

Notification of the Office of the National Broadcasting and Telecommunications Commission**Re: Rules and Procedures of Frequency Assignment for Radiocommunication Services**

Whereas it is expedient to specify rules and procedures of frequency assignment for radiocommunication services for corresponding understanding of all sectors on rules and procedures applied by the National Broadcasting and Telecommunications Commission in consideration on frequency assignment for radiocommunication service that is the service contributing to support of advance and security of the country.

By virtue of provisions under Section 27 (4), (24) and Section 81 and Section 87 of Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act B.E. 2553 (2010) in accompany with Section 11 and Section 11 Bis of Radio Communications Act B.E. 2498 (1955), being amended by Radio Communications Act (No. 3) B.E. 2535 (1992), the National Broadcasting and Telecommunication Commission therefore specify rules and procedures of radio frequency assignment for radiocommunication services as follows.

Clause 1 All notifications of the National Broadcasting and Telecommunication Commission in relation to Rules of License and Supervision of Citizens Band Radio Services, Rules and Procedures of License for Use of Radio Frequency in Fixed Services in the 71 – 76 GHz Band and the 81 – 86 GHz Band, Rules of License for Use of Radio Frequency for Temporary Experiment or Test in Radiocommunication Service and Telecommunications Service, and License-Exempted Radiocommunication Equipment and Radio Communication Station that have been promulgated to enforcement prior to the effective date of this Notification to be further effective as much as not in conflict or contradiction with the rules specified herein.

Clause 2 In this Notification,

“Radiocommunication Service” means a service for receiving and transmitting of signs, signals, writing, digits, images, sounds, codes or anything that can be apprehended by means of radio frequency system intended for special telecommunications affairs or ad-hoc purpose which is not the telecommunications business under Telecommunications Business, or Sound or Television Broadcasting Services Law under Broadcasting and Television Businesses Law.

“Frequency Assignment” means an authorization given for radio communication stations to use radio frequencies or radio channels as specified in the Table of Frequency Allocations or Radio Frequency Plan for the use under conditions required by the NBTC.

“New Frequency Assignment” means an authorization given for radio communication stations to use radio frequencies or radio channels as specified in the Table of Frequency Allocations or Radio Frequency Plan for the use under conditions required by the NBTC. The applicant of the frequency assignment has never been assigned for such radio frequency.

“Frequency Assignment in Replacement of Primary Frequency” means an authorization given for radio communication stations to use radio frequencies or radio channels as specified in the Table of Frequency Allocations or Radio Frequency Plan in replacement of the primary radio frequencies in case where the NBTC orders to revoke the radio frequencies or executes under the Notification of the NBTC on Improvement of the Use of Radio Frequency or Solution of Radio Frequency Usage Interference Problem for use under the conditions required by the NBTC.

“Sharing Frequency Assignment” means an authorization given for radio communication stations to share with other persons that are assigned for radio frequency on use of radio frequencies or radio channels as specified in the Table of Frequency Allocations or Radio Frequency Plan for use under the conditions required by the NBTC. The said sharing use is the use in the nature of the use of the same network or in the nature of the overlapping using area.

“Temporary Frequency Assignment” means an assignment of radio frequency in authorization duration not exceeding 180 days (one hundred and eighty days) under any of the following purposes.

- (1) For use as demo supporting bidding or demo in exhibition;
- (2) For study, research, experiment or test;
- (3) For custody of key person at the time of Thailand visit;
- (4) For joint military manoeuvre with other countries;
- (5) For special activity supports;
- (6) For other purposes as specified by the NBTC

“Application on License for Use of Frequency Specified for Ad Hoc Sharing” means the application on license for sharing the use of radio communication stations, and use of radio frequencies or radio channels under the relevant notifications of the NBTC, with the person that is assigned for other radio frequency in the ad hoc services such as mass media service and public charity service, radio frequency for local administration organization, center frequency for contact and coordination between the government agencies and people, etc.

“Change in Scope of License of the Primary Assigned Frequency” means adjustment of using area or adjustment of number of radio communication stations or reduction of adjacent channel spacing or reduction of bandwidth or reduction of transmitting power of radiocommunication equipment or reduction of antenna height using the previous assigned radio frequencies or radio channels, and use under the previous purpose.

