MALTA COMMUNICATIONS AUTHORITY

DECISION NOTICE

Review of GO plc's application for funding of the net cost claimed to have been incurred to provide universal service obligations during 2019

Response to Consultation and Decision

MCA Reference: MCA/D/24-5417

Publication Date: 23rd September 2024

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1 Executive Summary

In August 2024, the Malta Communications Authority (hereinafter the "MCA") published a consultation and proposed decision on the review of GO plc's application for funding of the net cost claimed to be incurred for providing universal service obligations (hereinafter "USOs") during financial year 2019[1].

During 2015, the MCA published a revised decision for the provision of universal services in the electronic communications sector entitled *"Decision on Universal Service Obligations on Electronic Communications Services"* (hereinafter the "2015 USO Decision"). The USOs are intended to ensure that everyone, irrespective of location and social means, can have access to electronic communications services. The universal service components applicable as a result of the 2015 USO Decision are outlined in Section 2 below.

Undertakings responsible for the provision of all or part of the USOs may submit a claim for compensation in relation to any unfair burden they consider to have suffered as a result of providing each respective USO, in accordance with the above-mentioned 2015 USO Decision. In this context, the MCA received a written request from GO plc (hereinafter "GO"), as the designated undertaking, claiming compensation for the net costs that GO considered it had incurred during financial year 2019 for the provision of some of the components of the universal services in the electronic communications sector. In this regard, the MCA commissioned Ernst & Young Limited (hereinafter "EY") as an independent body to review and verify the various calculations of the net cost claimed by GO whilst taking into account any market benefits.

As established in the 2015 USO Decision, the universal service provider (hereinafter "USP") is required to submit sufficient and detailed information supporting its claim. The information and the evidence of the net costs provided by GO served as a basis for the evaluation exercise to determine whether the provision of the USOs resulted in an unfair burden. GO's funding application included the following components of the USOs namely: public payphones, social tariffs and a comprehensive electronic directory. As part of its USO funding application, GO also included an intangible benefit in its claim, namely the brand enhancement element.

The evaluation process consisted of two phases, namely:

- a Reasonability Phase to evaluate the reasoning behind GO's claim; and
- a Calculation Accuracy Phase to review and verify the various calculations, including those used to quantify the intangible benefits.

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[1] GO's financial year was from 1st January 2019 to 31st December 2019.

Following the review and verifications carried out by EY, it was established that GO had incurred an element of unfair burden for providing the specified universal services during financial year 2019 which, after taking into account the intangible benefits, amounted to a net cost of €107,940. The results of the cost calculation and the conclusions of the review on each USO component are being published and are found in Section 4 and Annex 1 below.

The above-mentioned consultation and proposed decision on the review of GO's funding application for financial year 2019 was published on 9th August 2024 on the MCA website, and the consultation period ran until 9th September 2024. During the consultation period, feedback was received from one respondent (an individual). The MCA wishes to thank this respondent for the interest shown in submitting their response.

The allocation of the source of USO funding shall be considered and dealt with by means of a separate consultation process and ensuing Decision Notice.

2 Introduction

The Electronic Communications (Regulation) Act (Cap. 399 of the Laws of Malta) specifies that one of the objectives of the MCA is to promote the interests and rights of users by ensuring access to universal services[2]. Universal services are defined as a minimum set of services of specified quality which are made available at an affordable price to all end-users irrespective of their geographical location and in the light of specific national conditions[3].

In April 2010 the MCA published a USO Decision, which was updated in May 2015, establishing a number of universal services that are to be provided, in part or in full, by an entity as the designated undertaking, for a period of time as the MCA may specify. The USO Decision stipulated that the MCA may designate different undertakings or sets of undertakings to provide different elements of universal services and/or to cover different parts of the Maltese islands, and that in default of an expression of interest from third parties, or if the established criteria are not satisfied, the MCA was required to designate an undertaking to be responsible for providing each of the universal services. Given that no undertaking expressed interest to provide one or more of the universal services defined in the 2015 USO Decision, the MCA designated GO to provide the universal services in question.

During 2019, GO provided the following universal services:

Access at a fixed location:

This universal service is only applicable when there are no other public communications networks providers that can provide connection at a fixed location at an affordable price.

Comprehensive Electronic Directory:

In addition to the provision of the comprehensive electronic telephone directory, the designated undertaking is required to make available a free of charge, web-based interface for smartphone users.

Public payphones:

The 2015 USO Decision established a minimum set of parameters to determine the number of payphones to be made available in each locality according to the respective population size.

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[2] Cap. 399, article 4(1)(c)(i).

[3] SL 399.28, regulation 21(1).

Specific measures for disabled users including 'Telecare' type of service:

The 'Telecare' type of service comprises the provision of a service that allows easy access to emergency/assistance services.

Reduced tariff options:

The provision of a reduced tariff option to render the universal service affordable to eligible consumers, especially vulnerable users on low incomes or with special social needs.

Chronology of the current claim:

As outlined in the Electronic Communications Networks and Services (General) Regulations, SL 399.28 of the Laws of Malta (hereinafter the "Regulations") and in the 2015 USO Decision, an undertaking designated to provide universal services has the right to apply to receive funds within eleven months following the end of the previous financial year for any net costs accrued in meeting these obligations. Such a request must be accompanied by supporting detailed documentation to enable the MCA to determine whether the provision of the universal service/s resulted in an unfair burden on the designated undertaking[4].

In 2020, GO submitted an application for the funding of the net costs it claimed to have incurred in providing universal services during 2019. This application was accompanied by a report on the methodology and calculations for each of the USO components considered in the claim, and also included a cost model.

In this regard, the MCA commissioned EY to review this claim to assist the MCA in assessing the funding application submitted by GO, and whether the information and evidence provided by GO was sufficient and detailed enough to support the claim. In order to expedite the process, the MCA requested GO's approval to make use of and refer to the information, explanations and documents provided by GO for previous USO claim reviews. GO confirmed that the MCA and its consultants EY could make use of the information and documentation provided by GO for the previous USO claims.

The process of the evaluation exercise was based on the one used for previous USO claims, including two main review phases, namely a Reasonability Phase and a Calculation Accuracy Phase. Further detail and the outcome emanating from these work streams are described below.

[4] SL 399.28, regulation 30.

2.1 Reasonability Phase

The goal of the Reasonability Phase was to analyse the validity of the reasoning GO used to support its claim. As part of this process, EY was asked to thoroughly investigate and assess the following elements on each universal service:

- the grounds on which the claim for funding are based;
- whether the claim is coherent with regulatory principles;
- the extent to which the claimed funding is attributed to universal service obligations; and
- the approach used to quantify the intangible benefit aspect of the claim.

EY finalised the Reasonability Phase in November 2023 and the findings were included in a Report which was sent to GO. The findings emanating from this Phase can be found under Section 4 "Review and Assessment of the Net Cost" below.

