

Work Package 2

Early Analysis & Guidelines

Deliverable 2:

Early Guidelines on Satellite Services Procurement

Version 1.0

28 May 2013



SABER (Satellite Broadband for European Regions) is a CIP ICT PSP co-funded Thematic Network

For more info see: <http://www.project-saber.eu/>

Disclaimer:

Please note that these guidelines are the result of SABER partner contributions and do not necessarily reflect the view of the European Commission.

The current version is pending European Commission approval therefore it can not be considered the officially released version.

The European Commission is evaluating the compliance of the document within the current EU regulatory framework and the ERDF and EAFRD 2007-2013 regulatory framework.

Following the approval of the European Commission the official version will be published.

Meanwhile the use of this information is submitted to prior consent of the project coordinator. In any case, the source of the information must be quoted.

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1. Executive summary

The main objective of the SABER Project is to create the conditions for the most efficient and effective contribution of satellite systems to support the achievement of the objectives set in Europe 2020 and subsequently in the Digital Agenda for Europe (DAE) providing tools, methodologies and guidelines to assist Regions in their own satellite broadband deployment planning.

A fundamental aspect of the SABER project is to assist the European Regions that want to effectively meet the 2013 DAE target, by developing preliminary guidance for satellite broadband deployment to efficiently use any unspent 2007-2013 funds for broadband thus avoiding the potential risk of automatic de-commitment of funds.

The first step for any region wishing to plan a deployment of satellite broadband in response to the DAE 2013 target is to examine existing ICT and broadband support programmes operational in their region to assess if a satellite broadband deployment could be incorporated within such an existing framework. If this is the case it would accelerate the planning and deployment process and make the achievement of the DAE 2013 more attainable.

In consideration of their limited know-how in relation to satellite broadband (namely in terms of the performance indicators which are somehow different with respect to terrestrial wired and wireless solutions), more and more the Member States need clear guiding principles and rules on how to procure and deploy satellite broadband access (using grants for subsidising the onsite supply, installation and acceptance testing of the user terminal) in compliance with EU funding requirements and State aid legislation.

Therefore these guidelines (hereinafter “the Guidelines”) are set to provide the Public Authorities with technical and administrative guidance to define tools for financing satellite broadband access and to allow the deployment and management of satellite broadband services with public (EU, national, regional, etc.) funds. Particular attention

was paid to identify appropriate solutions for the “on the spot” check procedures to identify the most effective way of fulfilling this obligation within the funding regulations.

Thanks to the recent introduction of new, accessible and affordable pan-European satellite broadband services, satellite solutions are gaining an important role to tackle the digital divide in the EU, because of two main reasons:

- The cost of providing a broadband connection is fixed within the country and not dependent on the geographic location of the users or their distance from nearby infrastructure. For this reason, in some areas (e.g. areas with scattered unserved users), satellite is the most cost-effective solution.
- Broadband satellite solutions can be rapidly deployed.

The Guidelines could be used to integrate the “Regional guidelines concerning EU broadband investments in the context of ERDF and EARDF” currently being updated by DG CONNECT and DG REGIO.

Being focused on the 2013 DAE target, the guidelines were mainly elaborated with reference to the “Council Regulation (EC) No 473/2009 of 25 May 2009”¹ (whose Annex III specifically recognises the eligibility of the expenses for satellite broadband user ground equipment among the types of operations for broadband infrastructures in rural areas), the COUNCIL REGULATION (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development, the COMMISSION REGULATION (EC) No 1974/2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), the COMMISSION REGULATION (EU) No 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the

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<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:144:0003:0008:EN:PDF>

implementation of control procedures as well as cross-compliance in respect of rural development support measures and in consideration on the Council Regulation (EC) No 1083/2006² laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 and the Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999”.

2. Introduction

The proposed Guidelines are the result of active collaboration of all SABER partners based on:

- research and review of best practices and case studies implemented in various EU Member States (see 4.1) and the EU Guide to Broadband investment (Analysys-Mason 2011).
- specific discussions on the deliverable subjects, held during two Workshops (Cork and Brussels) to iteratively review, and validate the network's needs, solutions and proposals.
- final review of the document on the basis of partners comments, analysis and discussion.

