

On the grounds of the Prime Minister's Decision no.113/2002 on appointing the President of the National Regulatory Authority for Communications,

On the grounds of Article 38 paragraph (1), (3) and (5) of the Government Emergency Ordinance no.79/2002 on the regulatory framework of communications, approved, with modifications and completions, by Law no.591/2002, with the subsequent amendments and completions, as well as of Art.4, paragraph (3), Art.5, Art.9, paragraph (2), Art.11 and Art.13, paragraph (1) of Law no.304/2003 for universal service and the users' rights regarding electronic communications networks and services,

Having regard to the provisions of the Order of the Minister of Communications and Information Technology no.184/2004 for the approval of the Policy and Strategy Paper on the implementation of universal service in the electronic communications sector,

Having regard to the Decision of the President of the National Regulatory Authority for Communications no.1074/2004, on the implementation of universal service in the electronic communications sector, amended and completed by the Decision of the President of the National Regulatory Authority for Communications no.1188/2004,

Having regard to the Statement of Facts no.DE/594/30.11.2004 on the result of the tender organised for the designation of the universal service providers who shall provide access to the public telephone network, at a fixed location, by means of telecenters,

THE PRESIDENT OF THE NATIONAL REGULATORY AUTHORITY FOR COMMUNICATIONS

issues the present:

DECISION

Art.1. – The Company „Orange România” – S.A., with headquarters in Bucharest, 51-53 Lascar Catargiu Blvd., 1st District, matriculated with the Trade Registry of the Bucharest Municipality with the unique registration code 9010105, is designated for a 3 year period, following a public tender, as a universal service provider in the electronic communications sector, as it is defined under Art. 2 paragraph (1) letter g) of Law no.304/2003 for universal service and the users' rights regarding the electronic communications networks and services, with a view to providing access to the public telephone network, at a fixed location, by means of telecenters, in the localities provided in the annex which is a part of the present decision.

Art.2. – (1) The company „Orange România” – S.A. has the specific obligations provided in the Reference Terms of the tender and the technical proposal submitted to the National Regulatory Authority for Communications, for the whole designation period provided under Art.1, regarding the provision of access to the public telephone network, at a fixed location, by means of telecenters, in the localities in the annex.

(2) The company „Orange România” – S.A. has the obligation to commission the telecenters, under the conditions established in the Reference Terms of the tender and in the technical proposal, within 90 days from the date of communicating this decision.

Art.3. – The Company „Orange România” – S.A. has the right to request the compensation of the net cost for providing the services within the scope of universal service, according to the annex provisions, after installing and commissioning each telecenter, under the conditions established in the Reference Terms of the tender and in the technical proposal.

Art.4. – The obligations and rights provided under Art.2 and 3 shall be additional to those provided in the legislation on the electronic communications sector or to those established by the National Regulatory Authority for Communications based on the respective legislation.

Art.5. – (1) Breaching the obligations imposed on the company „Orange România” – S.A. shall be hereby sanctioned according to the legal provisions in the electronic communications sector.

(2) Should the quality of a universal service provider with a view to providing access to the public telephone network, at a fixed location, by means of telecenters, in one of the localities in the annex, be withdrawn under the provisions of Art.37 of the Decision of the President of the National Regulatory Authority for Communications no.1074/2004 on the implementation of universal service in the electronic communications sector, amended and completed by the Decision of the President of the National Regulatory Authority for Communications no.1188/2004, the company „Orange România” – S.A. has the obligation to refund the National Regulatory Authority for Communications, within 30 days from the date of communicating the decision of withdrawing the universal service quality, the whole amount received as a compensation of the net cost for the provision of services within the scope of universal service in the respective locality.

(3) The company „Orange România” – S.A. shall also benefit from the right to request, as the case may be, the payment of the difference between the amount refunded under the conditions provided in paragraph (2) and the amount paid by the National Regulatory Authority for Communications to the new universal service provider designated with a view to providing access to the public telephone network, at a fixed location, by means of telecenters, in the respective locality, as a compensation for the net cost of providing the services within the scope of universal service.

Art.6. – The universal service provider quality of the company „Orange România” – S.A. shall cease in the situations provided under Art.38 of the Decision of the President of the National Regulatory Authority for Communications no.1074/2004.

Art.7. – The Reference Terms of the tender, as well as the documents included in the technical proposal, as well as the financial proposal of the company „Orange România” – S.A., are a part of the present decision.

Art.8. – The present decision shall be communicated to the company „Orange România” – S.A.

**PRESIDENT,
ION SMEEIANU**

Bucharest, December 3, 2004
No.1.345/EI

ANNEX

The localities where telecenters shall be installed and the net cost of the provision of services within the scope of universal service in each locality

No.	County	Commune	Locality	The net cost specified in the offer (ROL thousand)
1	Argeş	Bârla	Bârla	771,747.51
2	Bistriţa Năşăud	Negrilesti	Breaza	1,048,823.87
3	Dâmboviţa	Lucieni	Raciu	775,784.37
4	Dâmboviţa	Răcari	Colacu	1,034,918.72
5	Suceava	Mălini	Poiana Mărului	843,067.83