Chapter 1

Application on Frequency Assignment

-
- Clause 3 The application on frequency assignment must be taken place for any of the following purposes.
- 3.1 For state security under the Notification of the National Broadcasting and Telecommunications Commission on the Guideline on the Radiocommunication Service Frequency Assignment for State Security;
- 3.2 For study or culture or public benefit;
- 3.3 For support of broadcasting, television or telecommunication businesses;
- 3.4 For internal management of the agencies or support of the agency missions;
- 3.5 For use in illustration of demo in support bidding or illustration of demo in exhibition;
- 3.6 For study, research, experiment or test;
- 3.7 For custody of key person at the time of Thailand visit;
- 3.8 For joint military manoeuvre with other countries;
- 3.9 For special activity supports;
- 3.10 For other purposes as specified by the NBTC
- Clause 4 Types of Application on Frequency Assignment are as follows.
- 4.1 Application on new frequency assignment
- 4.2 Application on frequency assignment in replacement of the primary frequency
- 4.3 Application on sharing frequency assignment
- 4.4 Application on temporary frequency assignment
- 4.5 Application on license for use of frequency specified for ad hoc sharing
- 4.6 Application on license for change in scope of license of the primary assigned frequency
- Clause 5 The applicant of frequency assignment must have any of the following qualifications.
- 5.1 Being an administrative agency, state enterprise, or government agency;
- 5.2 Being a juristic person which is established under Thai laws.
- 5.3 Being a natural person;
- 5.4 Being a United Nations Specialized Agency, Office of the International Committee of the Red Cross, embassy of ambassador, embassy of apostolic nuncio, embassy, general consulate, and consulate;

5.5 Being an international organization with the office in Thailand with office in Thailand and under Organizational Operation Protection Act enacted by Thai Government for that government only;

Clause 6 Registration for application on identification number for the applicant of frequency assignment and change in registered information

The applicant of the frequency assignment that has not yet had identification number for the applicant of frequency assignment or required for change in registered information must submit the application in the form specified by the Office of the NBTC and documentary evidence as follows.

6.1 In case of administrative agency, state enterprise or government agency, for instance:

6.1.1 Heading letter of the administrative agency, state enterprise, or general government agency shall be signed by the chief of administrative agency in the ministry, bureau, department levels, topmost executive of the state enterprise, or top executive of the government agency as the case may be.

6.1.2 Heading letter of the administrative agency under Ministry of Defence shall be signed by the Permanent Secretary of the Ministry of Defence, Chief Aide-de-Camp General, the Commanding General of the King Security Command, Chief of Directorate of Joint Communications under Royal Thai Army Headquarters, Chief of Signal Department under Royal Thai Army, Naval Communications and Information Technology Department under Royal Thai Navy, Director of the Directorate of Communications and Electronics under Royal Thai Air Force, as the case may be.

6.1.3 Heading letter from police agency shall be signed by the Commander of Police Communications Division under Royal Thai Police.

6.2 In case of the juristic person established by law:

6.2.1 Documentary evidence showing legal status such as copy of establishment agreement of the juristic body, or copy of commercial registration, or copy of limited partnership registration certificate, copy of juristic person registration certificate, or copy of association or foundation registration certificate, and copy of certificate of the list of association or foundation committee members, as the case may be;

6.2.2 Copy of identification card and copy of house registration of the authorized signatory or the authorized person who acts on behalf or the authorized person, as the case may be;

6.2.3 Power of Attorney, and copy of identification card and copy of house registration of the proxy and the attorney in case of authorization to act on behalf;

6.3 In case of the natural person:

6.3.1 Copy of identification card or copy of other cards enacted by laws for use in replacement of identification card, and copy of house registration of the applicant of license;

6.3.2 Power of Attorney, and copy of identification card and copy of house registration of the proxy and the attorney in case of authorization to act on behalf;

6.4 In case of United Nations specialized agency, Office of the International Committee of the Red Cross, Embassy, Embassy of Apostolic Nuncio, Consular, General Consulate, and Consulate, such as heading letter from the Secretariat of the Prime Minister or Department of Protocol, Ministry of Foreign Affairs, affixed with signature of the chief the agency, as the case may be;

6.5 In case of international organization with office in Thailand and under Organizational Operation Protection Act enacted by Thai Government for that organization, such as heading letter from the said international organization, affixed with the signature of the chief of the agency or the assigned person, as the case may be;

After the Office of the NBTC has already received complete documents, the Office of the NBTC shall specify identification number for the applicant of the frequency assignment.

Clause 7 Submission of the application on the frequency assignment

The intending applicant of the frequency assignment with qualifications under Clause 5 that has already executed under Clause 6 can submit the application as per the following details.

7.2 Application Form

7.1.1 The applicant of the frequency assignment must submit the application in the form specified by the Office of the NBTC by filling correct and complete details of information in the application form.

