

Court urged to halt True, Dtac merger

Public interest 'not protected', says TCC

POST REPORTERS

The Thailand Consumers Council (TCC) has asked the Central Administrative Court to revoke the National Broadcasting and Telecommunication Commission's decision on the planned merger of True Corporation and Total Access Communication (Dtac) and to issue an injunction pending its ruling.

Backed by 2,022 consumers, the petition was lodged on Thursday against NBTC's vote on Oct 20 to "acknowledge" the plan for the merger with conditions attached. According to the regulator, it does not have the power to approve or reject the move but can set conditions. In its petition, the TCC, which is strongly opposed to the merger out of concerns that it may lead to market control and unfair competition, claims the NBTC's decision and voting process are deemed illegitimate.

Despite the decision affecting millions of users, the telecom regulator failed to gather public input regarding the merger conditions it imposed and did not seek an opinion from an international independent adviser for

a report on the impact of the merger.

According to the petition, the NBTC chairman used his power as chairman to cast the deciding vote for a 3-2 decision supporting the stance that the NBTC had no power to approve or reject the merger. Casting the second vote to break the tie is against the NBTC's regulations. The measures and conditions imposed by the NBTC are also considered weak and unable to alleviate impacts and yield any benefit to consumers and other businesses.

"The NBTC could be seen as failing to do its job of protecting the public interest and promoting free and fair competition. This could be in violation of the charter, the national frequency allocation law, the telecom and broadcasting law, and the telecom master plan," said the petition.

In its petition, the TCC has asked the court to issue an injunction against the NBTC's decision and prohibit activities related to the merger decision until it issues the ruling.

Saree Ongsomwang, the TCC secretary-general, said the petition was filed because the NBTC forwarded its decision on the merger plan to both firms. Sirikanya Tansakul, deputy leader and list-MP of the Move Forward Party, yesterday lodged a petition with the National Anti-Corruption Commission against the NBTC over the merger decision.