹³⁾	15528901	0.00817
87	SATT a.s.	60749105	0.01442
88	SELECT SYSTEM, s.r.o.	25382292	0.01291
89	SELF servis, spol. s r.o.	18826016	0.07834
90	SilesNet s.r.o.	25392280	0.01504
91	SkyNet, a.s.	25346687	0.07862
92	Sloane Park Property Trust, a.s.	25036459	0.17421
93	SMART Comp. a.s.	25517767	0.07457
94	SOFTEX NCP, s.r.o.	62243608	0.01451
95	STARNET, s.r.o.	26041561	0.03325
96	TC servis, s.r.o.	25533673	0.01106
97	Telefónica O2 Czech Republic, a.s.	60193336	44.85921
98	Telekom Austria Czech Republic, a.s. ¹⁴⁾	63080150	0.67452
99	TERMS a.s.	14499037	0.02616
100	TKR Jašek, s.r.o.	25385780	0.01172
101	T-Mobile Czech Republic a.s.	64949681	27.09596
102	TS-Data, s.r.o.	28498313	0.01265
103	TS-Telekomunikace, s.r.o. ¹⁵⁾	64788610	0.03218
104	TS-Voice, s.r.o.	28498381	0.00868

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Order number	Payer	Company number (IČ)	Percentage shares
a	b	c	d
105	T-Systems Czech Republic a.s.	61059382	0.11651
106	Unient Communications, a.s.	63078171	0.03596
107	UPC Česká republika, a.s.	00562262	1.44974
108	VBC CZECH s.r.o.	26783801	0.01766
109	VIAVOX, s.r.o.	27677681	0.03809
110	VIDEON Networking s.r.o.	26295954	0.01326
111	VIVO CONNECTION, spol. s r.o.	26900696	0.00870
112	Vodafone Czech Republic a.s.	25788001	15.63772
113	WIA spol. s r.o.	26703297	0.03428
114	WMS s.r.o.	48289957	0.01122
115	WOLFSTEIN s.r.o.	27080552	0.01508

Notes:

- 1) Blue4.cz s. r. o. changed its legal form and name and became EDERA Group a.s. as at 26. April 2010.
- 2) BroadNet Czech, a.s. merged with Vodafone Czech Republic a.s. as at 1 April 2009.
- 3) The legal existence of CL - NET s.r.o. was terminated without liquidation and the company merged by absorption with RIO Media a. s. as at 1 November 2009.
- 4) ČEZnet, a.s. changed its name to ČEZ ICT Services, a. s. as at 30 September 2008.
- 5) Euphony Czech Republic a.s. changed its name to LIVE TELECOM a.s. as at 1 June 2010.
- 6) The legal existence of GTS NOVERA a.s. was terminated without liquidation and the company merged by absorption with GTS NOVERA s.r.o. as at 1 July 2009. GTS NOVERA s.r.o. changed its name to GTS Czech s.r.o. as at 1 October 2010.
- 7) IJC, s.r.o. changed its name to METRONET s.r.o. as at 24 May 2010.
- 8) The legal existence of K + K cable s.r.o. was terminated without liquidation and the company merged by absorption with BKS Capital Partners a.s. under a domestic merger project of 23 June 2009 with effect from 1 January 2009.
- 9) The legal existence of Kabelová televize Karviná, a.s. was terminated without liquidation and the company merged by absorption with UPC Česká republika, a.s. as successor company as at 1 January 2009.
- 10) Kabelová televize Třinec, spol. s r.o. changed its name to Nej TV Broadcasting s.r.o. as at 1 September 2010.
- 11) The legal existence of MATTES AD, spol. s r. o. was terminated without liquidation and the company merged by absorption with RIO Media a. s. as at 1 November 2009.
- 12) NWT Computer s.r.o. changed its name and legal form to NWT a.s. as at 1 September 2010.
- 13) The legal existence of RTV – 5, spol. s r. o. was terminated without liquidation and the company merged by absorption with BKS Capital Partners a.s. under a domestic merger project of 29 September 2008 with effect from 1 June 2008.
- 14) Telekom Austria Czech Republic, a.s. changed its name to VOLNÝ, a.s. as at 21 January 2009.
- 15) The legal existence of TS-Telekomunikace, s.r.o. was terminated and the company merged by absorption with Sloane Park Property Trust, a.s. under a project of 1 June 2009 approved on 25 September 2009.

