



Warsaw, 23 May 2023

**PRESIDENT  
OF THE OFFICE OF ELECTRONIC COMMUNICATIONS**

**Jacek Oko, PhD**

DR.WORK.609.1.2022.45

**European Commission**

**Body of European Regulators for  
Electronic Communications**

**National Regulatory Authorities  
of Member States**

Dear all,

according to the procedure specified in Article 32 (3) of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code, Article 18 of the Telecommunications Act of 16 July 2004 (Official Journal form 2022 item 1648), the **President of the Office of Electronic Communications** (President of UKE) shall notify the European Commission, Body of European Regulators for Electronic Communications (BEREC) and national regulatory authorities in other Member States of the European Union of a draft decision regarding:

**the calculation of the cost of capital for legacy infrastructure and fiber to the home infrastructure on basis of „Commission Notice of 6 November 2019 on the calculation of the cost of capital for legacy infrastructure in the context of the Commission's review of national notifications in the EU electronic communications sector“; „BEREC Report of 9 June 2022 on WACC parameter calculations according to the European Commission's WACC Notice“ and Commission Recommendation of 20 September 2010 on regulated access to Next Generation Access Networks (NGA).**

The Decision of the President of UKE currently presented for notification partially maintains the decision from 20<sup>th</sup> of December 2022 (presented for notification in November 2022 and accepted by the European Commission) and partially change it. The change concerns the level of the WACC indicator for the fiber infrastructure.



The summary of a draft decision is included in the attached **Standard notification form**.

In addition, the President of UKE would like to inform you that on 24<sup>th</sup> of March 2023, public consultations were commenced in order to enable interested parties to express in writing their opinions regarding the draft measure. The consultation process was completed on 24<sup>th</sup> of April 2023.

This notification includes:

1. Standard notification form (English version);
2. Draft decision of the President of UKE on the calculation of the cost of capital for legacy infrastructure and fiber to the home infrastructure (Polish version).

Yours sincerely,  
President  
of the Office of Electronic Communications

Jacek Oko