3. Planning the implementation of the Satellite Broadband Access Scheme

According to the “Communication from the Commission - Community Guidelines for the application of State aid rules in relation to rapid deployment of broadband networks”³, “*Member States should clearly identify which geographic areas will be covered by the support measure in question*” through a detailed mapping exercise and a consultation exercise to “*ensure accordingly not only a high degree of transparency but serve also as an essential tool for defining the existence of ‘white’, ‘grey’ and ‘black’ zones*”

Once the public consultation stage is over, and the subsequent updated mapping of the digital divide and the infrastructural deficit in the white areas of the regions are completed, the different individual areas subject to different network actions can be defined, preferably on the basis of a cost-benefit analysis of the various solutions for broadband connectivity.

The cost-benefit analysis shall include an objective investigation to identify the

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:025:0001:0026:EN:PDF>

technical solutions that have the greatest capability to provide broadband connectivity in each target area, as well as the lowest cost per active premises, in order to obtain focused tender procedures with the minimum necessary amount of aid, and consequently ensure a more effective and efficient result of the subsidy.⁴

The Satellite Broadband Access Scheme (hereafter the “Scheme”) consists of financing of users’ access (e.g. supply of a modem and an antenna including installation⁵) for citizens residing in areas where conditions make either impractical or not cost-effective the set-up of terrestrial or wireless facilities within a defined timeframe.

The Scheme is justified by the need to provide everyone with the same conditions of access to broadband, in accordance with the provisions in the Communication from the Commission COM (2010) 245 "A Digital Agenda for Europe"⁶ which "*defines the aim of providing basic broadband to all European citizens by 2013.*"

4

See for instance Commission Decision N222/2006 – Italy, Aid to bridge the digital divide in Sardinia.

5

As far as EAFRD is concerned, Installation costs (one-off) are eligible if foreseen in the rural development programme.

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<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010DC0245:EN:NOT>

3.1 Summary of the guidelines for activities and solutions to implement the satellite broadband access Scheme

Based on the analysis of actual cases already implemented throughout the EU, reported in Deliverable 2.3, SABER recommends the Public Authorities choose between two different solutions for the implementation of the Scheme:

“Multi-Provider Approach (MPA)”

This modality refers to a fast and simple approach based on a call-off procedure for the pre-selection of satellite broadband providers (service providers) to be able to meet economic and technical criteria set by the implementing Public Authority to ensure high-quality broadband access services within the scope of the Scheme.

The eligible end user, who is the final recipient of aid from the scheme, can choose their preferred service provider which will supply, install and activate the on-site customer premise equipment.

“Single Provider Approach (SPA)”

This modality refers to the traditional approach based on a call for tender, intended to select the best economic operator among the applicant satellite broadband providers (service providers).

The awarded service provider, will supply, install and activate on-site customer premise equipment to the end-user, who is the final recipient of the aid from the Scheme.

3.2 *Implementation methods*

The Public Authorities may implement the Satellite Broadband Access Scheme by means of two different solutions: the Multi Provider Approach “MPA” and the Single Provider Approach “SPA”.

3.2.1. “MPA”: selection of Service Providers through a call-off procedure

This solution, called the Multi-provider approach or “MPA”, minimises the lengthy administrative procedures typical of the preparation and management of calls for tender and allows the final recipients to choose the most suitable satellite broadband solution on the market.

The selection of the satellite broadband providers (service providers) is undertaken through a call-off procedure. The selected providers act as agents for the Public Authorities, managing the funds, engaging with the eligible end user, undertaking the administration of the Scheme, passing the aid on to the end user through the supply, installation and activation of the customer premise equipment.

How does the Call-off procedure work?

The Public Authorities identify qualitative selection criteria for the creation of a list of approved service providers (among satellite broadband providers) that can provide broadband access services within the scope of the Scheme, through the on-site supply and installation of user equipment.

In the case of Schemes intended to achieve the 2013 DAE Target, it is recommended that eligible service providers meet as a minimum the following qualitative criteria:

- Availability of two-way telecommunications services via satellite with speed of at least:
 - 6 Mbps download and 2 Mbps upload, throughout the entire territory

covered by the measure.

- Global traffic volume allowance (download + upload), if any, of at least 3 Gb/month.
- Availability of residual connectivity at no additional cost for the end-user, possibly with reduced performance, even after full consumption of the monthly allowance.
- Availability of National IP- addresses as a plus.