Article 3

Entry into force

This Measure of General Nature shall enter into force on the fifteenth day after being published in Telekomunikační věstník [Telecommunications Bulletin].

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Explanatory Memorandum

In issuing this Measure of General Nature, the Office proceeded in accordance with Point 10 of Article II (Transitional Provisions) of Act No. 153/2010, amending Act No. 127/2005 on electronic communications and on amendment to certain related acts (the Electronic Communications Act), as amended, and certain other Acts. On the basis of these transitional provisions, the rights and obligations pertaining to the Office, to universal service providers and to the payers of contributions to the universal service account, which rights and obligations relate to the provision of the universal service and to determining, collecting and recovering the payments to the universal service account for the accounting period ending before the effective date of Act No. 153/2010, are governed by the Electronic Communications Act and relevant implementing regulations (their version in effect until 30 June 2010).

In order to implement Section 49(7) of the Act, taking into account the above, the Office hereby issues this Measure laying down the percentage shares of revenue from the provision of services referred to in Section 49(5) of the Act out of the total revenue from these services as provided by all payers in the accounting period of the year 2008.

Payers are obliged to contribute to covering the net costs. Under Section 49(5) of the Act, payers are the undertakings that, regardless of whether they are or are not based in the Czech Republic, provide the following services in the Czech territory during the relevant accounting period: interconnection and access to the publicly accessible electronic communication network, publicly available telephone service, line leasing service, internet access service or any other publicly available data service.

It is stipulated in Section 49(6) of the Act that an undertaking whose total revenues from the provision of publicly available telephone service, internet access services or any other publicly available data services for the relevant period are smaller than CZK 10,000,000 in aggregate should not be regarded as payers. Consequently, the calculation covered only the undertakings listed in Article 2 of this Regulation, each of which had revenues at or above CZK 10,000,000.

For the purposes of this Measure, total revenues should be understood to mean the sum of payers' revenues for the services specified in Section 49(5) of the Act. Revenue shares should be understood to mean, for the purposes hereof, the shares of the revenues of the individual undertakings out of the total revenues defined above.

In determining the range of undertakings, the Office based its considerations on the list of undertakings maintained by the Office in accordance with Section 14(3) of the Act.

The Office addressed 1370 undertakings which had notified authorities about their electronic communication business in accordance with Section 13 of the Act and which, in the relevant period of time, conducted the notified electronic communications business activities to the extent defined in Section 49(5) of the Act. The Office requested these companies under Section 115 of the Act to submit the information, data and evidence necessary for determining the amount to be paid to the universal service account. This information was used for the calculation of each provider's percentage share out of the total revenues from the electronic communications services indicated below and for the subsequent calculation of the contribution to covering the net costs incurred by the universal service provider in 2008.

Where doubts about the data occurred, the information, data and evidence submitted in accordance with Section 115(1-3) of the Act was examined on a state-inspection basis in accordance with Section 115(5) of the Act. In performing the inspection, the Office acted in accordance with the provisions of Section 113 of the Act and in compliance with Act No. 551/1991 on State Inspection, as amended.

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As to revenues from the provision of access to the publicly accessible electronic communications network, the publicly available telephone service, line leasing service, internet access service or another publicly available data service, the Office included in these revenues those that were earned from the sale of such services, which were accounted for in accordance with Act No. 563/1991 on accounting, as amended, in the calendar year 2008. From the addressed undertakings, the Office requested information about the individual types of revenues, including the sales revenues related to the following electronic communications services in the following order:

Interconnection:

- Wholesale sales revenue for traffic originated in the operator's network, including revenues from of the provision of access to services (e.g. with indicated price, with shared costs, freephone);
- Wholesale sales revenue for traffic terminated in the operator's network;
- Wholesale sales revenue for transit;
- Wholesale sales revenue for lines leased for interconnection purposes;
- Wholesale sales revenue for number porting.

The individual items also comprise sales revenue for roaming, dial-up, virtual calling cards, SMS and MMS.

Access to public electronic communications network:

- Wholesale sales revenue for local copper loop unbundling, both full and shared access;
- Wholesale sales revenue for co-location;
- Other revenues from access-related services and activities that are not comprised in other items of the sales revenue for access to public electronic communications network.

