

CONTROVERSIES (206-1)

1. *“Brazil: Potential regulatory penalties over alleged involvement in cartel conduct for public tenders”*

“In March 2021, the General Superintendence (SG) of the Administrative Council for Economic Defense of Brazil (CADE) recommended that telecommunications companies: Claro, Oi and Telefonica Brasil (Vivo) be penalized for engaging in cartel conduct in public tenders for internet service contracts. The CADE investigation was initiated following a complaint alleging that the companies acted in consortium to limit competition between themselves, particularly for an auction held by the Post Office in 2015. The SG recommended penalties of 4% to 5% of the companies' 2016 gross sales from the telecommunications market. The recommendation was still subject to approval by CADE's board.”

In August 2017, the Administrative Council for Economic Defense (“CADE”), initiated an administrative proceeding based on a complaint filed by British Telecom do Brasil (“BT”) against Claro Brazil, Oi and Telefônica Brasil due to alleged anticompetitive practices in the public bid No. 144/2015 from Empresa Brasileira de Correios e Telégrafos - ECT. Such alleged practices involved: (i) a collusion conduct through a consortium to refrain competition in public bids; and (ii) the adoption of unilateral conducts to prevent BT from participating in the referred bid through alleged price discrimination tactics and by refusing to supply communication circuits (specifically, MPLS links) required by BT to participate in the bid.

Among other fines imposed to Oi and Telefônica in connection with such administrative proceeding, CADE’s tribunal has ruled a fine to Claro Brazil of BRL\$30 million (USD\$6 million approx.), which has been disputed by Claro in a judicial court and is still pending for final resolution.

2. *“Mexico: MXN 1.3 billion penalty set by telecom regulator for alleged noncompliance with regulations regarding information sharing of Teléfonos del Noroeste subsidiary”*

“In January 2020, América Móvil, S.A.B. de C.V. declared in a regulatory filing that the company's subsidiary, Teléfonos del Noroeste received a penalty of MXN 1.3 billion (approximately USD 69.7 million) from Mexico's Federal Telecommunications Institute. According to América Móvil, the penalty was imposed for its alleged failure to share information about availability of telecom infrastructure. The company said it would explore legal options to challenge the regulatory sanction.”

In October 2017, the Federal Telecommunications Institute (“IFT”) carried out an inspection to Teléfonos del Noroeste, S.A. de C.V. (“Telnor”) and detected on its website that information concerning 1 pole (out of 83,279) and 1 well (out of 26,955) was not informed for its availability. Therefore, the IFT imposed a fine to Telnor of MXN\$1,300 million alleging the violation of Telnor’s preponderance measure and its obligation to make available certain infrastructure information

regarding telecom passive infrastructure such as poles and wells in the *Sistema Electrónico de Gestión* or *SEG*, an electronic managing system.

Telnor filed a constitutional appeal (*recurso de amparo*) before the judicial courts to challenge the fine alleging that Telnor has complied with its obligation of making available passive infrastructure information at the SEG used for providing wholesale services and that the imposed fine is arbitrary, illegal and disproportionate, among other allegations.

Nevertheless, on April 30, 2025, the judicial court has ruled in first instance such appeal determining to dismiss and not to protect Telnor against the fine imposed by the IFT, for which reason it is expected that Telnor will challenge such first instance resolution.

3. ***“Mexico: MXN 262.2 million and MXN 9.3 million penalties set by telecom regulator for alleged noncompliance with competition law regarding relative monopolistic practices of Teléfonos de México y Teléfonos del Noroeste (America Movil’ subsidiaries), respectively”.***

“In November 2023, Teléfonos de México (Telmex) and Telnor received penalties of MXN\$262.2 million and MXN\$9.3 million respectively, from the Mexican Federal Telecommunications Institute (“IFT”). The penalties were for the alleged practice of discrimination and restrictions in the resale services. The companies challenged the sanctions before the judicial authorities specialized in economic competition.”

