

TELECOMMUNICATIONS

NBTC legal woes threaten conference, flood relief

KOMSAN TORTERMSASANA

Legal uncertainty over the status of the National Broadcasting and Telecommunications Commission (NBTC) chairman is threatening to affect preparations to attend a key international telecom conference and planned flood-relief measures for affected mobile phone subscribers, according to an NBTC executive source.

At the recent fourth special meeting convened by six NBTC commissioners without the participation of chairman Dr Sarana Boonbaichaiyapruk, the meeting instructed the NBTC secretary-general to implement several urgent measures, including approval for Thailand's delegation to attend the International Telecommunication Union (ITU) Plenipotentiary Conference, scheduled for Nov 9-27 in Doha, Qatar.

The conference is significant for Thailand as the country prepares to seek re-election to the ITU Council, representing the Asia and Australasia region, for another term covering 2027-30.

The NBTC special meeting unanimously agreed that commissioner Pol Gen Nathathorn Prousoontorn should head the Thai delegation in place of Dr Sarana, whom the majority of commissioners consider no longer eligible to perform the role.

However, holding special meetings without the chairman has cast doubt over the authority of the meetings to pass key resolutions and the validity of those resolutions.

The six commissioners have held their own special meetings without Dr Sarana after the NBTC selection committee ruled in July that he lacked the qualifications to hold office.

Dr Sarana argued that he remains the legitimate NBTC chairman and that his court case against the NBTC selection committee's ruling has yet to reach finality.

The impasse has left the NBTC office uncertain about whether it can lawfully implement resolutions passed by the six commissioners at special meetings.

FLOOD RELIEF

The six commissioners' special

meeting also instructed all mobile and telecommunications operators to introduce relief measures for flood-hit customers.

The measures include extending bill payment deadlines by seven days for postpaid subscribers, adding seven days of service validity for prepaid customers and requiring operators to prepare for potential flooding in southern Thailand and implement similar assistance measures immediately if flooding occurs.

The NBTC executive source said the conflict over Dr Sarana's doubtful qualifications could undermine the operators' delivery of assistance to affected people.

Without administrative orders issued by the NBTC office, mobile operators might not implement the relief measures, the source said.

Conversely, even if the office issues orders, there is no guarantee that operators will implement them, given uncertainty over whether resolutions adopted at the commissioners' special meeting were made through a legally valid process.

Operators could question whether the resolutions provide a sufficient legal basis for binding administrative orders, leaving the intended relief measures vulnerable to delays.

An executive of a major telecom operator who requested anonymity said that, in the case of the ITU, if the NBTC office proceeds to issue the resolution reached by the majority of NBTC commissioners during their special meeting, the ITU might contact the NBTC office for confirmation.

Regarding flood-relief measures, the private sector will need to determine whether the NBTC office's formalisation of this special-meeting resolution constitutes a request for cooperation or a mandatory order.

"If it is a request for cooperation that benefits the public, the private sector is prepared to provide support. However, if it is issued as an order, raising questions regarding its legitimacy, the private sector might need to consult the NBTC office to verify the legal validity of the resolution," said the executive.