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Headline: Call for merger delay amid query

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House panel seeks to slow True-DTAC deal

KOMSAN TORTERMVASANA

An extraordinary House committee tasked with studying the impact of the merger between True Corporation and Total Access Communication (DTAC) plans to submit a letter to the cabinet today suggesting the procedure be delayed because of legal ambiguities and questions about the regulator's power to deal with the issue.

The new National Broadcasting and Telecommunications Commission (NBTC) board, which took office last week, should be given more time to study and review the planned merger, said Gp Capt Anudith Nakornthap, chairman of the committee, which is made up of 25 MPs.

This letter is separate from the committee's report gauging the impact of the planned merger, which is scheduled to be finished next week, then submitted to the chairman of parliament, he said.

The report covers effects on the overall market caused by the merger, pros and cons of the deal, expected quality of service and tariffs, regulatory loopholes and best practices from overseas.

The parliament chairman will be asked to distribute the report to related agencies, particularly the office of the NBTC and the Trade Competition Commission (TCC), said Gp Capt Anudith.

He said the letter requesting a delay called for more time for authorities to suss out issues related to the merger, as the two companies are expected to complete the deal by June 15.

> **The committee believes there is still ambiguity regarding legal issues related to the deal, while consumer interest is another critical issue that needs to be dealt with by the regulator.**
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> GP CAPT ANUDITH NAKORNTHAP
> Chairman, House committee on merger impact

The panel has held talks with various parties about the merger for months, including NBTC management and commissioners, TCC members, companies associated with the deal, academics, consumer protection advocates and Advanced Info Service (AIS), the country's mobile market leader in terms of subscriber base.

"The committee believes there is still ambiguity regarding legal issues related to the deal, while consumer interest is another critical issue that needs to be dealt with by the regulator to ensure a clear resolution," said Gp Capt Anudith.

He stressed the committee has no authority to obstruct the deal.

According to Gp Capt Anudith, there are some legal loopholes governing the deal, particularly the Telecom Business Act and a TCC regulation.

A 2010 regulation created by the National Telecommunications Commission (NTC) required merger deals to be approved by the regulator. The NTC was the telecom regulatory body before the NBTC was established.

Such power was abrogated by an NBTC regulation in 2018, with the change designed to support liberalisation of the industry and facilitate business consolidation in line with the digital convergence trend.

Section 21 of the Telecom Business Act only allows the regulator to usher in measures to prevent telecom licensees from causing a monopoly or reducing or restricting competition in telecom services.

Meanwhile, a TCC regulation stipulates that office can regulate business activities that affect competition, except for some businesses that already have specific laws dealing with trade competition. This hinders the TCC from scrutinising the deal.

The planned merger was announced in November last year as a plan to create a new technology company to move into advanced technology, such as artificial intelligence, the cloud, the Internet of Things, and space tech.

The merger has drawn flak from academics and consumer advocates who say a merger would lead to market dominance and reduce competition, with consumers paying the price.