7.1.2 The application must be signed by the applicant of the frequency assignment and the authorized person who acts on behalf. Unless in case of the administrative agency, state enterprise, government agency, United Nations specialized agency, Office of the International Committee of the Red Cross, embassy of ambassador, embassy of apostolic nuncio, embassy, general consulate, consulate, and international organization, with office in Thailand and under Organizational Operation Protection Act enacted by Thai Government for that organization, the following persons shall sign.

7.1.2.1 In case of administrative agency, state enterprise or general government agency, the application must be signed by the chief of the administrative agency in the level of ministry, bureau and department, topmost executive of the state enterprise or topmost executive of the government agency, as the case may be.

7.1.2.2 In case of the military agency, the application must be signed by the Permanent Secretary of the Ministry of Defence, Chief Aide-de-Camp General, the Commanding General of the King Security Command, Chief of Directorate of Joint Communications under Royal Thai Army Headquarters, Chief of Signal Department under Royal Thai Army, Naval Communications and Information Technology Department under Royal Thai Navy, Director of the Directorate of Communications and Electronics under Royal Thai Air Force, as the case may be.

7.1.2.3 In case of the police agency, the application shall be signed by the Commander of Police Communications Division under Royal Thai Police.

7.1.2.4 In case of United Nations specialized agency, Office of the International Committee of the Red Cross, embassy of ambassador, embassy of apostolic nuncio, embassy, general consulate, and consulate, the application shall be signed by the Secretariat of the Prime Minister, or the Director-General of the Department of Protocol, as the case may be.

7.1.2.5 In case of the international organization with office in Thailand and under Organizational Operation Protection Act enacted by Thai Government for that organization, the application shall be signed by the chief of the agency or the assigned person, as the case may be.

7.2 Documentary evidence used for support of the application on the frequency assignment

The applicant of the frequency assignment must submit documentary evidence used for support of the application on the frequency assignment as specified in Annex.

7.3 Place of the application submission

The applicant of the frequency assignment must submit the application together with the documentary evidence at:

7.3.1 The Office of the NBTC, No. 87 Phahon Yothin Alley 8 (Sai Lom) Road, Samsen Nai Sub-district, Phaya Thai District, Bangkok 10400

7.3.2 The Regional Office of the NBTC and the District Office of the NBTC

7.3.3 Other channels specified by the Office of the NBTC

Clause 8 Operating Procedures and Steps

8.1 The Office of the NBTC shall consider examine the application and essential documentary evidence required for licensing usage whether they are correct and complete under Clause 7, prior to proposing the matter for consideration and approval on the frequency assignment.

If it appears that the essential documentary evidence required for consideration support under Clause 7 is incorrect, incomplete, or inadequate, the Office of the NBTC shall notify in writing to the applicant of the frequency assignment within seven days from the received date of the application for delivery of additional essential documentary evidence within seven days' period from the received date of the written notice. If the applicant of the frequency assignment fails to deliver the additional documentary evidence as notified by the Office of the NBTC, the Office of the NBTC shall return such application to the said applicant and notify in writing specifying reason of return to the said applicant for acknowledgement. However, the right of the said applicant to re-submit the application shall not be deprived.

8.2 In case where the application and documentary evidence are correct and complete, the Office of the NBTC shall notify the applicant of the frequency assignment to pay the application consideration fee as specified.

8.3 The Office of the NBTC shall notify the consideration result for frequency assignment to the applicant of the frequency assignment for acknowledgement within seven days from the completion date of the consideration.

8.4 In case where the application is considered and approved, the Office of the NBTC shall notify the applicant of the frequency assignment to pay the related fee. After the Office of the NBTC has already completely received fee, it shall schedule effective date of the frequency assignment and validity of frequency assignment, and issue evidence of frequency assignment, and license of radiocommunication (if any) to the applicant of the frequency assignment.

8.5 In case where the applicant of the frequency assignment has been in the procurement process of radiocommunication equipment or location of radio communication station, the following shall be executed in addition to Clause 8.1 to Clause 8.4 as follows.

8.5.1 The applicant of the frequency assignment shall specify the starting date of the frequency assignment and primary details of the radiocommunication equipment or the location of radio communication station, in the application. The effective date of the frequency assignment shall not exceed one year from the received date of the application.

8.5.2 After the application has already been considered and approved, the Office of the NBTC shall issue the primary evidence of the right to use frequency to the applicant of the frequency assignment.

8.5.3 The agency exempt from license of radiocommunication under Section 5 of Radio Communications Act B.E. 2498 (1955) and Amendment, shall notify the details related to the possession and use of radiocommunication equipment and establishment of the radio communication station as specified by the Office of the NBTC prior to the effective date of the frequency assignment specified under Clause 8.5.1 at least five days.

