

**TELECOMMUNICATIONS**

# True Move prepared to file against NBTC

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Second-ranked mobile operator True Move is threatening to file a complaint against the NBTC for alleged malfeasance over remedy measures for Total Access Communication (DTAC).

The company plans to accuse the National Broadcasting and Telecommunications Commission (NBTC) of violating Section 157 of the Criminal Code for negligence of duty if it allows DTAC to continue using the 850-megahertz spectrum network after its concession expires on Sept 15.

Yesterday the National Media Network Against Corruption submitted a letter to the NBTC secretary-general opposing the board permitting DTAC's use of the 850MHz spectrum after the expiry of its concession.

The network said it will file a complaint with the Office of the National Anti-Corruption Commission (NACC) against the NBTC if its proposal is ignored.

Executives of True Move informally told the NBTC last week that giving DTAC a remedy period would conflict with Section 3 of the existing NBTC remedy regulations as well as a previous resolution made by the NBTC's board on July 2.

The NBTC board is scheduled to hold a meeting tomorrow to decide whether to grant a remedy period to DTAC, after postponing the issue at last week's meeting.

An NBTC source who requested anonymity said True Move's executives oppose the remedy measures for two reasons. First, True Move believes DTAC does not deserve the remedy measures under Section 3 of NBTC regulations, which states if a concession ends with a substantial numbers of users on the network and without a timely auction by the NBTC before the expiry, operators are allowed to continue services for the remaining users to prevent

service disruption.

The NBTC set an auction timeline for the 900MHz spectrum licence several months before the expiry date of DTAC's concession, from which DTAC's 850MHz block was set to be upgraded to the 900MHz network after the auction.

However, the first round of the 900MHz auction was aborted after no prospective bidders submitted bid documents in June.

"The auction was set but it was aborted. Section 3 does not specify that the spectrum auction must be successful," the True Move executive says.

"DTAC decided to sit out the auction, even though the company certainly knew the 850MHz spectrum is critical for its subscribers."

Second, True Move said the NBTC's board resolution on July 2 ruled that DTAC must submit bid documents with bid guarantees for the planned auctions of 1800- and 900MHz on the submission date as a timeline in order to express its intention to use the spectrum ranges under the remedy measure.

"DTAC sat out the 900MHz auction, so it does not have the right to continue using the 850MHz band after the concession expires, as stated in the resolution," said the True Move executive.

The executive said the NBTC board would risk violating Section 157 of the Criminal Code, which stipulates that any government officer must not damage state benefits.

Natshapol Rojetaworn, president of the National Media Network Against Corruption, said giving DTAC a remedy period will damage public benefits because the spectrum range is a national resource.

"DTAC decided to bid for only one block of the 1800MHz spectrum licence, while ignoring the 900MHz auction, citing ambiguity of the 900MHz auction conditions."



**DTAC decided to sit out the auction, even though the company certainly knew the 850MHz spectrum is critical for its subscribers.**

**ANONYMOUS EXECUTIVE**

True Move

Mr Natshapol said DTAC's 850MHz customers are seen as hostages and are a bargaining chip for the company in negotiations with the NBTC.

NBTC secretary-general Takorn Tantsith said he will inform the NBTC board about the latest moves of the media network as well as True Move's executives at tomorrow's meeting.

Mr Takorn said the NBTC board's chairman and executives are being called to the Central Administrative Court today to provide information.

The move follows a recent petition filed by DTAC asking the court to order a temporary protection for its customers and allowing DTAC to continue using the 850MHz spectrum after its concession ends.

DTAC's petition also asks the court to remove the NBTC's board July 2 resolution that denied DTAC use of the 850MHz spectrum after the concession's expiry.