2.2 Calculation Accuracy Phase

The objective of the Calculation Accuracy Phase was to review and verify the various calculations, including those used to quantify the intangible benefits, that GO provided in its claim. Following a number of information and clarification requests on specific aspects of the claim, GO submitted the final revised cost model in February of 2024. In March 2024, the MCA also reached out to the Ministry for Health and Active Ageing responsible for social tariffs regarding the numbers of eligible subscribers who benefitted from social tariffs during 2019. EY finalised the Calculation Accuracy Phase in July 2024.

The MCA requested EY to submit an abridged version of the review report on the cost calculation and conclusions of the review and verification exercise to be made publicly available, without revealing any financial information which could be commercially sensitive. This report is included in Annex 1 of this document and a summary of its findings can also be found under Section 4 "Review and Assessment of the Net Cost" further below in this document.

3 Legal Basis

The fundamental aspects of costing and financing of universal services are outlined in the Regulations and in the Directive 2002/22/EC (as amended) of the European Parliament and of the Council (hereinafter the "USO Directive").[5]

Regulation 30 of the Regulations stipulated that an undertaking designated to provide all or parts of the universal service obligations outlined under regulations 21 to 28 of the Regulations, may submit a written request to the MCA for funding of the net costs it claims to have incurred in providing the universal service/s concerned. Such a request must be accompanied with detailed and supporting information to enable the MCA to determine whether the provision of the universal service/s resulted in an unfair burden on the USP[6].

The MCA, or an independent body approved by the MCA, shall determine if the USO funding application submitted by the designated undertaking represents an unfair burden on that undertaking for providing the claimed USO components. Regulation 30 also stipulated that an audit or verification exercise be carried out on the calculations of any net costs claimed whilst taking into account any market benefit which accrued to the designated undertaking and that the universal service obligations were provided in a cost-effective manner. If it is determined that the provision of the claimed USO components do not represent an unfair burden, the MCA has to inform the designated undertaking accordingly, giving its reasons therefor. Following the audit or verification exercise, the results of the cost calculations and the conclusions are to be made publicly available.

The financing of universal service obligations requires *a priori* that the MCA, or an independent body approved by the MCA, finds that an undertaking has suffered an unfair burden. Regulation 31 of the Regulations[7] stipulated that when it is established that an undertaking is

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[5] As a result of the transposition of the European Electronic Communications Code, Cap. 399 of the Laws of Malta was amended by Act Number LII of 2021, whereas SL 399.28 of the Laws of Malta was repealed by LN 379 of 2021 and replaced by SL 399.48. All these new laws came with effect from 1st October 2021**. The references to the legislation prior to the amendments to the applicable laws that came into force as on the 1st October 2021 have been retained in this Decision Notice since the claim is related to a period (2019) which is prior to the coming into force of the amended or new legislation.** The provisions enabling the publication of this Decision Notice which were previously included in regulation 30 of SL 399.28 have been substantively retained in regulation 76 of SL 399.48.

[6] The provisions in regulation 30 (1) and (2) of SL 399.28 referred to in this Decision Notice were substantively retained in regulation 76(3) of SL 399.48 which became effective as from 1 October 2021 after SL 399.28 was repealed by LN 379 of 2021.

[7] The provisions in regulation 31 of SL 399.28 referred to in this Decision Notice were substantively retained in regulation 77 of SL 399.48 which became effective as from 1 October 2021 after SL 399.28 was repealed by LN 379 of 2021 and replaced by SL 399.48.

subject to an unfair burden, the MCA shall compensate the designated undertaking from public funds with the approval of the Minister responsible for finance and, or from sharing the net cost between providers of electronic communications networks and services. The identification of the source of the USO funding, which could depend on the nature of the universal service in question, shall be considered and dealt with by the MCA in a separate consultation process and ensuing Decision Notice.

4 Review and Assessment of the Net Cost

As mentioned earlier in this document, the MCA commissioned EY to evaluate the reasoning behind GO's claim, and to review and verify the various calculations of the net cost GO claimed it had incurred during 2019 in fulfilling its obligations by providing universal services on electronic communications services outside normal commercial conditions. The net cost is calculated as the difference between the cost a designated undertaking would incur when operating with universal service obligations and that when operating without such obligations[8]. As cited in Section 2 above, the specific objectives of the evaluation exercise consisted of two main review phases, namely the Reasonability Phase and the Calculation Accuracy Phase. The MCA requested EY to prepare an abridged version of the full report which is sufficient for the purpose of making the results of the cost calculation and conclusions of the review and verification exercise publicly available without revealing financial information of a commercially sensitive nature. The public version of EY's report entitled *"Review of GO plc's application for funding of the net cost claimed to have been incurred to provide universal service obligations during 2019"* is available in Annex 1 of this document.

For financial year 2019, GO included the following components in its claim:

- Public Payphones;
- Social Tariffs;
- Comprehensive electronic directory; and
- Intangible Benefits.

GO's original USO claim request for 2019, submitted in 2020, amounted to a total net cost of €373,182. The 2019 USO claim submitted by GO was based on the same cost model developed for its previous USO claims. In particular, GO's cost model and claim for 2019 were based on a current net cost approach considering the actual line rental charged to its subscribers during the financial year under review, in line with MCA's previous decisions on USO claims. Furthermore, as in previous USO claims, GO's 2019 USO claim was based on a fully allocated cost approach by means of a top-down cost model factoring its operational data using a historical cost accounting methodology.

As part of its analysis during the Calculation Accuracy Phase, EY prepared an information request list to collect additional details from GO. Following feedback and clarifications received on a number of items identified in the cost model, GO submitted its final revised cost model in February 2024, including the following main changes:

[8] SL 399.28, the Sixth Schedule thereto.

- An adjustment to the apportionment of the monthly rate for the standard line rental since the line rental rate increased as from June 2019. This change impacted the net cost of the social tariffs component;
- Updates to the numbers of social tariffs beneficiaries;
- An update to the opening net book value (NBV) for the comprehensive electronic directory to reflect the closing NBV for the previous claim of 2018;
- Amendments to the calculation methodology adopted for the brand enhancement to reflect the methodologies considered in past USO claims which were reviewed after the submission of GO's funding application for 2019.

Following the revisions made by GO as outlined above, the total net cost of GO's 2019 USO claim decreased from €373,182 to €238,534. The following sub-sections include a more detailed explanation of the review work carried out on each USO component claimed by GO for funding. Once the review of GO's 2019 USO claim was completed in July 2024, the total net cost decreased further and amounted to €107,940. Further details are also available in Annex 1.

4.1 Public Payphones

In accordance with the Regulations and the 2015 USO Decision, public payphones were to be made available to meet the needs of end-users in terms of geographical coverage, quantity, accessibility and quality of service. The 2010 USO Decision established a minimum set of parameters to determine the number of payphones required in each locality, based on the respective population figures. These parameters were maintained in the 2015 USO Decision with the exception that whenever GO intended to remove a public payphone it was required to notify the MCA of such a removal and its exact location, subject that the minimum number of payphones as established in the aforesaid Decision was maintained. The minimum number of payphones in all localities of the Maltese islands according to the 2010 and 2015 USO Decisions amounted to a total of 184 payphones.