Service providers must provide at least the following information, to be included in the list:

- The company registration data, contact details, recent financial statements.
- A statement confirming the conformity to general and specific eligibility requirements (i.e.: specific General Authorisation from the Competent Authority and registration in the Communications Operators Registry either equivalent, depending on local legislation), to ensure that the service provider is fully entitled to provide the service.
- Availability of two-way telecommunications services via satellite with capacity of at least 2 Mb/download (6 Mb/s recommended) throughout the entire territory covered by the measure.
-
- The detailed description of the services actually offered for the Scheme, including at least:
 - download and upload connection speed
 - traffic management policies
 - service subscription prices, including initial costs, VAT⁷, and excluding any temporary special offers

The publication of the tender, shall be announced in the Official Journal of the Public Authority introducing the Scheme, where applicable; direct invitation letters to service

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As for EAFRD VAT as eligible expenditure is defined by Art 71(3)(a) from Regulation 1698/2005

providers are recommended to ensure a wider participation to the selection.

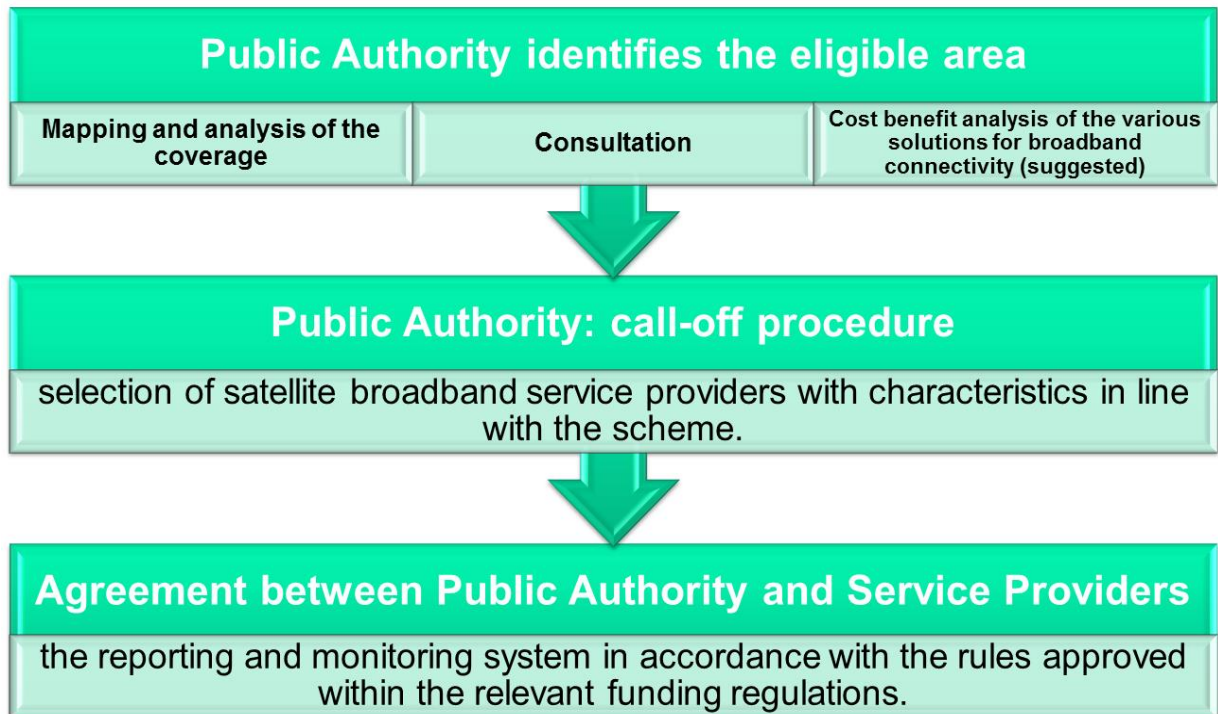
The call notice will typically include the following information:

- The purpose of the set-up of a list of approved service providers (pre-selected satellite broadband providers/service providers).
- Web-link to the application form can be downloaded.
- The list of documents needed to prove that the requirements of the call are met by the participants.
- A draft of the agreement with the Public Authority detailing the actual procedure for the periodical reporting, monitoring and payment of the individual transactions, in accordance with the rules approved within the relevant legislation (i.e. OP, law, rules and regulations, etc.).
- The address where the application must be sent to, and relevant deadline for submission if any.
- Contact details of the person in charge of the procedure.