8.5.4 Other agencies exempt from license of radiocommunication under Section 5 of Radio Communications Act B.E. 2498 (1955) and Amendment, shall submit the application in accordance with the Notification of the National Broadcasting and Telecommunications Commission on Possession and Use of Radiocommunication Equipment and Establishment of Radio Communication Station in the related part prior to the effective date of the frequency assignment as specified in Clause 8.5.1 at least five days.

8.5.5 If the applicant of the frequency assignment fails to execute under Clause 8.5.3 or 8.5.4 as the case may be, it shall be deemed that the right to use frequency is ineffective.

Chapter 2

Rules and Procedures of Frequency Assignment Consideration

Clause 9 First-come-first-serve basis is applied in consideration on frequency assignment for all types of radiocommunication services excluding the case of temporary frequency assignment for study, research, experiment or test. The rules and procedures for consideration are as follows.

9.1 Rules of consideration on frequency assignment consist of the following:

9.1.1 The reason of necessity to apply for frequency assignment such as failure to lease for use of radiocommunication equipment service, no other alternative telecommunications service provision in the desire area of use, frequency interference problem whereas the applicant is interfered or causes the interference of inadequate frequency which has been previously assigned, etc.

9.1.2 Consistency with Frequency Management Master Plan, National Table of Frequency Allocation, Sound Broadcasting Service and Television Broadcasting Service Master Plan, Radio Frequency Plan or the related Notifications of the NBTC

9.1.3 Consistency with objective and mission of the agency

9.1.4. Consistency of the using telecommunications equipment and device with the Notification of Technical Standards and Related Standard Inspection and Certification

9.1.5 Consistency with the agreement of integration and assignment of frequency along the border areas

9.1.6 Efficiency and worthiness of frequency utilization

9.1.6.1 The use of frequency must not cause interference in intensity level against the use of the domestic and international frequency

9.1.6.2 The use of frequency must not cause effect toward the NBTC's inspection station for use of frequency

9.1.6.3 The use of frequency must not be redundant with telecommunications service provision in the nature of use of alike frequency and use of the same or similar frequency

9.1.6.4 The use of frequency is worthwhile whereas bandwidth or number of radio frequencies or radio channels must be consistent with traffic load.

9.2 Procedures of consideration on frequency assignment shall consist of the following.

9.2.1 The Office of the NBTC shall consider the application and documentary evidence using every clause of rules under Clause 9.1. However, the Office of the NBTC may select other radio frequencies or radio channels in National Table of Frequency Allocation or Radio Frequency Plan or the related Notifications of the NBTC for assignment to the applicant of the frequency assignment. The consent shall be given by the applicant of the frequency assignment prior to execution in the related part.

9.2.2 In case of the frequency assignment in National Table of Frequency Allocation:

9.2.2.1 If the consideration result under Clause 9.2.1 is correct and complete, the Office of the NBTC shall propose the NBTC to consider and approve the frequency assignment prior to the Secretariat of the NBTC's issuance of the evidence of frequency assignment and license of radiocommunication (if any) to the applicant of the frequency assignment.

9.2.2.2 If the Office of the NBTC completes the execution under Clause 9.2.2.1 within ninety days, the Office of the NBTC shall immediately notify the applicant of the frequency assignment for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant of the frequency assignment about for acknowledgement of the consideration result within seven days.

9.2.3 In case of the frequency assignment under Radio Frequency Plan or the related Notifications of the NBTC

9.2.3.1 If the consideration result under Clause 9.2.1 is correct and complete, the Secretariat of the NBTC shall consider and approve the frequency assignment and issue the evidence of the frequency assignment and license of the radiocommunication (if any) to the applicant of the frequency assignment.

9.2.3.2 The Office of the NBTC shall complete the execution under Clause 9.2.3.1 within thirty days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant of the frequency assignment for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant of the frequency assignment for acknowledgement of the consideration result within seven days.

9.2.4 In case of the frequency assignment for state security

9.2.4.1 If the consideration result under Clause 9.2.1 is correct and complete, the Office of the NBTC shall execute in accordance with the Notification of the Guideline on the Related Frequency Assignment to Radiocommunication Service for State Security prior to request for approval on frequency assignment under Clause 9.2.2 or 9.2.3, as the case may be.

9.2.4.2 The Office of the NBTC shall complete execution under Clause 9.2.4.1 within one hundred and twenty days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant of the frequency assignment for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant of the frequency assignment for acknowledgement of the consideration result within seven days.

