

Pre-Qualification Process

Process

The purpose of the pre-qualification process is to select appropriate applicants to be the Bidders. The pre-qualification process encompasses the following 3 steps:

- 1) The interest entities submit the application forms together with relevant information and document and pay the application fee in the amount of 500,000 Baht (excluding VAT) and place the auction guarantee in the amount of 796,000,000 Baht in the case of 2 x 30 MHz auction or 580,000,000 in the case of 2 x 25 MHz auction;
- 2) The NTC evaluates the completeness of license application and applicant's qualification including relevant documents as prescribed in the Notification;
- 3) The Applicants will be notified whether their application has been successful. Only qualified Applicants will be allowed to be the Bidder.

Qualifications and Other Requirements

Each applicant must fully meet the qualifications and complete all requirements as listed below:

1) Submission of Information and Documents

1.1) Submit the completely-filled application forms for obtaining the 1800 MHz Spectrum License and the accompanying documents and information as prescribed in Annex A of the NBTC's Notification regarding the Criteria and Procedure for Spectrum Licensing for International Mobile Telecommunications in the frequency band of 1800 MHz with 2 sets of their copies and the electronic documents to the Office of the NBTC.

1.2) Submit the documents of the Application that documented compliance with the Schedule of Prohibitions as prescribed in the NBTC's Notification regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance B.E. 2555 (2012), together with an affirmation signed by an authorized signatory that the applicant will not conduct any act that is contrary to any of the restrictions, the affirmation in accordance with the measures for restricting collusive behavior and the affirmation that if obtaining a License, the Applicant agrees to prepare and act in accordance with a Corporate Social Responsibility (CSR) plan as approved by the NTC, and sign in the bidder's consent letter, as prescribed in the application form for 1800 MHz Spectrum License;

2) Application Fee and Auction Guarantee

2.1) The Applicant must pay the application fee of 500,000 Baht (excluding VAT) by cash or bank cheque issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), dated on or not more than three business days prior to the date of payment to the Office of the NBTC. This fee will be deemed as the application fee for the spectrum license and Type Three Telecommunications Business License and will not be refunded by the Office of the NBTC in any cases;

2.2) The Applicant must place an auction guarantee by bank cheque issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), dated on or not more than three business days prior to the date of payment to the Office of the NBTC, for an amount of 796,000,000 Baht in the case of 2 x 30 MHz auction or 663,000,000 Baht in the case of 2 x 25 MHz auction;

In the case the Applicant does not proceed in accordance with specified methods in 1) and 2), the Office of the NBTC will not accept the License application.

3) Qualification Requirement

3.1) The Applicant must have the qualifications as stipulated in Section 8 of the Telecommunications Business Act B.E. 2544 (2001) and its amendment, and must have the qualifications and must not possess the prohibited characteristics as prescribed in Clause 3 of the National Telecommunications Commission's Notification Regarding Criteria and Procedure for Granting Type Three Telecommunications Business License;

3.2) The applicant must be a juristic person in the type of a limited company or public limited company established under Thai law and must not be a foreigner under the law on foreign businesses.

The applicant must specify the prohibitions as prescribed in the NBTC's Notification regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance B.E. 2555 (2012) together with affirmation signed by authorized signatory that the applicant will not conduct any act that is contrary to any of the prescribed restrictions. After the auction, in the case where the license conducts any act that infringe the mentioned prohibitions, the NBTC's Notification regarding the Prescription of Prohibitions for the Act having Nature of Foreign Dominance B.E. 2555 (2012) will be applied;

3.3) The Applicant must have no connection with other Applicant(s) by means of being the major shareholder, subsidiary company, associated company or person in authority or a controlled

entity or related entity or have cross-shareholding with other Applicant(s). An exception will be made in the case of being related due to relationship as the entity who grants or is granted authorization, concession or contract under Section 80 of the Telecommunications Business Act B.E. 2544 (2001). Whereby the consideration shall be in accordance with the provisions in Clause 2 of NTC's Notification regarding Criteria and Method of Merger & Acquisition and Cross-Shareholding in Telecommunication Business B.E. 2553 (2010);

In the examination, if it is found that the Applicant does not have qualifications as prescribed, or the fact subsequently show that the Applicant who is the Bidder or the Winning Bidder does not have qualifications as prescribed, such Applicant will be removed from the list of the Applicants, the Bidders or the Winning Bidders, as the case may be.