Once the list of approved service providers is established, Public Authorities and the selected providers will sign a formal agreement detailing, among others, a communication plan, the actual procedure for the periodical reporting, monitoring and payment of the individual transactions, in accordance with the rules approved within the relevant legislation (i.e. OP, law, rules and regulations, etc.).

The list of selected service providers, along with information regarding the aim of the measure and the value of the aid for eligible users (including eligibility criteria and request forms) shall be published on the website of the issuing Public Authority⁸, and disseminated to citizens with any appropriate means including those identified in the above mentioned agreement (the communication plan).

MPA – Competitive Selection Process



Voucher for the final recipient (end-user)

This solution provides financial aid in the form of a voucher payable to the service provider to procure and put into service an antenna and modem for satellite internet access for residents in areas where the Scheme is implemented.

The value of the voucher, after proper validation by the end-user and the service provider, will be equivalent to the value of the aid granted by the Scheme to the end users for the on-site supply, installation and activation of the customer premise equipment.

Although not strictly necessary, it might be useful for the Public Authorities to identify each voucher by a serial number and to electronically manage its issue. This allows a tighter control on the measure, knowing the actual number and destination of issued

vouchers, and also allowing a pre-check of the eligibility of the requester. Each voucher shall be issued as a pre-filled form with information identifying the end-user (final recipient). Then the end user has to include the relevant service provider chosen within the list of pre-selected approved service providers. This information must also be indicated in the voucher request, which may be carried out either by the end-user or the service provider.

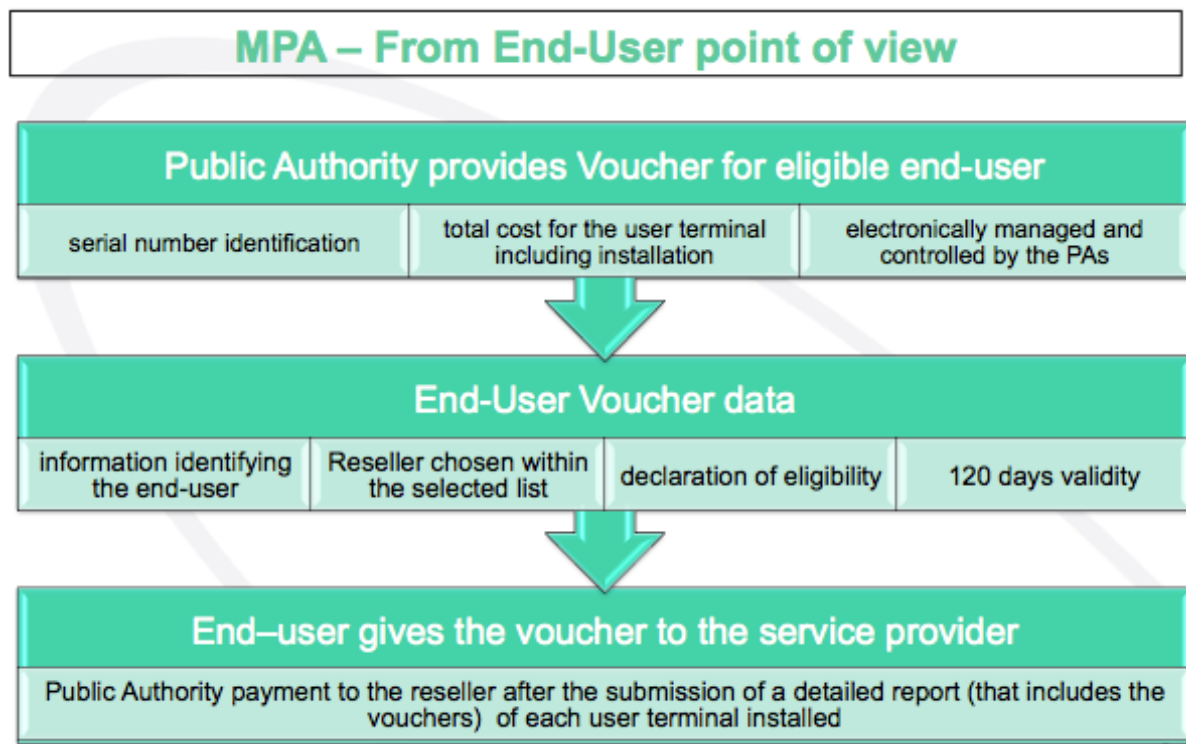
The end-user (final recipient) has to provide a self-declaration confirming he/she meets the eligibility criteria defined by the Scheme.

