

# Row over spectrum set to hit 1m DTAC subscribers

TELECOM OPERATOR GOES TO COURT AS WATCHDOG DRAGS ITS FEET ON ALLOWING USE OF 850MHZ BAND

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MORE THAN 1 million mobile-phone subscribers of Total Access Communication (DTAC) group could experience service disruption if the company fails to get approval from the telecom regulatory body for its plan to allow DTAC continued use of the 850MHz band after its concession ends on September 15.

DTAC revealed that more than 1 million subscribers in its group regularly use the 850MHz band. Of these, around 90,000 are in DTAC's 850MHz concession. The rest of the more than 1 million are subscribers of its subsidiary, DTAC TriNet, who regularly roam with DTAC's 850MHz. The DTAC group currently has more than 21 million subscribers.

If the consumer protection plan is not approved, the 850MHz concession customers will be disconnected past midnight on September 15, while the DTAC TriNet customers roaming on 850MHz may experience service disruptions in some areas.

DTAC has provided the 3G service on the 850MHz band. In its latest move to defend

customers, DTAC yesterday filed a lawsuit before the Central Administrative Court for temporary protection of its 850MHz customers, in response to the National Broadcasting and Telecommunications Commission (NBTC)'s continued failure to approve its consumer protection plan.

DTAC executives yesterday said the company had prepared several consumer-protection measures, including aggressive expansion of its 2.1GHz network to make up for the potential shutdown of the 850MHz network.

The company also has proactively reached out to customers with planned compensation proposals for network problems they may experience in the coming weeks.

DTAC said that despite multiple requests for relief measures, the NBTC had yet to grant remedy to DTAC's customers. With nine days left before the end of the concession, DTAC is therefore forced to take action to protect its customers by petitioning the courts to allow customers to continue using the 850MHz network.

DTAC chief corporate affairs and business development officer Rajiv Bawa said yesterday: "We view with grave concern the NBTC's

inability to arrive at a conclusion on this matter, despite the existence of a legal framework as well as the existence of precedence involving other operators. To protect our customers, we have no choice but to file a case for temporary protection.”

Ensuring uninterrupted coverage for DTAC customers is a joint responsibility of the NBTC, CAT Telecom and DTAC. It is also a legal obligation under the NBTC's remedial measures, he added.

CAT has granted the 1800MHz and 850MHz to DTAC to offer telecom service.

On June 7, DTAC and CAT submitted a joint letter to the NBTC, seeking the right to provide 850MHz services after the end of the concession.

Bawa said that the NBTC, in the past, had granted such a protection to customers of DTAC's competitors after their concession ended for a duration of nine months to 26 months. The NBTC has declined to approve DTAC's customer protection plan, citing the company's decision to not bid for the 900MHz licence.

In early August, DTAC petitioned the watchdog to revise this decision.

However, the NBTC board meeting on Wednesday declined to consider the petition but asked the NBTC office to gather more information for its consideration at the next board meeting on September 12.

The NBTC has reclaimed DTAC's

850MHz and rebanded it 900MHz and recently put it up for auction. However, none of the potential bidders submitted offers, citing some impractical conditions, prompting the abortion of the planned auction.

Bawa said that if DTAC loses all its 850MHz customers, then it might lose interest to bid for the 900MHz to lure back customers when the NBTC re-auctions the 900MHz. He added that once the [850MHz] customers exit DTAC, they are unlikely to come back.

“If the court grants an injunction allowing customers to use the 850MHz network during the court process, the state will collect all profits on 850MHz, meaning customer protection does not damage the state in any way. On the other hand, if customers cannot use the 850MHz network, this would lead to the 850MHz spectrum remaining idle, damaging both the state and DTAC customers irreparably,” Bawa said.

According to the NBTC's rules, telecom operators will have to transfer revenue after cost deduction, which they gain during the remedy period, to the NBTC.

The remedy period is a temporary duration that the NBTC provides to the telecom operators to continue to offer service after the concession ends, so as to give time to consumers to migrate to other networks.

DTAC's share price yesterday fell to 43.50, down 1.69 per cent.