9.2.4.3 In case where the working group or the sub-committee under the Notification of the National Broadcasting and Telecommunications Commission on the Guideline on the Related Frequency Assignment to Radiocommunication Service for State Security fails to perform its duty and results in failure to complete execution within the specified time frame under Clause 9.2.4.2, the Office of the NBTC shall execute under Clause 9.2.2 or 9.2.3, as the case may be.

9.2.5 In case where the frequency assignment under the agreement of frequency integration and assignment along border areas with the countries where their territories are adjacent.

9.2.5.1 If the consideration result under Clause 9.2.1 is correct and complete, the Office of the NBTC shall complete execution in accordance with the related agreement of frequency integration and assignment along the border areas with the countries where their territories are adjacent. If it is the frequency for state security, the Office of the NBTC shall execute under Clause 9.2.4 upon consent on such agreement.

9.2.5.2 The Office of the NBTC shall complete execution under Clause 9.2.5.1 within one hundred and fifty days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant of the frequency assignment for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant of the frequency assignment for acknowledgement of the consideration result within seven days.

9.2.5.3 If the related countries where their territories are adjacent give no consent on the use of frequency under the agreement along the border areas, the Office of the NBTC shall notify the applicant of the frequency assignment for acknowledgement of the consideration result together with reason within seven days from the received date of the consideration result from the related countries where their territories are adjacent

9.2.6 If the consideration result under Clause 9.2.1 is incorrect and incomplete, the Office of the NBTC shall notify the applicant of the frequency assignment for acknowledgement of the consideration result together with reason within seven days from the completion date of the consideration.

Chapter 3

Terms and Conditions of the Frequency Assignment

Clause 10 Validity of the frequency assignment is scheduled for not more than five years per time.

Clause 11 In case where the use of frequency causes interference against the use of other person's frequency which has already been licensed beforehand, the frequency assigned person is responsible to immediately notify the Office of the NBTC for acknowledgement to identify the cause of occurred interference. The frequency assigned person shall collaborate to solve the occurred interference problem, and take responsibility of the contingent expenses from solving the occurred interference problem. If the interference on use of frequency is unable to be solved within thirty days from the notified date of the Office of the NBTC, the frequency assigned person shall immediately suspend the use of frequency and submit the application to request for frequency assignment in replacement of the primary frequency.

Clause 12 In case where the Office of the NBTC verifies and detects that the frequency assigned person has not used frequency for consecutive period longer than two weeks, the Office of the NBTC shall issue the written notice to the frequency assigned person for acknowledgement. If the frequency assigned person fails to submit clarification letter together with reasonable ground within sixty days from the presented date in the letter of the Office of the NBTC. The Office of the NBTC shall submit a written notice to the frequency assigned person for acknowledgement once more. If the frequency assigned person fails to submit the clarification letter together with reasonable ground, within sixty days from the presented date in the letter of the Office of the NBTC No. 2, the Office of the NBTC shall propose the NBTC to consider cancelling the frequency assignment as appropriate for the case accordingly.

Clause 13 In case where the Office of the NBTC verifies and defects any of one or more cases as follows.

13.1 The use of frequency causes interference in intensity level against the use of domestic or international frequency;

13.2 The use of frequency fails to comply with the agreement of frequency integration and assignment along border areas;

13.3 Permission given to other person to use frequency in part or in whole without consent of the NBTC;

13.4 Non-compliance with principles, regulations, notifications, rules, procedures and conditions prescribed by the NBTC

The Office of the NBTC shall order to temporarily suspend the frequency assignment and discontinue the use of the related radiocommunication license and submit the written notice to the frequency assigned person for acknowledgement to immediately terminate the use of frequency and problem solving. The frequency assigned person shall report the progress of problem solving for acknowledgement of the Office of the NBTC every sixty days from the presented date in the written notice for suspension of frequency assignment, and discontinue the use of the related radiocommunication license on temporary basis. If problem is unable to be solved within one hundred and twenty days, the Office of the NBTC shall propose the NBTC to further consider cancelling the frequency assignment as appropriate for the case.

Chapter 4

Fee

Clause 14 Non-reclaimable application consideration fee for 5,000 Baht shall not be applicable in the following cases.

14.1 In case of temporary frequency assignment excluding in case of temporary frequency assignment for study, research, experiment or test, the Notification of the National Broadcasting and Telecommunications Commission on Rules of License for Temporary Use of Frequency for Experiment or Test in Radiocommunication Service and Telecommunications Service must be complied with.