It is recommended that the validity of the voucher is limited to a specific time period, e.g. 120 (one-hundred and twenty) days from the date of issue, i.e. each voucher has to be presented for obtaining the financial aid within 120 (one-hundred and twenty) days from the date of issue. This system allows the authorities to prevent payment of the aid if the access service is eventually not provided, whether due to the end-user changing his/her mind or any other reason.

The final recipient of the aid using the voucher must acknowledge the on-site supply, installation and activation of their customer premise equipment by filling in the form provided by the Public Authorities for such purpose and giving it to the selected service provider together with the subscription to the broadband internet access service.

As a result of regular reporting provided by the approved service provider to the Public Authorities, the validated vouchers will ensure reimbursement of the costs incurred by the service provider for the procurement, installation and activation of the customer premise equipment by the end-user.

The final recipients can be households as well as Public Authorities and SMEs.



Notable examples of MPA Schemes were implemented by the Auvergne Regional Council (France)⁹ and by the Axencia Galega de Desenvolvemento Rural (Spain)¹⁰; both are described with additional details within the Deliverable 2.3 – Regional / National satellite broadband implementation case studies.

For illustration purposes, a sample communication from the Public Authority to eligible citizens about the Scheme, including Voucher and self-declaration template is enclosed in Annex 4.2 (“Auvergne Haute Debit” scheme).

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http://www.auvergnehautdebit.fr/quel_debit.htm

10

http://imit.xunta.es/portal/telecomunicacion/planbandalarga/servizo_satelite.html

3.2.2. “SPA”: call for tender for selecting a Service Provider

If, for any reason, the “MPA” is not viable, the Public Authority may alternatively decide to launch a call for tender, in accordance with applicable rules and principles, to select a single service provider (in a Single Provider Approach or “SPA”) that will provide broadband access to the eligible end-users and activate the user access through the on-site supply and installation of the user access ground equipment.

The technical specifications for the bidding conditions will be determined by the contracting authority, taking into account the specific technology of services via satellite and the service features available on the market. To determine the quality of the tenders responses to the call, it is advisable to identify in the bids the following elements:

- The maximum download and upload connection speed for each service level;
- Expected contractual traffic volumes on a monthly basis for each service level;
- Rate system for the "always-on" service, i.e. maintenance of residual connectivity, with possibly reduced performance, at no additional cost for the end-user, even after reaching the maximum expected traffic volume on a monthly basis.

In general, the performance and quality criteria described for the “MPA” are also applicable in the case of the “SPA”

The assessment criteria for the bids must take into account, with the relative weights determined by tender regulations, at least the first two criteria above, the price of the equipment inclusive of on-site test, the user fees on a monthly basis, including VAT, for each service level and any additional options for features that may be included.

In order to minimise the amount of aid required, the notice must also specify the estimated number of users (estimated on the basis of mapping), even if this shall not bind the Public Authority to buy a minimum quantity of equipment.

Notable examples of SPA Schemes were implemented by the Devon County Council (UK)¹¹, and the Department of Enterprise, Trade and Investment of Northern Ireland (UK)¹²; both are described with additional details within the Deliverable 2.3 – Regional / National satellite broadband implementation case studies.

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<http://www.connectingdevonandsomerset.co.uk/the-rural-connection/>

12

<http://www.detini.gov.uk/deti-telecoms-index/deti-telecoms-remote-broadband-services.htm>

3.3 Financial management

For both the MPA and the SPA approaches, the applications for aid and payment by the end-users (final recipients) must be submitted through the service provider:

- included in the list of approved service providers drawn up by the public authorities after the public notice has been published, and then selected by the end-user to provide him/her the broadband access (in the case of MPA),
- or the service provider which has been awarded the contract through a tender process (in the case of SPA).

In the specific case of the MPA, the service provider, before proceeding with the onsite supply and installation of the user access ground equipment, has to check the availability of funds with the Managing Authority.