In its cost model, as per previous claims, GO presented two scenarios: one with the total number of existing payphones; and another with the optimal number of payphones as set by the minimum requirements established in the 2015 USO Decision. For the purpose of this claim, GO based its funding request on the current net cost pertaining to the optimal number of payphones, this in line with the MCA's decisions of the previous USO claims.

The number of payphones around Malta and Gozo during 2019 amounted to a total of 192, out of which 191 were unprofitable according to GO. Taking into account the minimum number of payphones requirement set by the 2015 USO Decision, GO was obliged to provide 184 payphones, out of which 183 were reported to be unprofitable.

As in the case of previous USO claims, GO provided revenues and costs information to arrive at the net cost of each unprofitable payphone. The approach taken to calculate the net cost in the case of payphones was based on a net margin derived from revenues less costs per individual payphone, similar to the methodology that had been undertaken in past claims to calculate the geographical component cost on the basis of individual Main Distributor Frames (MDFs).

During the Reasonability Phase, EY confirmed that on the basis of the USO Directive and of international practice, payphones can form part of the USO claim.

During the Calculation Accuracy Phase, clarifications were sought from GO on certain inputs underlying the 2019 claim for the payphones component. In particular, clarifications were requested from GO on the repair and maintenance cost since it was the only cost element of the direct OPEX per payphone which registered an increase. GO explained the nature of the costs involved, and the rationale adopted for the calculation, and it was concluded that the cost driver considered was reasonable.

Additionally, GO was requested to provide reasons and explanations for the observed changes in the local access network (LAN) operating costs when compared to the previous claim. In this regard, GO provided its explanations on alignment of overall costs for 2018 and 2019.

Furthermore, EY noted that GO's USO cost model for 2019 recorded lower operating electricity costs than in the previous 2018 claim, which is consistent with the reduction in the number of operative payphones being claimed for. It was also observed that the cost of capital considered by GO in its 2019 USO claim amounted to 6.98%, and was based on the MCA's Decision entitled "Weighted Average Cost of Capital – Response to Consultation and Decision" which is applicable for regulatory accounting periods ending on or after 31 December 2019.

During the review of the list of payphones, both EY and MCA noted that the approach adopted in past claims to consider the minimum number of payphones per locality by selecting the least loss-making payphones was followed by GO except in two localities. An update has therefore been made to the cost model to reflect the optimal number of payphones in all localities. This resulted in a small variance to the cost of the payphone USO component included by GO in its claim.

Following the review of the payphone USO component, EY concluded that the payphone claim should be based on the optimal number of payphones in accordance with the 2015 USO Decision, and the public payphones component resulted in a net cost of €28,211. More information on this USO component is available in Annex 1 of this document.

4.2 Social Tariffs

The Social Tariff USO component defined in the 2015 USO Decision comprises the provision of reduced tariff options which render the respective electronic communications service affordable to eligible end-users, and the provision of specific measures for disabled end-users including a Telecare type of service allowing easy access to emergency and other assistance services. As in previous years, GO claimed compensation for the provision of two types of social tariffs which were provided free of charge during 2019, namely the free line rental services and the free Telecare type of service which are provided to qualifying low-income earners, or to people with special social needs, included in a list specifically provided by the competent Ministry or public entity.

During the Reasonability Phase, EY concluded that based on the USO Directive and international practice, social tariffs could form part of the USO claim since they are social obligations imposed on the designated undertaking. The same methodology as per previous claims was used by GO and was based on a current net cost approach. This ensures that the eventual funding of the social tariff component is not overstated by including a charge higher than the actual rate applied to conventional GO subscribers. The social tariff net cost has been calculated as the difference between the current retail price and the amount actually charged to the eligible subscribers.

During the Calculation Accuracy Phase, a request for clarifications was sent to GO on the number of subscribers included in the calculation of the free Telecare service and the free line rental service. Following these clarifications, GO confirmed that it had erroneously included subscribers that were migrated to a bundled product and therefore the number of subscribers benefiting from free line rental service was adjusted accordingly. GO also revised the monthly rate for the standard line rental since an increase in the fixed line rental had to be taken into account as from June 2019, rather than from January 2019. These adjustments led to a decrease in the social tariff component to €350,382.

Furthermore, the Ministry for Health and Active Ageing, which is responsible for social tariffs, verified the number of beneficiaries, and adjustments were made to reflect the eligible subscribers for free Telecare service and free line rental service during 2019. These amounted to 1,360 and 1,942 respectively. After taking into consideration these levels of beneficiaries, the net cost for the social tariff component decreased further.

Following the completion of the Calculation Accuracy Phase, it was concluded that the social tariffs USO component based on the current net cost scenario resulted in a net cost of €34,762 for specific measures to disabled end-users, and of €185,033 for reduced tariff options, totalling to a net cost of €219,795. More information on this USO component is available in Annex 1 of this document.

4.3 Comprehensive Electronic Directory

The universal service obligation for the provision of a comprehensive electronic directory was included in the 2015 USO Decision and the designated undertaking was also required to make available an interface that caters for smartphone users. GO decided to develop a smartphone mobile application and make it available free of charge to end-users to meet its obligations. This was launched by GO in December 2016. In its claim, GO included the net cost incurred for the provision of the smartphone application during 2019.

In the original claim sent by GO, it was observed that the methodology adopted to calculate the net cost for the comprehensive electronic directory in the 2019 USO claim was based on the review conclusions of the Decision Notices for the 2016, 2017 and 2018 USO claims since, unlike previous years, GO's claim for 2019 reached the MCA after the publication of the 2016 USO claim Decision Notice.

In the Reasonability Phase, EY considered that the inclusion of the costs associated with the mobile directory app in the USO claim were reasonable and appropriate in view of the 2015 USO Decision provisions. It was concluded that the calculation details would be reviewed in the Calculation Accuracy Phase to further verify the cost.

During the Calculation Accuracy Phase, it was observed that in its claim GO considered a higher opening net book value for 2019 than the closing net book value for 2018. GO was requested to update this figure which resulted in a decrease in the net cost for the comprehensive electronic directory.

The approach adopted for the cost of capital in the 2019 USO claim is consistent with the MCA Guidance on Accounting Methodologies for Regulatory Accounting Purposes. It was also noted that the cost of capital included in GO's 2019 USO claim amounted to 6.98%, and was based on the MCA's Decision entitled "Weighted Average Cost of Capital – Response to Consultation and Decision" which is applicable for regulatory accounting periods ending on or after 31 December 2019.

In its 2019 USO claim, GO had correctly not included any costs related to the updating of the directory in terms of the internal human cost allocated for the updating of customer records. Similarly to the 2018 USO claim, GO did not incur any costs for the maintenance agreement associated with the mobile directory app during 2019.

Following the assessment carried out during the Calculation Accuracy Phase, the net cost for the comprehensive electronic directory component decreased to €5,918. EY concluded that this net cost is justifiable. More information on this USO component is available in Annex 1 of this document.