14.2 In case of cancellation on frequency assignment

14.3 In case of the frequency assignment in replacement of the primary frequency

Clause 15 Frequency use fee shall be in line with what is specified by the NBTC.

Clause 16 Radiocommunication license fee shall be in line with the Notification of the National Broadcasting and Telecommunications Commission on Radiocommunication License Fee.

Chapter 5

Change in Scope of License of the Primary Assigned Frequency

Clause 17 The frequency assigned person that intends to change the scope of license of the primary assigned frequency must submit the application as per details in Clause 7.

Clause 18 The rules of the consideration on change in scope of license of the primary assigned frequency consists of the following.

18.1 The unexpired frequency assignment as at the date of which the NBTC received the application

18.2 Rules under Clause 9.1

Clause 19 The procedures of the consideration on change in scope of license of the primary assigned frequency consist of the following.

19.1 The Office of the NBTC shall consider the application and documentary evidence using every clause of the rules in Clause 18.

19.2 In case of the frequency under National Table of Frequency Allocation

19.2.1 If the consideration result under Clause 19.1 is correct and complete, the Office of the NBTC shall propose the NBTC to consider and approve the change in scope of license of the primary assigned frequency prior to the Secretariat of the NBTC's cancellation or issuance of the related license of the radiocommunication as the case may be to the applicant.

In case of cancellation of the license of the radiocommunication, the Notification of the National Broadcasting and Telecommunications Commission on Possession and Use of the Radiocommunication Equipment, and Establishment of the Radio Communication Station shall be complied for execution in related part.

19.2.2 The Office of the NBTC shall complete execution under Clause 19.2.1 within ninety days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant for acknowledgement of the consideration result within seven days.

19.3 In case of frequency under Radio Frequency Plan or the related Notifications of the NBTC

19.3.1 If the consideration result under Clause 19.1 is correct and complete, the Secretariat of the NBTC shall consider and approve the change in scope of the license of the primary assigned frequency, and cancel or issue the related license of the radiocommunication as the case may be to the applicant.

In case of cancellation of the license of the radiocommunication, the Notification of the National Broadcasting and Telecommunications Commission on Possession and Use of the Radiocommunication Equipment, and Establishment of the Radio Communication Station shall be complied for execution in related part.

19.3.2 The Office of the NBTC shall complete execution under Clause 19.3.1 within thirty days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant for acknowledgement of the consideration result within seven days.

19.4 In case of the frequency assignment for state security

19.4.1 If the consideration result under Clause 19.1 is correct and complete, the Office of the NBTC shall execute in accordance with the Notification of the Guideline on the Related Frequency Assignment to Radiocommunication Service for State Security prior to request for approval on frequency assignment under Clause 19.2 or 19.3, as the case may be.

19.4.2 The Office of the NBTC shall complete execution under Clause 9.2.4.1 within one hundred and twenty days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant of the frequency assignment for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant of the frequency assignment for acknowledgement of the consideration result within seven days.

19.4.3 In case where the working group or the sub-committee under the Notification of the National Broadcasting and Telecommunications Commission on the Guideline on the Related Frequency Assignment to Radiocommunication Service for State Security fails to perform its duty and results in failure to complete execution within the specified time frame under Clause 19.4.2, the Office of the NBTC shall execute under Clause 19.2 or 19.3, as the case may be.

19.5 In case where the frequency under the agreement of frequency integration and assignment along border areas with the countries where their territories are adjacent.

19.5.1 If the consideration result under Clause 19.1 is correct and complete, the Office of the NBTC shall complete execution in accordance with the related agreement of frequency integration and assignment along the border areas with the countries where their territories are adjacent. If it is the frequency for state security, the Office of the NBTC shall execute under Clause 19.4 upon consent on such agreement.

19.5.2 The Office of the NBTC shall complete execution under Clause 19.5.1 within one hundred and fifty days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant for acknowledgement of the consideration result within seven days.

19.5.3 If the related countries where their territories are adjacent give no consent on the use of frequency under the agreement of frequency integration and assignment along the border areas, the Office of the NBTC shall notify the applicant for acknowledgement of the consideration result together with reason within seven days from the received date of the consideration result from the related countries where their territories are adjacent

19.6 If the consideration result under Clause 9.2.1 is incorrect and incomplete, the Office of the NBTC shall notify the applicant for acknowledgement of the consideration result together with reason within seven days from the completion date of the consideration.

Chapter 6

Renewal of the Frequency Assignment

Clause 20 The Office of the NBTC shall notify the frequency assigned person to renew frequency assignment validity at least sixty days in advance prior to expiry date. If the frequency assigned person fails to renew the frequency assignment on schedule, it is unable to be referred as any reason or condition.

