

**ONE MORE HURDLE**

A subsidiary of AIS petitioned a Thai court to revoke a decision by the regulator that paves the way for its rivals to merge. **B2**

# AWN petitions court to block True merger

Firm seeks ruling  
for spectrum cap

KOMSAN TORTERMVASANA

Advanced Info Service Plc (AIS), Thailand's biggest mobile operator by subscriber base, has petitioned the Central Administrative Court to revoke the National Broadcasting and Telecommunications Commission's (NBTC) resolution that allows the passage of the planned merger of True Corporation and Total Access Communication (DTAC).

The petition was filed by AIS subsidiary Advanced Wireless Network (AWN) on Nov 11, according to a telecom industry source who requested anonymity.

AWN also requested the court issue an injunction to the planned merger, pending the court's ruling.

On Oct 20, the NBTC board voted 3-2 to take the position it has no authority to consider approving or rejecting the planned merger, which in essence allows the amalgamation.

The board then acknowledged the planned merger and issued remedy measures.

According to the petition, the resolution conflicts with the past frequency licence auction's conditions that prohibit mobile operators from holding a combined spectrum bandwidth in several ranges that exceed its spectrum



The spectrum cap rule results in additional costs for operators, which have to seek other ranges through auctions or partnerships to bolster their spectrum portfolios.

## AIS SOURCE

cap rule.

The rule is meant to prevent any companies or their affiliates from hoarding too much spectrum bandwidth on a range that could lead to unfair competition.

A source at AIS who requested anonymity said the spectrum cap rule resulted in additional costs for operators, which have to seek other spectrum ranges through auctions or partnership agreements to complement their spectrum portfolios.

The rule prohibits the holding of more than 30 megahertz of bandwidth on the 2100MHz range and 20MHz of bandwidth on the 700MHz range per operator, for example.

Currently each of the three major mobile operators holds 30MHz of bandwidth on the 2100MHz range. True and DTAC each hold 20MHz of bandwidth on the 700MHz range.

If the NBTC's resolution leads to the merger of True and DTAC, combining their spectrum holdings, the regulator should compensate AIS, the

source said.

Another NBTC regulation allows a spectrum holder to transfer the spectrum it holds to others, but it has to pay 1% of its winning bid price as a fee to the NBTC office.

"If the merger is completed, AIS wants to see this fee payment to the NBTC for the public benefit as a result of spectrum transfer," the source said.

AIS has expressed opposition to the planned merger, saying it will reduce the number of major operators from three to two and lessen options for promotions, after-sales services and mobile signals.

AIS chief executive Somchai Lertsutiwong declined to comment on the court petition.

On Nov 10, the Thailand Consumers Council also petitioned the Central Administrative Court to repeal the NBTC's resolution. The council said the regulator's decision would lead to market control and unfair competition, alleging the NBTC's decision and voting process were illegitimate.

# Govt offers World Cup loan

## Fans likely to miss out on first match

**MONGKOL BANGPRAPA**

World Cup fans in Thailand are likely to miss out on being able to watch the first match on Sunday after the Sports Authority of Thailand (SAT) failed to agree on a price with football's international governing body (Fifa).

A source close to the cabinet meeting yesterday said Deputy Prime Minister Prawit Wongsuwan told those present there is a high chance that an agreement would not be concluded in time.

Fifa has set the TV broadcasting rights price tag for Thailand at 1.6 billion baht. He said the SAT has asked to lower it to 1.2 billion.

At present, the SAT has a pot of 600 million baht from the National Broadcasting and Telecommunications Commission's research and development fund along with 200 million baht from the SAT and a further 400 million baht pledged by private companies.

However, that still leaves a 400-million-baht shortfall, said the source.

Hosted by Qatar, the World Cup kicks off on Sunday with the final on Dec 18. The curtain raiser will be a

game between the host country and Ecuador at 11pm.

Deputy Prime Minister Wissanu Krea-ngam said

yesterday the SAT can borrow from the government if necessary but he opposed using the central budget to buy the broadcasting rights.

SAT governor Kongsak Yodmadee said on Monday the football governing body had agreed to lower the price slightly, adding the SAT needed to fulfil the promise that was made by

Gen Prawit two weeks ago that all matches would be aired free and live on Thai TV.

But Gen Prawit yesterday appeared to backpedal yesterday. "I don't know," he told reporters at Government House, suggesting the SAT was the appropriate agency to ask for an answer to that question.

Prime Minister Prayut Chan-o-cha said during a media briefing after the cabinet meeting that the broadcasting rights fee was too high but said it would be the duty of the negotiator to bring it down.



**FIFA WORLD CUP  
Qatar 2022**



**Prawit: TV rights in limbo**