4.4 Intangible Benefits

In accordance with regulation 30 and the Sixth Schedule of the Regulations, in its USO claim for funding GO included intangible benefits that arise from the provision of the universal services and are deducted from the net costs[9]. In its claim, GO included the "brand enhancement" element as a component of intangible benefits, which is being defined as the enhancement of the USP brand by offering universal services, and the influence on end-users' perception that might impact the overall profitability.

In the USO cost model submitted by GO as part of its original claim for 2019, the brand enhancement benefit was quantified using the same approach and methodology used in the original USO claims for 2017 and 2018. This was based upon a benchmark comparison with benefit estimation rates (relative/percentage rate) that resulted for a number of other European USPs. During the Reasonability Phase, EY concluded that the estimation methodology, inputs and calculations employed by GO would be further assessed in the Calculation Accuracy Phase.

Since the calculation of intangible benefits is not an exact science and there is no single defined methodology or answer, the estimation of intangible benefits is by its very nature a challenging exercise, and a number of different methodologies have been used for assessment purposes by the industry. Nevertheless, EY reported that in principle and in line with the 2017 and 2018 USO claim Decision Notices, the general approach used by GO provides an appropriate basis for the estimation of the brand enhancement benefit and is in line with international practice. During the Calculation Accuracy Phase, EY reviewed the workings and methodology of the brand enhancement benefit and GO was requested to provide updated calculations based on the review conclusions of the 2017 and 2018 USO claim Decision Notices. The original claim for 2019 was submitted to the MCA prior to the publication of the 2017 and 2018 USO claim Decision Notices. In this regard, GO updated its workings as part of the revisions to the cost model, leading to an increase in the brand enhancement benefit to €145,984.

Like other international benchmarking exercises, it is difficult to evaluate the extent to which the USP and the market environment in which GO operates are comparable to those of the benchmark group, and the final rate selection remains a subjective element. GO's original submission did not provide a clear explanation of the method or approach used in the selection of the final estimation rate within the range of benchmark rates. In this regard, during the review work, GO revised the cost model and adopted a more standard, objective and

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9 SL 399.28, regulation 30(4).

arithmetically based approach utilising the mean value across all benchmarks in line with the 2017 and 2018 USO claim Decision Notices.

As in previous claims, the ubiquity, the life cycle and the marketing benefits elements of intangible benefits were not included in the claim.

Following the Calculation Accuracy Phase, the value of the brand enhancement intangible benefit increased to €145,984, which is to be deducted from the net cost of the USO components. More information on the intangible benefit components is available in Annex 1 to this document.

5 Report on Consultation and Assessment

5.1 Responses received during consultation

During the consultation period, one respondent expressed a belief in the continued support of public payphones in Malta and Gozo, and stated that although they are not commonly used, they serve as a crucial role in emergencies and to those without mobile access.

5.2 MCA analysis and consideration

The MCA notes that the response received does not fall within the scope of the consultation document (MCA/C/24-5391) which consulted on the results of EY/MCA's review of GO's application for compensation of the net costs claimed to have been incurred for providing universal services during 2019. The aspect of public payphones as a universal service had been addressed in a separate consultation document published in August 2020 and, following that public consultation process, the ensuing Decision Notice entitled "Universal Service Obligations on Electronic Communications Services" (MCA/D/21-4167) was published thereafter in March 2021.

6 Summary of Net Cost per Component and Decision

The table below shows a summary of the reviewed calculated cost for each USO component:

USO Component	Reviewed net cost €
Payphones	(28,211)
Social tariffs	(219,795)
Comprehensive electronic directory	(5,918)
Intangible benefits:	
- Brand Enhancement	145,984
Total	**(107,940)**

Following the verification exercise of GO's funding application for 2019 and subsequent consultation process, MCA determines that GO, as the undertaking designated to provide each of the USOs listed in the table above, is to be compensated for the net costs incurred for the provision of these USOs during financial year 2019 which amounted to a total of €107,940.

7 Source of Funding

In the assessment process undertaken by EY, it was established that GO, as the USP, has suffered an unfair burden for the provision of the public payphones, social tariffs including free Telecare service and free line rental service, and comprehensive electronic directory during financial year 2019.

In accordance with regulation 31(1) of the Regulations, when the MCA establishes that a designated undertaking has suffered an unfair burden to provide a universal service, it shall be compensated by one of or a combination of the following:

- from public funds with the approval of the government; and/ or
- by means of a sharing mechanism between providers of electronic communications networks and services[10].

More detail on the allocation of the source of funding on GO's claim for financial year 2019 would be dealt with by means of a separate consultation document earmarked for publishing following the publication of this Decision Notice.

[10] SL 399.28, regulation 31(1).

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Annex 1

Malta Communications Authority

Review of GO plc's application for funding of the net cost claimed to have been incurred to provide Universal Service Obligations during 2019

Calculation Accuracy Phase

Abridged version of full report

July 2024

EY

Building a better working world

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Contents

Introduction and background information

Introduction (1)

This report relates to the review of GO plc's ("GO") application for funding of the net cost claimed to have been incurred to provide Universal Service Obligations ("USO") during 2019.

The Malta Communications Authority ("MCA"), as the National Regulatory Authority of the electronic communications sector in Malta, is responsible for the regulation of a minimum set of electronic communication services of specified quality which are made available to all end-users in the Maltese islands ("universal services"). As per the provisions of EC Directive 2002/22/EC and EC Directive 2018/1972 (collectively referred to as "EC Directives"), these universal services are to be made available at affordable prices with the objective of promoting social inclusion of electronic communication services. Universal Services Provider/s ("USP") designated by the MCA have USOs to provide a minimum set of services to all end-users, including persons on low income, residents of rural or high installation cost areas, persons with disabilities and other vulnerable groups.

As the entity responsible for the regulation of the local electronic communications sector, the MCA is required to decide which electronic communications services are to be classified as universal services, and which undertaking/s are designated as the USP. The MCA Decision determining the USOs applicable for the year under review (2019) was published by the MCA in May 2015 (MCA-OPS/tf/15-2265) entitled "Universal Service Obligations on Electronic Communication Services" Decision and Response to Consultation which came into effect as from 1st July 2015. Any future reference to "MCA USO Decision" in this Report is made with respect to this 2015 Decision. The USO revisions introduced by the MCA USO Decision are explained in further detail on the next page.

Under the MCA USO Decision, GO is designated as the USP for a number of USOs, including:

- the provision of access at a fixed location and functional internet access in cases of market failure,
- comprehensive electronic directory,
- public payphones,
- specific measures for disabled users,
- reduced tariff options, and
- measures ensuring users can control expenditure.

Introduction (2)

As per the provisions of the EC Directives and the Electronic Communications Networks and Services (General) Regulations (July 2011[1]; hereafter referred to as "the Regulations"), the USP can submit a claim related to USO funding. The MCA USO Decision delineates the key guiding principles and criteria for the evaluation of USO, the financing options and the designation processes. As per the EC Directives, Article 12 of EC Directive 2002/22/EC and Article 89 of EC Directive 2018/1972, and as per the Regulations (Regulation 30), the MCA or a body independent of the relevant parties appointed by the MCA shall verify the accounts and/ or other information serving as the basis for the calculation of the net cost of USO provided by the designated undertaking(s), with the results of the cost calculation and the conclusions of the review being made publicly available.