Clause 21 The frequency assigned person that intends to renew the frequency assignment must submit the application as per details in Clause 7. In case of reasonable suspicion that radiocommunication equipment is below the related standards, the Office of the NBTC shall order to test the radiocommunication equipment for confirmation that the said radiocommunication equipment that will be continuously used has still been conforming to the Notification of the Technical Standards and Related Standard Inspection and Certification.

Clause 22 The rules of consideration on renewal of the frequency assignment consist of the following.

22.1 Unexpired frequency assignment as at the date of which the Office of the NBTC received the application

22.2 Unchanged technical specifications of the radiocommunication equipment

22.3 Testing result documents in case of the Office of the NBTC's order to test the radiocommunication equipment

Clause 23 The procedures of the consideration on renewal of the frequency assignment consist of the following.

23.1 The Office of the NBTC shall consider the application using every clause of the rules under Clause 22. During consideration on renewal of the frequency assignment, the frequency assigned person can further use frequency until being notified of the consideration result from the Office of the NBTC.

23.2 If the consideration result under Clause 23.1 is correct and complete, the Secretariat of the NBTC shall consider and approve the renewal of the frequency assignment and issuance of the evidence of frequency assignment together with license of the radiocommunication (if any) to the applicant.

23.3 The Office of the NBTC shall complete execution under Clause 23.2 within fifteen days. If the execution delays over than the specified period, the Office of the NBTC shall immediately notify the applicant for acknowledgement together with reason. Upon completion of the consideration, the Office of the NBTC shall notify the applicant for acknowledgement of the consideration result within seven days.

23.4 If the consideration result under Clause 23.1 is correct and complete, the Office of the NBTC shall notify the applicant for acknowledgement of the consideration result together with reason within seven days from the completion date of the consideration.

Chapter 7

Cancellation of the Frequency Assignment

Clause 24 The rules and procedures for consideration on cancellation of the frequency assignment are as follows.

24.1 The rules for consideration on cancellation of the frequency assignment consist of any the following clauses.

24.1.1 Expired frequency assignment

24.1.2 Intention of the frequency assigned person to cancel the frequency assignment by submission of the application as per details under Clause 7

24.1.3 The NBTC's order to cancel the frequency assignment due to causes under Clause 12 or 13

24.2 The procedures for consideration on cancellation of the frequency assignment consist of the following.

24.2.1 In case of Clause 24.1.1, the Office of the NBTC shall cancel the license of the radiocommunication (if any), and execute in accordance with the Notification of the National Broadcasting and Telecommunications Commission on Possession and Use of Radiocommunication Equipment and Establishment of Radio Communication Station in the related part prior to notification for acknowledgement of the frequency assigned person with fifteen days from the expiry date of the frequency assignment.

24.2.2 In case of Clause 24.1.2, the Office of the NBTC shall cancel the frequency assignment and license of the radiocommunication (if any) for the applicant, and execute in accordance with the Notification of the National Broadcasting and Telecommunications Commission on Possession and Use of Radiocommunication Equipment and Establishment of Radio Communication Station in the related part prior to notification for acknowledgement of the frequency assigned person with fifteen days from the date of the which the Office of the NBTC received the application.

24.2.3 In case of Clause 24.1.3, the Office of the NBTC shall cancel the license of the radiocommunication (if any) for the applicant, and execute in accordance with the Notification of the National Broadcasting and Telecommunications Commission on Possession and Use of Radiocommunication Equipment and Establishment of Radio Communication Station in the related part prior to notification for acknowledgement of the frequency assigned person with fifteen days from the resolved date of the Office of the NBTC on cancellation of the frequency assignment.

Transitory Provisions

Clause 25 The frequency assigned person for radiocommunication service and the licensee of the use of radiocommunication equipment prior to the effective date hereof must execute under Clause 6, and notify the details related to use of frequency together with licensing documentary evidence as specified by the Office of the NBTC within time frame as follows.

25.1 Within sixty days from the effective date hereof in case where the licensing expiry date is scheduled in frequency assignment for radiocommunication service or lawful license for use of radiocommunication equipment.

25.2 Within one hundred and eighty days from the effective date hereof in case where the licensing expiry date is not scheduled in frequency assignment for radiocommunication service or lawful license for use of radiocommunication equipment.

Clause 26 If the Office of the NBTC does not receive details related to use of frequency together with licensing documentary evidence within the specified period under Clause 25, it shall be deemed that the frequency assignment for radiocommunication service or license for use of radiocommunication equipment is expired.