In consideration of the high number of final recipients, and in order to assure the regularity of the financial management of each Scheme, payments to the service providers will only be made on the basis of regular reports submitted by the service provider to the Public Authority, including, in addition to the exact number of users that have been provided with customer premise equipment, the following details for each end-user (final recipient):

- User identification code
- MAC address (Media Access Control) of the subsidised equipment
- A statement of delivery, installation and activation having been carried out for the customer premise equipment, object of the aid, including the delivery address and a copy of the validated voucher
- References to the Internet access agreement with the service provider for a specified term (determined within the Scheme)
- a printout of the speed test (countersigned by the end-user as well) to provide clear evidence of the positive outcome of the acceptance on site test – meaning the satellite broadband service is actually up and running.
- Geo-referenced photos, provided by the installer, of the ground equipment

installed (modem and antenna) can be used where this is acceptable within the funding regulations

The Public Authorities will monitor the implementation of this part of the Scheme and will ensure the aid is reimbursed in the event of non-compliance by the service provider or the end user.

Financial management

For both MPA and the SPA payment through the service provider

- SPA: reseller, before proceeding with the on-site supply has to check with the managing Authority the effective availability of funds.

regular reports submitted by the resellers to the Managing Authority:

- User identification code
- MAC address (Media Access Control)
- A statement of delivery, installation and activation for the user equipment,
- The delivery address
- References of the service contract for a term of at least 24 months

The Public Authorities will monitor the implementation of this part of the Scheme and will ensure the aid is reimbursed in the event of non-compliance by the operator.

3.4 The Audit System – on the spot check procedure

Considering the schemes previously described, on the spot checks must be carried out, in compliance with the EAFRD and ERDF Regulations, by the service providers.

Both MPA and SPA need to be compliant with State aid rules.

In case of a “De Minimis” application,¹³ the Public Authority asks for a declaration from the end-user (SMEs only) as to the amount of aid received (with a ceiling at EUR 200.000 per undertaking granted over any period of three fiscal years)

The following information must be provided from the selected service provider to the Public Authority in charge of the Scheme:

General:

- The start-up procedures – the baseline or the alternative solution – and their results;
- Information on the technological features of the financed solutions;
- The number of users who receive Internet access equipment;
- Any further information that may be required to be sent to the Managing Authority to draw up the annual report on allotment of the aid in question.

Regular reports from the service provider accompanying payment requests should include the following:

- A statement of delivery, installation and activation having been carried out for the customer premise equipment, object of the aid, including the delivery address and a copy of the validated voucher.
- References to the Internet access agreement with the service provider for a specified term (determined within the Scheme) Identification Number of the voucher related to the aid granted (for MPA);
- The financial features, accounts and procedures for the transactions, including all

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Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to de minimis aid

the elements necessary to check that the installation has been successfully completed (e.g.: communication, the satellite service provider must ensure that the user identification code and reported MAC address devices have been connected);

- a printout of the speed test (countersigned by the end-user as well) to provide clear evidence of the positive outcome of the acceptance on site test – meaning the satellite broadband service is actually up and running.
- Geo-referenced photos, provided by the installer, of the ground equipment installed (modem and antenna) can be used where this is acceptable within the funding regulations

In the case of any questions from the Public Authority in relation to the beneficiary report, an assessment of the effectiveness of the Scheme can be done firstly with the service provider before having to check the irregularity with the final recipient.

The Audit System - on the spot check procedure

Main considerations for the random on the spot check procedure

- high number of end-users
- Geographic dispersion and remoteness of end user locations

Initial audit of service providers to identify any irregularities:

- Second level: check if the satellite operator has effectively provided the service to the end users
- Third level: end users

NB: Where permissible by the funding regulation geo-referenced photos of the customer premise equipment installed (modem and antenna), provided by the service provider to the end user in conjunction with the print out of a speed test (countersigned by the end-user) to prove that the equipment is valid and the broadband service is operational could be an alternative to the on-the spot check

4. Annexes

4.1 EU Member States case studies website list

Ireland:

<http://www.dcenr.gov.ie/Communications/Communications+Development/National+Broadband+Scheme.htm>

Devon and Somerset County Councils (UK):

<http://www.connectingdevonandsomerset.co.uk/the-rural-connection/>

Wales (UK):

Public Administration website:

<http://wales.gov.uk/topics/businessandeconomy/broadbandandict/broadband/bbss/?lang=en>

Satellite Distributor website: <http://www.avonlinebroadband.co.uk/wales/> /

Auvergne (France):

http://ec.europa.eu/regional_policy/projects/stories/details_new.cfm?pay=FR&the=45&sto=1865&lan=7®ion=ALL&obj=ALL&per=2&defL=en

<http://www.auvergnehautdebit.fr/>

Satellite Distributor Website: <http://offres.numéo.fr/>

(Click as example on n°63 – Puy-de-Dôme department to see conditions.)

