

**Act on the Organization to Assign Radio frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010)**

**Section 27** prescribed powers and duties of the NBTC regarding the spectrum licensing as follows:

(1). To formulate a spectrum Management Master Plan, Table of National Frequency Allocations, Broadcasting Master Plan, Telecommunications Master Plan, Frequency Plan, and Telecommunications Numbering Plan;

(2). To allocate radio frequencies for the undertaking of sound broadcasting, television broadcasting, radiocommunications, and telecommunications services;

(4). To license and regulate the use of radio frequencies and radiocommunications equipment in the undertaking of sound broadcasting, television broadcasting and telecommunications services, or radiocommunications service; and prescribe licensing criteria and procedures, condition, or licensing fees;

(5). To prescribe criteria for efficient use of radio frequency without causing interference to the same type of business and other type of business;

(6). To license and regulate the operations of sound broadcasting, television broadcasting and telecommunications services to allow service users to have choices of services with quality, efficiency, timeliness, reliability and fairness; and prescribe licensing criteria and procedures, conditions, or licensing fees;

(11). To prescribe measure for the prevention of anti-competitive conduct or unfair competition in sound broadcasting, television broadcasting and telecommunications services.

**Section 40** The Telecommunications commission shall have the power to act on behalf of the NBTC under the provisions of section 27 (4) (6) (7) (8) (9) (10) (11) (12) (13) and (16) pertaining to the telecommunications and radiocommunications services, and other duties as assigned by the NBTC.

**Section 41 (paragraph 4)** The permission to use radio frequency for the purpose of sound broadcasting or television broadcasting services shall be carried out with due regard to maximum public

interests at the national, regional and local in education, culture, state security and other public interests, including free and fair competition, and shall be carried out in the manner of extensively and appropriately distributing the utilities as the national communications resource to all segment of enterprises for public interest.

**Section 41 (paragraph 7)** in specifying of persons who are eligible for auctioning under paragraph six, due consideration shall be given to the benefit from efficient and optimum allocation of spectrum resources, prevention of anti-competitive conduct, promotion of free and fair competition, efficient supplying of services, burdens on the consumers, and right protection for potential licensees to operate business at regional and local levels.

**Section 45** Any person who wishes to use spectrum for the purpose of telecommunications business operation shall obtain a license under this Act by means of spectrum auction in accordance with the criteria, procedures, duration, and conditions as prescribed by the NBTC. The provision of section 41 paragraph seven shall apply mutatis mutandis. Income from spectrum auction after deducting expenditure shall be remitted to the state treasury.

#### **Telecommunications Business Act, B.E. 2544 (2001) and its Amendment**

**Section 7** Any person who intends to operate a telecommunications business in accordance with the nature and categories prescribed in notification of the NBTC under the law on the organizations to assign radio-frequency spectrum and to regulate the sound broadcasting, television broadcasting and telecommunication services shall obtain a license from NBTC.

There shall be three of license as follows:

(1). Type One License: being a license granted to the telecommunications business operator who operator without his or her own network for telecommunications services which are deemed appropriate to be fully liberalized. The NBTC shall grant a license once notified by a person who intends to operate such business;

(2). Type Two License: being a license granted to the telecommunications business operator who operates with or without his or her own network for telecommunications services intended for a limited group of people, or services with no significant impact on free and fair competition or on public interest and consumers. The NBTC shall grant a license once a person who intends to operate such business has completely fulfilled the standard criteria prescribed in advance in notification of the NBTC;

(3). Type Three License: being a license granted to the telecommunications business operator who operators with his or her own network for telecommunications services intended for general public, or services which may cause a significant impact on free and fair competition or on public interest, or a service which requires special consumer protection. A person who intends to operate such business can commence the operation only after he or she is approved and granted a license by the NBTC.

The rights of Type One, Type Two or Type Three license to operate telecommunications business in which nature, categories and scope of service shall be in accordance with notification prescribed by the NBTC, which shall be in conformity with the nature of telecommunications business for each type of license under paragraph two. In issuing such notification, the NBTC shall also have regard to the development of diverse telecommunications services and fairness among the operators.

#### **The Telecommunication Master Plan No. 1, B.E. 2555-2559 (2012 – 2016)**

The Telecommunication Master Plan, B.E. 2555 – 2559 (2012 – 2016) highlights the public's equal, pervasive and reasonably priced access to diverse telecommunication services through modernized network on a fair competition basis and with efficient use of telecommunication resources as the core network to support the national development into an intellectual and creative society, with a view to narrowing the rural-urban disparities, continuingly enhancing the country's competitiveness in terms of telecommunications infrastructure, as well as developing efficient consumer protection measures. The Master Plan has been outlined in six aspects as follows: