

Unofficial Translation

Notification of the National Telecommunications Commission

Re: Criteria for Revenue Deduction before Calculation of Type Three
Telecommunications Business and Type Three Internet Service Licensing Fees

Whereas Clause 6 of the Notification of the National Telecommunications Commission Re: Temporary Telecommunication Business Licensing Fees, B.E. 2548 (2005) prescribes that the National Telecommunications Commission may issue a notification allowing the licensees duty-bound to pay annual telecommunication business licensing fees to deduct expenses, deductible costs, credits and any necessary and appropriate expenses before calculation of the fees;

In order to promote and increase the use of high speed internet services on wireline telecommunications network, as well as more efficient use of wireline telecommunications network, it is expedient to revise the criteria, procedures and conditions for calculation of telecommunications business and internet service licensing fees in line with the current economic conditions and enforceable regulatory criteria of the said businesses without causing unreasonable and undue burden on the operators or service users.

Pursuant to the provisions of Section 51 (5) of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services, B.E. 2543 (2000), which contains certain provisions regarding the restriction of the rights and freedom of an individual as permitted to be done under the law by Article 29, in conjunction with Article 35, Article 36, Article 43, Article 45, Article 46, Article 47, Article 61 and Article 64 of the Constitution of the Kingdom of Thailand; and pursuant to Section 11 of the Telecommunications Business Act, B.E. 2544 (2001), which contains certain provisions regarding the restriction of the rights and freedom of an individual as permitted to be done under the law by Article 29, in conjunction with Article 35, Article 36, Article 41, Article 43 and Article 45 of the Constitution of the Kingdom of Thailand; the National Telecommunications Commission hereby issues the Notification Re: Criteria for Revenue Deduction before Calculation of Type Three Telecommunications Business and Type Three Internet Service Licensing Fees, as follows:

Clause 1 This Notification is called the “Notification of the National

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Telecommunications Commission Re: Criteria for Revenue Deduction before Calculation of Type Three Telecommunications Business and Type Three Internet Service Licensing Fees.”

Clause 2 This Notification shall come into force on the day following the date of its publication in the Government Gazette.

Clause 3 All notifications, regulations, rules, or orders of the National Telecommunications Commission regarding the criteria and methods of payments for telecommunications business and internet service licensing fees enforceable before the date on which this Notification enters into force shall remain in effect insofar as they do not contravene or contradict the provisions prescribed in this Notification.

Clause 4 This Notification shall apply to Type Three telecommunications business and Type Three internet service licensees using their own wireline telecommunications network.

Clause 5 Type Three telecommunications business and Type Three internet service licensees using their own wireline telecommunications network may deduct the income from the provision of high speed internet services and that from lease of wireline telecommunications network to Type One and Type Two internet service licensees from their total telecommunications business and internet service revenues before calculation of telecommunications business and internet service licensing fees at the rates prescribed in the Notification of the National Telecommunications Commission Re: Temporary Telecommunication Business Licensing Fees and the amendments thereof, and the Notification of the National Telecommunications Commission Re: Internet Service Licensing Fees, B.E. 2551 (2008) and the amendments thereof, as the case may be.

Clause 6 This Notification shall be in force for a period of four years as from the day following the date of its publication in the Government Gazette. During the time this Notification is in force, the Secretary-General of the National Telecommunications Commission shall report the impacts from the enforcement of this Notification on a yearly basis.

Clause 7 The National Telecommunications Commission shall have the power to consider exemption of any or all of the Type Three telecommunications business and

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Type Three internet service licensees from the application of this Notification in the case where it is deemed that the application may cause unfair competition, avoidance of compliance with the laws, price transfer, cost shifting, price squeeze, negative impacts on market entry of new licensees of telecommunications business and internet services, or in the case where it is deemed that this would not benefit the service users as a whole.

Announced on the 11th day of January B.E. 2553 (2010)

General Choochart Promphrasid

Chairman of the National Telecommunications Commission

This English version is prepared by International Organizations Bureau with the sole purpose of facilitating the comprehension of foreign participants in the telecommunication rules and regulations and shall not in any event be construed or interpreted as having effect in substitution for or supplementary to the Thai version thereof.

Please note that the translation has not been subjected to an official review by the Office of the National Telecommunications Commission. The Office of NTC, accordingly, cannot undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising out of or in connection with its use.