Spain:

<http://www.cantabriaenred.com/aisla2/index.php>

4.2 Sample of Scheme communication from Public Administration to eligible citizens, including Voucher and self-declaration template ("Auvergne Haute Débit" scheme)



À l'attention des particuliers utilisateurs
de solutions satellites pour l'accès à
Internet Haut Débit

Madame, Monsieur,

→ Parce que nous sommes convaincus que le développement de l'Auvergne passe d'abord par l'accès de tous, en tout point de notre territoire régional, à **Internet Haut Débit**, la Région, en partenariat avec les quatre Départements de l'Allier, du Cantal, de la Haute-Loire et du Puy-de-Dôme mène depuis 2005 des actions concrètes en ce sens. Malgré les dispositifs d'aménagement de réseau en cours d'achèvement, quelques foyers auvergnats dont vous faites partie restent privés de haut débit, soit environ 3 000 lignes téléphoniques.

→ La meilleure solution pour résoudre cette difficulté est celle qui passe par le **satellite**. Elle impose un investissement initial important puisqu'il vous faut vous équiper d'un **démodulateur** et d'une **parabole de réception** et les installer ou les faire installer à votre domicile.

Par souci d'égalité, nous avons décidé des aides publiques pour vous soutenir dans cet investissement. Ces aides couvriront l'essentiel voire la totalité des frais. Une première aide plafonnée à 400 euros concerne l'achat auprès d'un fournisseur d'accès d'une parabole et d'un démodulateur ; elle sera déduite de votre facture de matériel. Une seconde aide plafonnée à 200 euros paiera tout ou partie de la facture de votre installateur partenaire. Dans les deux cas, les sommes sont maximales, elles seront donc inférieures si le coût réel est inférieur. Dans le cas où le fournisseur d'accès ou l'installateur vous demande davantage que les plafonds, la différence est à votre charge.

En vous remerciant de votre participation au développement numérique de l'Auvergne, je vous prie de croire à l'assurance de mes sincères salutations.

Jean-Paul DUFRENE
Président du Conseil général
de l'Allier

Vincent DESCOUR
Président du Conseil général
du Cantal

Gérard ROCHE
Président du Conseil général
de la Haute-Loire

Jean-Yves GOUTTEBEL
Président du Conseil général
du Puy-de-Dôme

René SOUCHON
Président du Conseil régional
d'Auvergne

Contact : Direction TICS1 • Conseil régional d'Auvergne : tics1@cr-auvergne.fr • www.auvergnehautdebit.fr











Dispositif limité à une aide par adresse physique localisée
en Auvergne et par particulier

ATTESTATION SUR L'HONNEUR

→ Je soussigné(e) : Madame, Monsieur

Nom et Prénom :

Domiciliée :

→ Atteste (cases à cocher) :

Situation géographique :

: Que l'habitation destinée à recevoir l'équipement satellitaire est située dans la région Auvergne à l'adresse suivante :

.....
.....

Eligibilité ADSL

Que la ligne téléphonique N° desservant l'habitation n'est pas éligible à l'ADSL.

OU

que je ne dispose pas de ligne téléphonique et que l'adresse ci-dessus est trop éloignée d'équipements d'opérateurs pour pouvoir bénéficier de services ADSL. Je communique le numéro de portable sur lequel les équipes du Conseil régional pourront me joindre pour procéder à toute vérification.

Usage :

Que l'équipement satellitaire est destiné à un usage de particulier, ou de travailleur indépendant, ne relevant pas du régime des aides économiques visées à l'article L1511-1 du code général des collectivités.

Que l'habitation et le soussigné n'ont pas précédemment bénéficié d'un accompagnement financier de la part des collectivités d'Auvergne concernant l'acquisition et l'installation d'un équipement de raccordement satellitaire.

→ M'engage :

A ne pas transférer l'équipement de raccordement satellitaire à l'extérieur de la région Auvergne.

Fait à Le.....

signature