

Government dragging its feet on new NBTC board

KOMSAN TORTERMVASANA

The new board of the National Broadcasting and Telecommunications Commission (NBTC) is unlikely to be established soon as the government wants the existing commissioners to remain in office for a certain period of time, according to a source at the regulator who requested anonymity.

On Dec 20 last year, the Senate voted in favour of five of the seven prospective candidates put forth by the Senate's selection committee to become new NBTC board members.

The new board must receive royal endorsement before officially starting. But the prime minister has yet to forward the list of the five prospective commissioners for royal endorsement, though the Senate vote was carried out seven weeks ago.

The existing six commissioners end their term once the new board members are royally endorsed.

They are working under a special extension term granted by the previous military regime, as the board's working term officially ended in October 2017.

According to the source, NBTC chairman Gen Sukit Khamasundara said at the NBTC board meeting on Jan 28 he was informed by a government figure the existing board should continue working on decision-making procedures as usual.

Gen Sukit, the source said, appeared relaxed and cheerful following the meeting.

The source said Gen Sukit and some other commissioners had previously removed some of their belongings gradually from their offices since late last year, following the Senate vote on new commissioners.

A telecom veteran who requested anonymity questioned the intent of the



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ANONYMOUS TELECOM VETERAN

government in delaying the establishment of a new NBTC board.

"The government should urgently submit the list of prospective commissioners for royal endorsement to end the policy-making vacuum at the body, allowing it to deal with pressing issues," the veteran said.

"Many observers doubt the government's move, as five commissioners out of a seven-member body are enough to allow the board to function in line with the NBTC Act."

It is unlikely the government is worried about legal challenges to board resolutions passed by only five of the seven possible members on the board, as a majority vote is required, said the veteran.

The board can make a temporary decision-making rule that any tabled resolutions must obtain at least four commissioners' votes, the veteran said.

The veteran said the government is suspected by some industry insiders of trying to facilitate the merger between True Corporation Plc and Total Access Communication Plc (DTAC), the No.2 and No.3 mobile operators in Thailand in terms of subscriber base.

True and DTAC submitted their joint report of the amalgamation plan to the NBTC on Jan 25.

The NBTC rule obliges telecom operators wishing to merge to notify the regulator at least 90 days before executing the merger.

The submission date means the two carriers can technically consolidate as soon as late April.

The merger deal has drawn criticism from some academics and consumer advocates who believe it could ease market competition, with consumers paying the price.

The veteran said the deal needs to be scrutinised from all legal angles by related agencies.

The NBTC has the power to issue measures to prevent practices deemed to cause a monopoly or unfair competition, as well as protect consumers from being exploited, the veteran said.

The merger, according to the veteran, appears to have materialised quicker than earlier expected, based on the joint amalgamation report being sent to the NBTC on Jan 25.

"The two parties earlier indicated the due diligence process may be completed in the second quarter, with the merger concluded in the second half this year," said the veteran.

"But the quick submission of the report could allow the merger to take place from late April."