In April 2019, the IFT initiated an investigation to Telmex and Telnor resulting from a complaint filed by a local carrier alleging relative monopolistic practices in the market for the provision of wholesale local services. At the conclusion of such investigation, the IFT imposed a fine to each Telmex and Telnor for the amounts of MXN\$262.2 million and MXN\$9.3 million, respectively.

The resolutions imposing such fines have been challenged by Telmex and Telnor before the judicial courts and are still pending of final resolution.

4. ***Allegations of market dominance against América Móvil's subsidiary, Claro, by ten Colombian telecom operators***

In January 2024, the Communications Regulatory Commission (*Comisión de Regulación de Comunicaciones*), issued a resolution imposing certain measures concerning the mobile services market, including Comcel’s obligation to offer asymmetric rates (*tarifas asimétricas*) for the automatic national roaming service in a limited number of municipalities and Comcel’s requirement to publish an offer list for the sharing of passive infrastructure at rates previously approved by the regulator.

Due to the foregoing, Comcel filed a lawsuit before the judicial courts seeking the annulment of such resolution which was successfully admitted in February of this year.

Such lawsuit is still pending for final resolution.

5. ***América Móvil's subsidiary, Claro, under investigation by Colombia's Superintendency of Industry and Commerce over alleged breach of rural broadband competition rules.***

In December 2019, Comcel reached an agreement in the form of *Contrato de Aporte* with the Ministry of Information and Communication Technologies (*Ministerio de Tecnologías de la Información y las Comunicaciones*) for the provision of Internet services to users qualifying in two socioeconomic categories throughout certain Municipalities, among other specific requirements. Such agreement provides certain public subsidies to Comcel for such purpose.

In August 2023, the Industry and Commerce Superintendency (“SIC”) filed a sanctioning proceeding against Comcel alleging restrictive competition practices by offering Internet services to 21,436 users that do not qualify as such under such agreement.

In September, 2023, Comcel submitted a response to the investigation initiated by SIC in connection with such sanctioning proceeding which is currently in an evidentiary stage.

6. *America Movil's subsidiary, America Movil Peru, fine reduced to PEN 799,795 (USD 211,410) after an appeal over non-compliance with quality standards in Peru.*

In August 2021, the Telecommunications’ Private Investment Supervisory Organism (“OSIPTTEL”) imposed a fine to Claro Perú of PEN\$1,347,720 (USD\$356,000 approx.) for allegedly non-compliance to quality standards in the mobile internet service within five (5) districts during the second semester of 2019. In response, Claro Peru alleged certain deficiencies observed in such sanctioning procedure, thus resulting in OSIPTTEL issuing a resolution confirming the sanction against Claro Peru imposing a fine of PEN\$799,795.00 (USD\$211,586 approx.) for non-compliance to quality standards in the mobile internet service in three (3) districts instead the five (5) districts initially alleged.

Claro Perú has appealed such resolution before the judicial courts and it is pending of final resolution.

7. *America Movil's subsidiary, Claro, fined PEN 262.6k (USD 68.9k) for failing to inform subscribers about line blocking in Peru.*

In February 2023, OSIPTTEL imposed a fine to Claro Perú of PEN\$252,450.00 (USD\$66,800 approx.) against Claro Perú for allegedly non-compliance to its blocking obligation of mobile terminal equipment registered as stolen or lost.

Claro Perú has appealed the resolution imposing such fine before the judicial courts and it is pending of final resolution.

8. *America Movil's subsidiary, Claro, fined PEN 6.3m (EUR 1.5m) since 2020 for violating regulations on itinerant sales of SIM cards in Peru.*

Since 2020, OSIPTTEL has imposed various fines against mobile local carriers, exceeding PEN\$25.3 million (USD\$ 6.7 million approx.) as of the first quarter of 2023, resulting from alleged infringements to certain specific regulations in the sale of SIM cards to end users in unauthorized points of sales.

As of March 2023, OSIPTEL has imposed fines to Claro Perú amounting PEN\$6.3 million (USD\$1.6 million approx.) for violations to such specific regulations.