Publicly available telephone service:

- Retail sales revenue for installing, re-laying, transfer and removal of subscriber lines;
- Retail sales revenue for the use of subscriber lines;
- Retail sales revenue for mobile station and service activation & reactivation (e.g., SIM cards);
- Retail sales revenue from fixed network subscribers or end users for calls;
- Retail sales revenue from mobile network subscribers or end users for calls;
- Retail sales revenue for number porting;
- Retail sales revenue for telephone service resale;
- Other retail sales revenues for publicly available telephone service (e.g. for detailed billing breakdown and other ancillary services).

Publicly available telephone services provided by means of the VoIP technology.

Leased lines service:

- Wholesale sales revenue for leased lines (not including loops used for interconnection);
- Retail sales revenue for leased lines;
- Sales revenue from line lease resale.

Internet access service:

- Wholesale sales revenue for Internet access, including for installation;
- Retail sales revenue for Internet access, including for installation;
- Sales revenue from Internet access resale;
- Sales revenue from dial-up.

Other publicly available data services:

- Retail sales revenue for the short message service (SMS);
- Retail sales revenue for multimedia service (MMS);
- Retail sales revenue for voice over internet protocol (VoIP);
- Other retail sales revenues for other publicly available data services;
- Wholesale sales revenue for data transmission;

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- Sales revenue from data services resale.

Other electronic communications activities:

- Sales revenue and income from other activities in the electronic communications sector, not included in the lines above (e.g. transmission of radio and television signals).

Other activities of the undertaking:

- Sales revenue and income from other activities within the undertaking, including extraordinary and financial income (e.g. webhosting, domains, trading activities).

The submitted data was assessed for compliance with the list of undertakings. The range of the indicated revenue data was checked by the Office against the range of services whose provision was notified by the undertaking under Section 13 of the Act. The sum of all the above revenues was checked on the basis of the internal sources available to the Office and on the basis of the local investigations conducted at some of the undertakings.

As stated above, only the undertakings referred to in Article 2 of this Measure, whose income is (as the Office found) at or above CZK 10,000,000, were included in further calculations for the purposes hereof. The Office had to identify the services from which to take the undertaking's income to be considered when checking whether the CZK 10,000,000 level was reached in the accounting period under Section 49(6) of the Act and when determining the percentage share of the aggregate revenue. The Office decided to take into account those services (both retail and wholesale) whose revenues are charged by the undertaking in the Czech Republic and are subject to income tax as that undertaking's income from sources located in the Czech Republic. Even in the case that a part of a service is used abroad, e.g. the international roaming services, the Office includes the revenue from such a service in the calculation because, as the Office explains, it is a service that is offered, provided and charged for by the undertaking in the Czech territory. In addition, in the case of retail services, the services are provided under the conditions proclaimed in the Czech Republic.

As to the individual services specified in Section 49(5) of the Act, the Office included in the revenues also the sales revenue generated from setting up the connection to an electronic communication network for the purpose of the provision of electronic communications services, e.g. access to internet or public telephone service, as it is impossible without such connection to provide electronic communications services.

The total income, from which the percentage shares of individual payers were determined, was calculated as the sum of the revenues earned by the payers from the above-mentioned electronic communications services. The sum of the individual payers' revenues was **CZK 125,547,404.000**, as stated in the first sentence of Article 2 of this Measure.

The individual payers' percentage shares, shown in the table in Article 2 of this Measure, were determined as the ratio between the individual payers' revenues to all payers' total revenues from the provision of all payers' services referred to in Section 49(5) for the given accounting period, based on the following formula:

$$P_i = \frac{V_i}{\sum V_i}$$

where:

P_i the share of the i^{th} payer,

V_i payer's revenues from the provision of the services indicated in Section 49(5) of the Act

$\sum V_i$ sum of all payers' revenues.

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The individual undertakings' shares are stated as percentages with accuracy to five decimal places.

Entry into force of the Measure is determined in Article 3 of the Measure in compliance with Section 124(2) of the Act.

On the basis of Section 130(1) of the Act and in accordance with Article 5(1) of the Czech Telecommunication Office's Rules for maintaining consultations at the discussion site, the Office published at the discussion site its draft Measure of General Nature No. OOP/18/XX.2010-Y on 1 November 2010.

The Office did not receive any comments during the public consultation.

For the Council of the
Czech Telecommunication Office

PhDr. Pavel Dvořák, CSc.
President of the Council of the
Czech Telecommunication Office