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## Anatel gets tough with Telefónica

Published 23 June 2009

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Brazilian telecoms regulator Anatel has ordered Telefónica to suspend sales of subscriptions to its broadband service Speedy, as punishment for interruptions to the service.

The regulator imposed the suspension yesterday, saying Telefónica may resume sales once it has demonstrated it has taken steps to minimise disruptions to the service.

Brazil's lawyers have expressed surprise at the move, with [Veirano Advogados'](#) Robson Goulart Barreto saying, "Anatel has never acted so dramatically in connection with a private licence holder for multimedia communications services."

Fabio Ferreira Kujawski, of [Barretto Ferreira, Kujawski, Brancher e Gonçalves](#), says, "Generally, this kind of measure is used quite rarely, and represents one of the most severe penalties that the regulator can apply."

"In most cases, the regulator does this kind of thing when all other measures have failed to impede a certain practice," he adds.

Before making the ruling, Anatel had already launched two investigations into the quality of Speedy's services.

Barreto says, "I believe that Anatel felt compelled to act in the defence of São Paulo consumers and show a proactive attitude towards service failures that are disruptive to a large number of consumers."

He adds that the regulator has received some criticism recently for treating Brazil's large telecoms operators too leniently, and says, "Perhaps this decision could be a sign of their intention not to be perceived as such."

The ruling gave Telefónica 30 days to submit an action plan for ensuring the availability of its service.

The Spanish-owned group will also be subject to a fine of BR\$15 million (US\$ 7.84 million) as well as a penalty of BR\$1,000 (US\$522)

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for every broadband subscription sold during the suspension period.

Says Barreto, "The decision and the actions imposed on Telefónica as a result are all preliminary. Given the size of the fines, I would not be surprised to see Telefónica going to court to reduce or avoid the imposition of fines or deadlines, but still try to comply with as much of the decision as possible to indicate that consumers' rights will be preserved."

"I would not be surprised to see the São Paulo District Attorneys' office, which is in charge of consumer claims, following this decision with a class action of their own," he adds.

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