Claro Perú has appealed the resolutions imposing such fines before the judicial courts all of which are pending of final resolution.

9. *America Movil's subsidiary, Claro, fined USD 1.6 million for anti-competitive practices in Peru.*

In August 2018, Telefónica filed a complaint before OSIPTEL alleging Claro Perú's illegal conduct and antitrust practice by using the 2.5 GHz spectrum frequency band through certain commercialization contracts reached with Olo and TVS.

In May 2022, OSIPTEL imposed a fine to Claro Perú of PEN\$6,400,000 (USD\$1.6 million approx.) in connection with such complaint despite the fact that in 2019, Claro Perú entered subsequently into spectrum lease agreements with Olo and TVS in compliance with certain amendments introduced by the Ministry of Transportation and Communications to mandatory provisions aimed at recognizing a spectrum leasing scheme for the use of third party spectrum.

Claro Perú has appealed the resolution imposing such fine before the judicial courts and it is pending of final resolution.

10. *America Movil's subsidiaries, Latam Telecommunications and Puerto Rico Telephone Co., fined USD 1m each by the US Federal Communications Commission for unapproved cable operations amid national security concerns.*

In August 2023, the FCC's Enforcement Bureau ("EB") served a notice of the commencement of an investigation on the grounds that Puerto Rico Telephone Company, Inc. ("PRTC") and Latam Telecommunications LLC ("LATAM"), as licensees of the América Móvil Submarine Cable System, may have violated certain federal laws under the Cable Landing License Act and other rules of the Federal Communications Commission ("FCC") related to the construction, burial and operation of such cable, without having obtained prior authorization from the federal regulator. More specifically, the investigation focuses on the operation of the terrestrial cable stations located in San Andrés Island, Colombia and Puerto Limón, Costa Rica.

Once the investigative phase was completed, EB initiated a negotiation of the penalty to be paid by each of PRTC and LATAM as well as the consent decree to which it had to conform and comply with to support that both would not incur in any future violation. Once the negotiation was completed, agreeing to the imposition of the consent decree, the process was terminated. The consent decree provides for certain reporting obligations, the adoption of a compliance plan, the appointment of a Compliance Officer and the payment of a USD\$1,000,000 penalty by each of PRTC and LATAM. The Order adopting the consent decree was issued on May 14th, 2024. Payments of the penalty were made and confirmed to the FCC.

The compliance procedure and manual were revised according to the requirements of the compliance plan imposed. Part of what is required under the consent decree is the training of all

personnel relevant to Cable's functions and the regulatory consequence of non-compliance with the obligations. The first required covered personnel training was conducted on July 13th, 2024. All personnel initially identified to take this training have already completed it in a timely manner.

11. "Mexico fines Slim's Telcel \$94 million for SIM card deal with Oxxo convenience chain"

"Mexico's telecommunications regulator fined America Movil's subsidiary Telcel 1.78 billion pesos (\$93.61 million) on Tuesday for striking exclusivity deals with convenience store chain Oxxo to sell its SIM cards.

America Movil, the telecommunications giant controlled by the family of Mexican billionaire Carlos Slim, denied the regulator's findings and pledged to challenge the investigation and fine."

On June 17, 2025, Radiomóvil Dipsa, S.A. de C.V. ("Telcel"), was notified of a resolution issued by the Federal Telecommunications Institute ("IFT") regarding an investigation, initiated upon a competitor's complaint in 2021, for the alleged commission of relative monopolistic practices in the distribution and commercialization of SIM cards through convenience store chains in the Mexican market. The resolution imposes to Telcel a MXN\$1,782.6 million fine.

Telcel has denied having committed the practice referred to in the resolution. Telcel considers it is an arbitrary and disproportionate fine based on competitor's allegations and in a biased investigation, lacking evidence, carried out by the IFT's Investigation Authority (Autoridad Investigadora).

Telcel will challenge, through all available legal means, the abusive investigation process and this arbitrary fine.