



Warsaw, 02 March 2024

**PRESIDENT
OF THE OFFICE OF ELECTRONIC COMMUNICATIONS**

Jacek Oko, PhD

DR.WORK.609.1.2022.69

European Commission

**Body of European Regulators for
Electronic Communications**

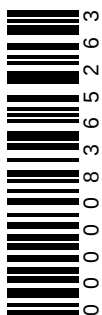
**National Regulatory Authorities
of Member States**

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 2024 item 34, 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 8 June 2023 on WACC parameter calculations according to the European Commission's WACC Notice” and “Commission Recommendation of 6 February 2024 on the regulatory promotion of gigabit connectivity”.

The Decision of the President of UKE currently presented for notification changes the decision from 20th of December 2022 (presented for notification in November 2022 and



accepted by the European Commission). The change concerns the level of the WACC indicator (new BEREC Report¹ and new level of the NGA risk premium).

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 31st of October 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 30th of November 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

¹ BEREC Report on WACC parameter calculations according to the European Commission's WACC Notice of 6th November 2019 (WACC parameters Report 2023).