In 2012, GO submitted its first written request to the MCA for the funding of the net cost claimed to have been incurred to provide USO for the year 2010. GO has since then submitted a USO claim request annually, including the claim for the year 2019 being reviewed in this Report. The MCA has commissioned EY to review the claims before publishing its final decision with the final refund entitlement.

GO's claim for the year 2019 was submitted on 30 November 2020, with a funding request of €373,182. Following clarifications requested during this Calculation Accuracy Phase review, GO submitted a revised USO Model which would result in a net USO cost of €238,534. This revised claim submission is the subject of this review.

The scope of this engagement is to assist the MCA in its assessment of this (revised) funding application, and to assess whether the evidence provided is sufficient and detailed enough to support this claim.

[1] As a result of the transposition of EC Directive 2018/1972 on 1st October 2021, the Electronic Communications Networks and Services (General) Regulations of July 2011 (S.L. 399.28) was repealed by LN379 of 2021 and replaced by S.L. 399.48. The references to the Regulations prior to the amendments to the applicable laws that came into force as on the 1st October 2021 have been retained in this Report since this claim relates to a period (2019) which is prior to the coming into force of the amended legislation. The provisions which were previously included in Regulation 30 of S.L. 399.28 have been substantively retained in Regulation 76 of S.L. 399.48.

Scope of work (1)

Scope of our work

The scope of this engagement is to assist the MCA in its assessment of the funding application of the net cost claimed to have been incurred to provide USO during the year 2019 submitted by GO in November 2020 (updated 20 February 2024), and whether the evidence provided is sufficient and detailed enough to support this claim ("the Purpose").

The assignment is split into two phases:

- ***Reasonability Phase***: assessment of the grounds on which the claim is based, whether it is coherent with regulatory principles, the extent to which the claimed funding can be attributed to USO.
- ***Calculation Accuracy Phase***: verify and review the various net cost and intangible benefit calculations GO provided in their USO claim submissions.

This report relates to the Calculation Phase only. This Calculation Phase follows on the conclusions of the Reasonability Phase which was finalised in November 2023. An overview of the conclusions of the Reasonability Phase is provided on pgs. 12-13 of this Report.

Scope of work (2)

Use of report

This report provides a summarised overview of the Reasonability Phase and details of the Calculation Accuracy Phase review of GO's application for funding of the net cost claimed to have been incurred to provide USOs during 2019. This report is an abridged version of the full report addressed to the MCA. This abridged report forms part of a public communication process to be undertaken by the MCA with stakeholders, including a public consultation document which is scheduled to be issued following the completion of both the Reasonability Phase and the Calculation Accuracy Phase. The public consultation document shall provide stakeholders with the opportunity to comment on the conclusions of the Reasonability and Calculation Phase.

Sources of information/ data (1)

Throughout the course of this engagement, we have been provided with/ referred to a number of information sources/ documents:

Reasonability Phase

For the Reasonability Phase we have been provided with the following information and documents received in February 2023:

- Covering e-mail related to GO's 2019 USO funding application
- Evaluation of Universal Service Obligations costs in Malta in 2019: Methodology and Results ("USO Methodology and Results")
- Cost Evaluation of 2019 Universal Service Obligation for GO: Cost Model ("USO Model")

Calculation Accuracy Phase

During the Calculation Accuracy Phase information and clarifications on the claim components have been requested from GO. Information requests and clarifications were sent on 29th January 2024, and 28th March 2024, to which GO provided replies and adjusted USO Model calculations on 20th February 2024 and 15th April 2024.

In the Calculation Accuracy phase review, reference has also been made to a confirmation from the Ministry for Health and Active Ageing (Ministry responsible for social benefits and telecare services) on the number of subscribers that benefitted from social tariffs over 2019, obtained by the MCA on 13th March 2024.

On 9th April 2024, the MCA has notified GO with the number of beneficiaries for the free line rental service and free Telecare service confirmed by the Ministry.

Sources of information/ data (2)

During the compilation of this Report, reference has and will be made to information, discussions, principles and decisions related to previous USO claims. The MCA has requested the approval of GO to make use of such information discussions, principles and decisions related to the previous claims for the exercise being undertaken, and GO has found no objection to such a request. The MCA decisions in connection with these previous USO claims are:

- MCA-OPS/tf/14-2006 related to the 2010 claim
- MCA-OPS/tf/15-2450 related to the 2012 claim
- MCA-OPS/tf/16-2719 related to the 2013 claim
- MCA/D/18-3076 related to the 2014 claim
- MCA/D/19-3540 related to the 2015 claim
- MCA-OPS/tf/20-3991 related to the 2016 claim ("2016 USO Claim Decision Notice")
- MCA/D/21-4414 related to the 2017 claim ("2017 USO Claim Decision Notice")
- MCA/D/23-5114 related to the 2018 claim ("2018 USO Claim Decision Notice")

The key conclusions of the above decisions (including those impacting the calculation of USO net costs based on the USOs delineated in the applicable MCA USO Decision and EC Directives) are referred to in this Report's respective claim component reviews.

Overview of GO's 2019 USO claim

- GO's 2019 claim includes the same components included in the previous 2018 claim. The net USO cost for 2019 has been calculated on the basis of the following cost-benefit components: *Payphones*, *Social Tariffs*, *Comprehensive Electronic Directory*, less *Intangible Benefits*.
- The table below compares the funding request by USO claim component for the:
  - GO's original claim for 2019, provided in November 2020
  - GO's revised claim, dated February 2024
  - The final review outcome following the conclusions of this Calculation Accuracy phase review - more information on our review and verifications of the calculations in the GO's 2019 USO model are available in the next section titled 'Analysis by component'.

(in €)	2019	
	GO's revised Claim	**Final review outcome**
Payphones	(28,218)	(28,211)
Social tariffs	(350,382)	(219,795)
Comprehensive electronic directory	(5,918)	(5,918)
Intangible benefits	145,984	145,984
Total	**(238,534)**	**(107,940)**

Reasonability Phase: Conclusions (1)

The Reasonability Phase dealt with the following areas:

- the grounds on which the claims for funding are based;
- whether the claim/s is/are coherent with regulatory principles;
- the extent to which the claimed funding can be attributed to USO; and
- the approach used to quantify the intangible benefit aspect.

The following tables present the summarised conclusions for each claimed USO component and intangible benefits from the Reasonability Phase review, based upon GO's claim submission (USO claim and Model received in February 2023) as at this phase's review. During the Calculation Accuracy Phase, further information and clarification questions were requested from GO on USO components.

