

EXCLUSIVE

DTAC expiry hangs over NBTC

The regulator is faced with a legal conundrum, writes **Komsan Tortermvasana**

Over 1 million mobile customers using Total Access Communication's (DTAC) 850-megahertz spectrum network will be disconnected from mobile service after Sept 15, as the board of the telecom regulator will likely cut off the mobile network service after the concession expires.

Furthermore, all 21 million DTAC customers will lose their mobile connection in areas the company's 850MHz network covers.

At a meeting tomorrow, the board of the

National Broadcasting and Telecommunications Commission (NBTC) will most likely not allow DTAC to continue using the 850MHz spectrum network after the Sept 15 concession expiry.

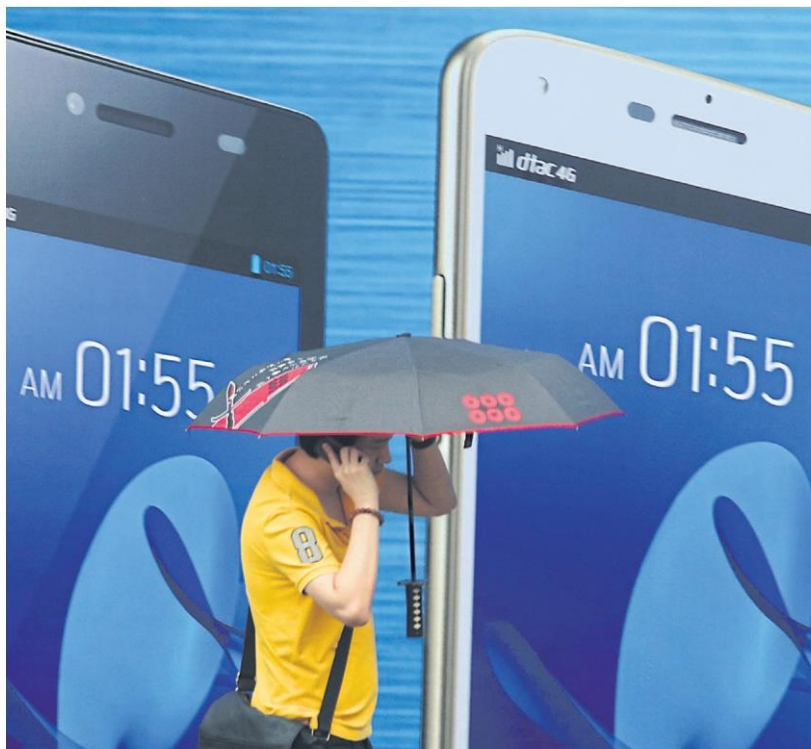
This is in response to the country's third-largest mobile operator failure to participate in the 900MHz spectrum auction, which was scheduled for last month, an NBTC source who requested anonymity told the *Bangkok Post*.

"The rejection adheres to the board's July 2 resolution, protecting the NBTC from



Our 21 million total DTAC customers will face service disruption.

ANONYMOUS EXECUTIVE
DTAC



A man walks past a billboard for DTAC. PATTARAPONG CHATPATTARASIL

severe legal backlash [in violation of Criminal Code Section 157] from the other two mobile operators," the source said.

The July 2 resolution pressed DTAC to participate in the 900MHz spectrum auction if the company wanted to benefit from the concession remedy.

"I learnt DTAC is considering filing a lawsuit against the NBTC board with the Central Administrative Court if the company is not allowed to continue using the 850MHz network after the concession expires," the source said.

DTAC earlier submitted its customer protection plan to the NBTC, asking the regulator to temporarily use 10x2MHz upload and download of bandwidth on the 850MHz spectrum until it can remove all customers from the network, as stipulated by the original concession terms.

Even though DTAC participated on the 900MHz spectrum auction and won a licence, the company also needs at least one year to optimise the network from 850- to 900MHz performance.

The source conceded that the NBTC is faced with legal risk no matter what it decides tomorrow.

On the one hand, the NBTC can face a

lawsuit for not allowing DTAC to continue using the 850MHz spectrum.

On the other, the NBTC will also face legal action from AIS and True Move if the regulator decides in favour of DTAC.

For the first time in Thailand's telecom history, the source stressed that the regulator auctioned the spectrum before the concession's expiry date.

"We cannot guarantee that if the NBTC provides DTAC the remedy period, that DTAC will enter the 900MHz auction for the next round," the source said.

MASSIVE IMPACT

"If the board rejects our request, our massive customer base will face technical impacts," admitted a DTAC executive, who asked not to be named.

"Not only will the 380,000 customers on the 850MHz be disconnected, but also our 21 million total DTAC customers [via network roaming on the 850MHz] will face service disruption."

DTAC submitted its latest report about the existing number of DTAC customers on the 1800- and 850-MHz networks last Friday, as required by the NBTC.

DTAC has about 380,000 customers on the 850MHz network.

NEW 900MHZ AUCTION IN 2019

A second-round auction for the 900MHz spectrum licence is scheduled in early 2019, said the NBTC source.

The NBTC is considering amendments to the reserve price and a longer period for licence payment from three years to eight years, with a view to boost interest. The regulator will also remove the condition that licence winners must be solely responsible for any and all interference with upcoming railway projects, both on the 850- and 900-MHz spectra.