Clause 27 Upon consideration of the Office of the NBTC on details related to use of frequency together with licensing documentary evidence that it is deemed to be correct, complete, and consistent with Frequency Management Master Plan, National Table of Frequency Allocation, Sound Broadcasting Service and Television Broadcasting Service Master Plan, Radio Frequency Plan or the related Notifications of the NBTC, the Office of the NBTC shall issue the evidence of frequency assignment together with license of the radiocommunication (if any), and schedule validity of the frequency assignment under Clause 10 for the frequency assigned person.

Clause 28 The license for use of radiocommunication equipment that validity of license is not scheduled is granted prior to the effective date hereof, it shall be deemed to be frequency assignment and executed under Clause 25 to Clause 27.

Clause 29 At the time that the NBTC has not yet announced and specified frequency use fee for charging in the rate not less than the specified rate in the Notification of the Ministry of Information and Communication Technology on Determination of the User of the Radio Frequency to Pay Radio Frequency Use Fee dated 10 March 2003 until otherwise announced and specified by the NBTC.

Clause 30 This Notification shall come into force upon expiration of one hundred and eighty days as from the date of its publication in the Government Gazette.

Promulgated on 29 March 2017

Air Chief Marshal Thares Punsri

Chairman of the National Broadcasting and Telecommunications Commission

Annex

Documentary Evidence Used for Supporting the Application on Frequency Assignment

Cases	Documentary Evidence
In case of establishment of general radio communication station	<ol style="list-style-type: none"> 1. Copy of documentary evidence showing the location of radio communication station 2. Letter of consent on establishment of radio communication station in case of the non-titleholder 3. Copy of Permit for Establishment of Radio Communication Station as substitute of documents in Item 1 and 2
In case of establishment of radio communication station on the ship	<ol style="list-style-type: none"> 1. Copy of Ship Registration from Harbour Department 2. Copy of Permit for Use of Ship from Harbour Department 3. Copy of evidence of customs formality clearance 4. Copy of evidence of purchase or ordering
In case of establishment of radio communication station in the area of sea port or seashore for communication between aboard radio communication station and seaport or seashore	<ol style="list-style-type: none"> 1. Copy of documentary evidence showing the location of radio communication station 2. Letter of consent on establishment of radio communication station in case of the non-titleholder 3. Copy of Permit for Establishment of Radio Communication Station in replacement of document in Item 1 and 2 4. Copy of permit for seaport business from Harbour Department
In case of establishment of radio communication on the aircraft	<ol style="list-style-type: none"> 1. Copy of Aircraft Registration from Department of Civil Aviation 2. Copy of Certificate of Airworthiness from Department of Civil Aviation 3. Copy of evidence of customs formality clearance 4. Copy of evidence of purchase or ordering
In case of establishment of radio communication station for air navigation	<ol style="list-style-type: none"> 1. Copy of Permit for Establishment of Airport from Department of Civil Aviation 2. Copy of Permit for Establishment of Temporary Runway from Department of Civil Aviation
In case of establishment of radio communication station in air navigation safety zone in accordance the Notification of the Ministry of Transport	<ol style="list-style-type: none"> 1. Copy of documentary evidence showing the location of radio communication station 2. Letter of consent on establishment of radio communication station in case of the non-titleholder 3. Copy of Permit for Establishment of Radio Communication Station as substitute of documents

Cases	Documentary Evidence
	in Item 1 and 2 4. Copy of Permit for Construction in Air Navigation Zone from Department of Civil Aviation
In case of establishment of radio communication station of the satellite service	1. Copy of documentary evidence showing the location of radio communication station 2. Letter of consent on establishment of radio communication station in case of the non-titleholder 3. Copy of Permit for Establishment of Radio Communication Station as substitute of documents in Item 1 and 2 4. Copy of lease agreement for use of satellite signal (in related case)
In case of application on sharing frequency assignment	1. Letter of consent from other frequency assigned person both in case of use of the same network and overlapping using area 2. Other documentary evidence as the case may be
Other cases	The related notifications of the NBTC shall be referred.

This translated version is prepared with the sole purpose of facilitating the comprehension of foreign participants in the telecommunication rules and regulations and shall not in any event or by any reason be construed or interpreted as having effect in substitution for supplementary to the Thai version thereof. If its translation to other languages is in contrary to Thai version, the latter shall prevail.

Please note that the translation has not been subjected to an official review by the Office of the National Broadcasting and Telecommunications Commission. The Office of NBTC, accordingly, shall not undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising from or in connection with its use.