Component	Initial reasonability assessment
Public payphones	• On the basis of the EC Directives, the 2015 MCA USO Decision and international practice, payphones can form part of the USO claim. • The 2015 MCA USO Decision and previous USO claim decision notices concluded that the claim for public payphones should be based on the optimal number of payphones, and not the existing number of payphones. The parameters for the calculation of the optimal/ minimum number of payphones per locality depends on locality population figures, as established by the 2010 MCA USO Decision (2011 update) and confirmed by the 2015 MCA USO Decision. • GO's 2019 submission has been based on the optimal number of payphones and is considered as reasonable.
Social tariffs	• Based on the EC Directives and the 2015 MCA USO Decision, social tariffs can form part of the USO claim given that they represent a social obligation imposed on GO by the regulator. • In line with previous MCA USO Claim Decision Notices, the social tariff computation should be based on standard tariffs to ensure that those funding the social benefits are not burdened by higher cost than "normal" consumers. • GO have based their claim on standard tariffs and the claim for this component is considered as reasonable. In the Calculation Accuracy Phase, the accuracy of the social tariff component calculation are assessed, and the number of users claimed by GO to have benefited from social tariffs in 2019 are cross-checked against figures held by the responsible Ministry.

Reasonability Phase: Conclusions (2)

Component	Initial reasonability assessment
Comprehensive Electronic Directory (CED)	• The 2015 MCA USO Decision established that the universal service shall include the provision of a free electronic telephone directory which is web-based and includes an interface that allows smartphone users to look up directory related data. This obligation replaced the withdrawn obligations for the provision of a printed telephone directory and a telephone directory enquiry service (with the exception of telephone directory enquiry service for visually impaired persons). • In connection with the above obligation, GO has launched a directory smartphone app in December 2016. The 2019 CED component (like previous claims) claims funding for the operating costs of servicing this directory app. • The inclusion of the costs connected to the operation of the smartphone directory app in the USO claim is considered reasonable and appropriate in view of the MCA USO Decision provisions. In the Calculation Accuracy phase, further calculation details are requested from GO and reviewed to verify the claimed cost components to USO.
Intangible benefits	• Intangible benefits should form part of the USO computation. Though inherently difficult to quantify, international research shows that a number of claims in other countries have also included intangible benefits, with the main benefits relating to ubiquity, brand enhancement, life-cycle and marketing. • In their USO application for funding, GO have claimed to have insufficient data to estimate the lifecycle benefit, and they claim that the marketing benefit is irrelevant locally since payphones are not commonly used by consumers or utilized to advertise. GO also claim that the ubiquity benefit is no longer relevant given the withdrawal of the fixed line access obligation (except for cases of market failure) in the 2015 MCA USO Decision and given that all geographical areas are economically profitable. • The methodology employed by GO for the estimation of this benefit for the 2019 claim is based upon a benchmark comparison with the benefit estimation results of a number of other European USPs. The estimation methodology, inputs and calculations employed by GO are further assessed in the Calculation Accuracy phase.

GO's USO claim approach and methodology

Methodology and approach (1)

GO has submitted a written request to receive funding for the net costs claimed to have been incurred in providing USO for the year 2019. The claim is based on a methodology previously developed for GO by a third party.

Cost accounting basis

- The 2019 claim follows the same approach used in previous claims and is based on historic cost accounting (HCA), taking a fully allocated cost (FAC) approach

Approach and data sources

- Net costs have been calculated on the basis of a top-down model based on GO operational data. Specifically, the following sources have been used:
  - Accounting data: GO's management accounts and regulatory accounts
  - Technical data: GO's Technical Department reporting
  - Revenues and traffic: IT data warehouse

Data approximation

- GO's management systems are aimed at providing information for their statutory financial statements and the regulatory accounts. In previous claims, GO indicated that a certain element of data approximation needs to be undertaken for the purposes of the USO claim. Main areas of approximation relate to particular points in time chosen to determine:
  - Data from GO's billing systems as at June to work out revenue / traffic per subscriber
  - If a service was inactive as at June, GO identified the earliest service active between 30 March and 31 December
  - Technical data (tel. number/ active lines/ local loop length)

Methodology and approach (2)

Data approximation (cont.)

- For the first 2010 claim, GO had also explained that since customers can change their tariff plan at any time during the year, theoretically GO should have based their computation on monthly data (in terms of number of subscribers and tariff plans). For practical reasons, however, GO opted for the mid-year (i.e. June referred to previously) as an approximation.

- Given the nature of the exercise and the various data sources used, it is inevitably difficult to reconcile revenues and costs included in the USO claim to the audited regulatory accounts and statutory financial statements. Where possible, however, reconciliations have been sought (against regulatory account workings extracts included in USO Model) to verify the accuracy of the claim's cost calculations.

Efficiency factor

- When asked whether an efficiency factor has been included in the USO calculations, GO confirmed that similar to previous claims, no efficiency factor has been included in the 2019 claim. In previous claims GO had explained that "GO is subject to intense competition in the markets that encompass USO and as such cannot afford not to be efficient. In fact, in the past years it shed a considerable number of employees and has revised many of its procedures and operational practices. All these have for a time been at levels commensurate to a company subject to competition in the market".
  - Had an efficiency factor been included, this could have possibly resulted in a lower cost and a lower claim, particularly in the payphones components.
  - Furthermore, certain revenues and costs are estimated on the basis of traffic volumes. In particular, interconnection costs included in the USO Model are based on traffic volume data, and origination/ termination rates for 2019 as set by the MCA decision notice MCA/D/12-1420 on the Bottom-up Cost Model (BUCM2) for fixed networks and fixed interconnection prices, dated 21 December 2012. The origination and termination rates set by the decision are based on long-run incremental cost and are modelled on "the services of a hypothetical efficient operator with a view to set efficient regulated wholesale charges for fixed interconnection".

Methodology and approach (3)

Return on Capital Employed (ROCE)

- The calculation includes a Return on Capital Employed ("ROCE"), which is based on the MCA's Decision (MCA/D/19-3697) on the Weighted Average Cost of Capital ("WACC") of 6.98% (fixed market) for regulatory accounting periods ending on or after 31 December 2019.

Access deficit

- The USO Model and the formal claim put forward by GO do not take into account access deficit, in line with MCA Decisions on previous claims.

Analysis by component

Public payphones

Public payphones (1)
GO's methodology

- The 2015 MCA USO Decision confirmed that the public payphones claim should not be based on the total number of existing payphones but rather on the minimum number of payphones per locality based on the parameters established in the 2010 MCA USO Decision (based upon locality population).
- GO's USO Model presents the net payphone cost based on both the total existing number of payphones, and the optimal number of payphones as set by the minimum requirements as established in the MCA USO Decision. GO's funding request for 2019 is based on the optimal number of payphones, in line with the MCA USO Decision and previous MCA USO Decision Notices.
- The optimal number of payphones, as calculated by GO's USO Model based on the minimum payphone requirement set by the MCA USO Decision, is of 184 payphones across the Maltese islands. Based on GO's USO Model, 183 payphones (out of the 184 minimum payphone requirement) across all localities generate a negative margin, leading to a net cost of €28,218 according to GO's claim.
- The methodology employed by GO to arrive at the net payphone USO costs is presented on the next page.

Public payphones (2)
GO's methodology

- The following table summarises the key assumptions used by GO to arrive at the payphone net cost.

