

Unofficial Translation

Notification of the National Telecommunications Commission

Re: Temporary License Fees for Non-Frequency Business
(Subscription-based Television Services) At Local Level

Whereas it is expedient to prescribe rates, criteria and procedures for temporary license fee payment for non-frequency business (subscription-based television services);

Pursuant to Section 23 (4) (5) (9), Section 51 (20), Section 59 and Section 60 of the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services, B.E. 2543 (2000); and Section 5, Section 19, Section 26, Section 78 and Section 79 of the Broadcasting Business Act, B.E. 2551 (2008), 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 32, Article 33, Article 35, Article 36, Article 41, Article 43, Article 45, Article 46 and Article 47 of the Constitution of the Kingdom of Thailand; the National Telecommunications Commission hereby prescribes rates, criteria and procedures for temporary license fee payment by operators of non-frequency business (subscription-based television services) at local level as follows:

Clause 1 In this Notification,

“License” means a non-frequency business license (subscription-based television services) in accordance with the Notification of the National Telecommunications Commission Re: Criteria and Procedures for Temporary Licensing of Non-Frequency Business (Subscription-based Television Services), B.E. 2552 (2009);

“Commission” means the National Telecommunications Commission;

“Office” means the Office of the National Telecommunications Commission;

“Sub-committee” means the Radio and Television Broadcasting Sub-committee under Section 79 of the Broadcasting Business Act, B.E. 2551 (2008);

“Working Group” means a non-frequency business working group appointed by the Sub-committee to perform duties as assigned;

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“Secretariat” means secretariat office of the Radio and Television Broadcasting Subcommittee;

“Revenue from non-frequency business (subscription-based television services)” means income from subscription fees, advertisements derived either directly or indirectly, and other service charges relevant to provision of services to members as collected before expenses;

“Service area” means the areas at provincial district or Bangkok district within which the licensees are permitted to provide non-frequency business (subscription-based television services).

Clause 2 Duties of licensees:

Licensee shall be duty-bound to pay for license fee in accordance with the criteria and procedures prescribed in this Notification including the conditions contained in the license.

Clause 3 Fee structure:

3.1 License fee shall be collected and used for the discharge of duties and powers related to the non-frequency business (subscription-based television services) and other tasks as prescribed by law.

3.2 License fee shall be composed of the following items and rates:

3.2.1 Application fee is the fee payable by the licensee when filing an application for a license to the respective service area at a rate of 5,000 Baht per application form;

3.2.2 Annual license fee is the fee payable by the licensee at a rate notified by the Commission. For this purpose, the Commission shall announce the fee rates within six months as from the date on which this Notification comes into effect. The Commission may shorten or extend the said duration if necessary. Nevertheless, this shall not cause any undue burden on the licensee;

3.2.3 Fee for producing a true copy or a substitution of license shall be charged at a rate of 500 Baht per copy.

Clause 4 Conditions of charges and payment methods:

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4.1 Licensee shall pay the fees in full at the rates and time, and in compliance with the conditions prescribed in this Notification;

4.2 Fee payment shall be made in cash or bank cheques to the Office;

4.3 In the case where the licensee fails to pay the fees or is unable to pay in full amount and by the date specified in this Notification, the licensee must pay for the fees and incremental amount at a rate of MLR+2 of the number of days of outstanding payment;

4.4 In the case where the licensee fails to make fee payment for more than thirty days from the due date, the Office shall issue a payment reminder letter to the licensee for payment of the outstanding amount plus incremental amount to the Office within fifteen days. Upon the lapse of the period specified in the said letter, it shall be deemed that the licensee is in breach of the conditions contained in this Notification and the Commission may accordingly revoke the license;

4.5 In the case where it appears that license fees paid by the licensee are not in the correct amount as prescribed in this Notification, the Commission shall have the power to collect additional fees in the amount equal to the shortfall amount plus incremental amount at a rate of 30 percent of the shortfall amount as deemed appropriate by the Commission;

4.6 The Commission may adjust the fee rates as appropriate.

Clause 5 The Commission may set deductible amount or waive license fees if the licensee can demonstrate to the Commission's satisfaction that the licensee's operation of non-frequency business (subscription-based television services) caters news or documentary programs benefiting the public in a higher proportion, or the licensee operates other business in a manner that benefits the public, as prescribed in the Notification of the Commission.

Clause 6 In the case where licensing or permission is granted for business undertaking in the areas deemed lacking commercial potential and falling short of services, the Commission may prescribe fee structure, rates, criteria and payment methods on a case by case basis.

Clause 7 The secretariat of the Office shall be responsible for collecting fees and making available license fee accounting system for the non-frequency business in accordance

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with international audit standards and separately from the other accounts of the Office, as well as setting up an efficient and accountable fee management system.

The Sub-committee shall prepare and propose for the Commission's consideration and approval annual expenditure budget for the supervision and regulation of the non-frequency business as necessary and appropriate. In this respect, the Regulation of the National Telecommunications Commission Re: Receipt, Payment and Safekeeping, B.E. 2548 (2005) and its amendment, and the Regulation of the National Telecommunications Commission Re: Budgeting of the Office of the National Telecommunications Commission, B.E. 2548 (2005) and its amendment, as well as other regulations of the National Telecommunications Commission relating to finance and budgets shall apply *mutatis mutandis*.

Clause 8 The Office shall submit to the Commission the revenue and expenditure report relating to the non-frequency business licensing on a semi-annual basis.

Clause 9 This Notification shall come into force on the day following the date of its publication in the Government Gazette.

Announced on the 19th day of July B.E. 2553 (2010)

Professor Prasit Prapinmongkolkarn

Chairman of the National Telecommunications Commission

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