Revenue and costs	Assumption
Revenue	• Billing data for on-net calls, outgoing international, mobile calls, and off-net calls sourced from GO's Data warehouse.
Technical Line costs	• Number of active lines x sum of operating cost/line and cost of capital/ line + line length x sum of operating cost/line length and cost of capital/line length • The operating cost per active line relates to the cost of line cards, FMUX transmitting equipment, other activities, corporate costs and the licence fee, and is divided by the total number of active lines. This data has been obtained from the regulatory accounts model (not provided). • The cost of capital per active line is typically based on the product of (a) a WACC rate of 6.98% (MCA Decision on WACC for regulatory accounting periods ending on or after 31 Dec 2019); and (b) the Net Book Value of line cards, FMUX transmitting equipment, and other assets. This would then be divided by the total number of active lines. This data has been obtained from the regulatory accounts model. • The operating cost per copper line length relates to the cost of the copper only, and is divided by the total copper line length. • The cost of capital per copper line was determined by multiplying the 6.98% WACC by the NBV of the copper line, and subsequently divided by the total copper line length. Again, this was obtained from the regulatory accounts model. • For 2019, the cost of capital per line increased mostly due to the capitalisation of rental expenses following the adoption of IFRS 16 leases (which came into force as an accounting standard in 2019) and additions from the increase in MSANs technology investment. The related depreciation of these assets was allocated to the line cards operating costs. • For payphones equipment, in the 2019 claim (similar to 2018) such assets were fully depreciated, leading to no cost of capital inclusion, and no depreciation, for these assets.
Traffic costs	• Traffic volumes (on-net, outgoing international, fixed-to-mobile, and off-net) x unitary cost/minute. • Traffic volumes were extracted from billing data. • Unitary costs/ minute have been based on origination and termination rates, and the commercial cost/ minute. • The commercial cost has been derived from the regulatory accounts model.

Direct OPEX	• Equal allocation (per payphone) of operating costs (derived from actual invoices), including:
	    • Electricity
	    • Repairs and Maintenance – Cardphones
	    • Sub-contracting costs
	    • Metering cost
	    • Payphone share of corporate costs

Cost of Capital	• Cost of capital of 6.98% (previously discussed)

Public payphones (3)
Review Work

During the Calculation Accuracy phase of this review, clarifications have been requested from GO regarding certain inputs underlying the 2019 claim calculation.

The clarifications by GO with respect to the cost inputs included in the payphone calculation are presented below, together with our review work performed upon the final USO Model submitted by GO.

Direct OPEX per payphone

- Our expectation would be for these costs to decrease across each payphone, and this was the case for all categories with the exception of Repairs & Maintenance. Upon inquiring with GO, they confirmed that a portion of the cost is fixed, and that the reduction in cost per payphone is not linear. Fixed costs would include labour costs - this figure is worked out by finding the total cost of operations and maintenance of all public switched telephone networks (PSTN) lines, divided by number of PSTN lines and multiplying by the number of payphones. Therefore, increases in the cost of operating lines will indirectly affect payphones. This was deemed to be a reasonable cost driver.

Chosen payphones

- With regard to public payphones (PPs) EY/MCA reviewed the list of payphones available in sheet 'PP after GO proposal' to confirm that as per previous years, the minimum number of PPs per locality is being considered (as per the USO requirements) and the PPs which are least loss making are being selected. It is noted that in Valletta and Mellieħa, this approach was not followed.

Electricity costs (OPEX)

- It is noted that GO's USO Model records a lower level of operating electricity costs than in the previous 2018 claim. This is consistent with the observed reduction in the number of operative payphones.

Public payphones (4)
Review Work

LAN costs (line costs)

- During the review, GO were requested to provide reasons/ explanations for observed changes in LAN costs being reported in the 2019 USO Model compared to the prior year claim. In this regard, GO have provided their explanation on alignment of overall costs for 2018 and 2019.

Conclusion

- In line with previous MCA Decision Notices, following the update to the payphone calculation, the public payphones component is based on the optimal number of payphones as calculated through the 2010 Decision Notice's mechanism.

- On the basis of our review work described above, the public payphone claim results in a total net cost of €28,211.

Analysis by component

Social tariffs

Social tariffs (1)
GO's methodology

- Under its current USP status, GO provides social tariff options to a number of users identified by the responsible Ministry (the Ministry for Health and Active Ageing). In turn, GO can claim back the net cost of providing such services, similar to what is done in a number of other European countries.

- As the designated USP, GO provides two types of social services free of charge to the end user: free line rental and free Telecare service.

Findings

- The cost of social tariffs has been computed as the difference between the discounted rate, which in this case is free, and the standard line retail price. This calculation is aligned with MCA's previous USO claim decisions that the Social Tariffs claim should be based on standard line rental charges.

- Following clarifications sent to GO and confirmation received by the Ministry for Health and Active Ageing, the social tariff claim component has been adjusted to reflect the eligible subscriber number for the free line rental service and the free Telecare service. As a result, the social tariff claim component decreased from €350,382 (as calculated in GO's revised claim) to €219,795, based on 1,942 free line rental users (2018: 2,332) and 1,360 free Telecare service users (2018: 1,677).

Social tariffs (2)
GO's methodology and conclusion

Conclusion

- Following Calculation Accuracy clarification requests made to GO and confirmations from the Ministry, subscriber numbers included in the USO Model calculations were adjusted.
- The social tariff component has been calculated by GO as the difference between the current retail tariffs and the amount actually charged to subscribers, which in this case is free. This net cost calculation, based on the current net cost scenario, is aligned with the MCA's decisions of previous claims that access deficit should not form part of the USO claim.
- The social tariff claim, on the basis of current costs and updated subscriber numbers, results in a net cost of €219,795. (i.e. €185,033 for reduced tariff options, and €34,762 for specific disability measures)

Final review outcome	Reduced Tariff Options for Users	Specific Measures for Disabled Users
Total number of users (revised)	1,942	1,360
Line rental per user per month (€; excl. VAT)	€7.94	€2.13
Total annual cost (€)	€185,033	€34,762

Analysis by component

Comprehensive electronic directory (CED)

Comprehensive electronic directory (1)
GO’s methodology

- This USO claim component relates to the net cost of providing this service to all end-users at an affordable rate. Regulation 24 of the Regulations establishes that the designated USP shall ensure that a comprehensive directory of subscribers to publicly available telephony services is made available to all end-users in a form approved by the MCA, and is updated on a regular basis at least once a year.
- In relation to the above obligation, the 2015 MCA USO Decision concluded that the universal service shall include the provision of a comprehensive electronic directory (“CED”) which is web-based and includes an interface that caters specifically for smartphone-based users. This directory is to be free of charge and updated in real-time whenever technically possible.
  - In relation to the above obligation, GO launched a free telephone directory app in December 2016.
- In view of the above USO revisions, as from the 2016 claim, GO’s USO Model now claims the costs incurred by GO in the provision of directory enquiry services through the launched smartphone app.
- For the 2019 claim, it was found that GO considered a higher opening NBV in the original 2019 claim, resulting in a decrease in the expense claimed. GO revised this calculation.
- The related cost components claimed by GO in the model are summarised in the below table.

Comprehensive electronic directory (directory app) – operating expenses
Depreciation
Cost of capital @ 6.98% WACC

Comprehensive electronic directory (2)
Review work

The net cost calculations in GO's USO Model were assessed with the review adjustments and conclusions made in the 2016 USO Claim Decision Notice, and found to be consistent. The rest of this section presents an overview of the operating expenditures making up GO's 2019 CED claim, in relation to the information provided by GO and the review conclusions of the 2016 USO Claim Decision Notice.

Depreciation
Cost of Capital

- Depreciation cost and cost of capital have been calculated on the basis of the capital expenditure costs. In view that these costs had been incurred in 2016 prior to the smartphone app launch (launched in December 2016), the costs reported in the 2019 USO Model are the same costs which had been reported also in the 2016, 2017 and 2018 Models. These relate to:
    - The charges invoiced by a third-party software development company for the works on the design and development of the smartphone app.
    - GO's internal human resources cost in connection with the development of the CED application.
- The depreciation on capital expenditure is being calculated on the basis of a straight-line depreciation method with an estimated useful life for the app of 5 years, starting from the year 2016 (year of app launch). Given GO's applied accounting policy of taking a full-year depreciation in the first year of acquisition (2016), no capital depreciation would have to be charged on the final year of the capital's estimated useful life (Jan-Nov 2021).

Comprehensive electronic directory (3)
Review work

Cost of Capital

- Cost of capital has been estimated by GO based on the application based on the MCA's Decision (MCA/D/19-3697) on the Weighted Average Cost of Capital ("WACC") of 6.98% for regulatory accounting periods ending on or after 31 December 2019.
  - In line with the 2016, 2017 and 2018 MCA USO Decisions, the rate is applied upon the average capital employed over the year, which has been calculated based on the mean of the assets' net book values as at beginning and end of 2019.
  - The approach adopted in the 2019 USO Model is consistent with the MCA Guidance on the accounting methodologies and treatments to be applied in the preparation of separated accounts for telecommunications sectors in Malta ("Guidance on Accounting Methodologies for Regulatory Accounting Purposes", dated March 2003). The Guidance outlines that the average capital employed during any period should be referred to for cost of capital calculations.
  - The Guidance also notes that there must be consistency between the measure of capital employed on which the cost of capital is based and the measure of capital employed reported in the regulatory accounts. It is also noted that this is consistent with GO's regulatory accounts' reporting, where 'mean capital employed' is used for financial reporting purposes. The mean is calculated as the mathematical average of the start and end values of the financial reporting period.

Conclusion

- Based upon this assessment, the net CED costs for 2019 amount to €5,918.

Analysis by component
Intangible benefits

Intangible benefits (1)
GO's methodology

- Revenues related to intangible benefits that the operator derives from the provision of the USO need to be deducted from the costs of the USO components in order to arrive at the final net USO cost.
- Despite the difficulty in monetising such benefits due to their 'intangible' nature, USPs in other European countries still include them in their USO calculation.
- A number of intangible benefits could apply. The following were not considered applicable/ quantified by GO (as in previous claims):
  - ***Life cycle***: evaluation in terms of the evolution of the average telephone bill, and the increase of the telephone bill through the evolution of the familial structure.
  - ***Marketing/ access to customers' database***: benefit associated with the savings in acquisition costs and operational costs of a customer's database.
  - ***Ubiquity benefit:*** benefits associated with the extended network of customers gained by the USP as a result of its USOs, for example comparatively lower costs (compared to competitors) in extending its customer network or profit gains as a result of customer moves from uneconomic to economic geographical areas. In the 2016 claim review process GO had argued that such benefit is no longer relevant from 2016 onwards given the withdrawal of the fixed line access obligation (except in the case of market failure) in the 2015 MCA USO Decision and given that all geographical areas are economically profitable. On the basis of the obligations set out by the 2015 MCA USO Decision and observed international practice, the 2016 USO Claim Decision Notice had deemed the exclusion of the ubiquity benefit from the USO claim to be reasonable.

Intangible benefits (2)
GO's methodology, and review work

Brand enhancement

- The brand enhancement benefit relates to any improvement in the USP brand image that results from the provision of USOs. There is no standard methodology to estimate this benefit, with varying approaches being used to estimate the enhanced brand benefit across different jurisdictions.

- The 2019 brand enhancement benefit calculation in GO's claim submission is based upon a benchmark comparison with the benefit estimation rates (relative/ percentage rate being used to take into account USP size) that resulted for a number of other European USPs. Utilising this approach, GO estimate a brand enhancement benefit of €145,984 for the year 2019.

Review work

- Given that the original 2019 claim pre-dates the publication of the 2017 and 2018 USO Claim Decision Notices, GO were requested to update the brand enhancement calculations submitted in their original cost model to be in line with the review conclusion of the aforementioned Decisions.

  - As in other international benchmarking exercises of this form, the extent to which the subject entity and the market environment in which it operates are comparable to those of the benchmark group is difficult to evaluate, and hence the final rate selection remains a subjective element. In this regard, the application of the mean value across all benchmarks reduces such subjective element.

Intangible benefits (3)
Conclusion

Conclusion

- We note that the calculation of intangible benefits is not an exact science and therefore there is no one defined estimation methodology or correct answer.
- In view that GO's initial claim submission reached the MCA prior to the publication of the 2017 and 2018 USO Claim Decision Notices, GO were requested to revise the intangible benefits calculations submitted in the original cost model.
- Following the above-described adjustments, the value of the brand enhancement benefit to be deducted from the cost of the other components is estimated at €145,984.

Summary of conclusions

Calculation Phase: summary of conclusions

Based on the review assessments contained in this report, the following table summarises the conclusions of the Calculation Accuracy Phase. Following review adjustments, the resulting net USO cost amounts to **€107,940.**

Component	€	Summary of review work/conclusion
Payphones	(28,211)	Clarifications about observed changes in certain underlying costs (LAN costs) have been requested and obtained from GO. Additionally, GO's calculation of the public payphones component is in line with previous MCA Decision Notices and is based on the optimal number of payphones as calculated through the 2010 Decision Notice's mechanism.
Social tariffs	(219,795)	This component has been adjusted to reflect the eligible subscriber numbers for the free line rental service and the free Telecare service after clarifications from GO and confirmations from the Ministry for Health and Active Ageing. As a result, the total net cost decreased.
Comprehensive electronic directory (CED)	(5,918)	As per GO's latest updated USO Model. The net cost components and calculations included in GO's latest updated 2019 USO Model are consistent with the review conclusions established in the 2016, 2017 and 2018 USO Claim Decision Notices.
Brand enhancement benefit	145,984	As per GO's latest updated USO Model. The net cost components and calculations included in GO's latest updated 2019 USO Model are consistent with the review conclusions established in the 2017 and 2018 USO Claim Decision Notices.
Total	(107,940)	

List of references

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- Malta Communications Authority (2014), *Review of GO plc's application for funding of the net cost claimed to have been incurred to provide universal service obligations during 2010*, MCA-OPS/tf/14-2006
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