

**REGULATING THE REGULATORS**

A petition was filed with the national anti-graft commission about a 2018 NBTC board rule that affects the True-DTAC merger. **B3**

**TELECOMMUNICATIONS**

# Petition lodged with NACC over merger

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A petition has been lodged with the National Anti-Corruption Commission (NACC), urging it to scrutinise a move by the former board of the telecom regulator to devise a regulation in 2018 to change its power from approving telecom merger deals to only prescribing measures to govern them.

The role of the National Broadcasting and Telecommunications Commission (NBTC) and whether it has the power to approve the merger of True Corporation and Total Access Communications (DTAC) or just iron out measures to govern it has led to a crucial debate with meaningful implications for the fate of this megamerger.

A 2010 regulation created by the National Telecommunications Commission (NTC) required merger deals to be approved by the regulator. The NTC was the telecom regulatory body before the NBTC was established.

But such power was abrogated by the NBTC regulation in 2018, which enables those wishing to merge to only notify the regulator, not seek its approval, while the NBTC has the power to iron out measures to govern it.

A source on the NBTC board who requested anonymity confirmed to the *Bangkok Post* the petition against the former NBTC board was filed with the NACC after management of the NBTC's legal department checked with the anti-graft watchdog's officials.

It is not immediately known who filed the petition.

The petition indicated the former board's move could cause damage to state benefits, which involves the breach of Section 157 of the Criminal Code, or malfeasance. The violation carries punishment of imprisonment and a fine.

"The NACC office has yet to formally accept the petition for consideration," the source said.

The source said several former commissioners are now seeking the document related to the matter as they prepare to be scrutinised.

The source said former commissioner Prawit Leesathapornwongsa is likely to be spared from scrutiny as he did not vote to approve the change since he disagreed with it.

According to the source, the NBTC management always mentions the regulator has no power to prohibit mergers and acquisitions, but can only impose specific measures to govern them to ward off the prospect of monopoly or limited competition, citing the 2018 regulation.

The management indicated the 2018 regulation was made to support liberalisation of the industry and facilitate business consolidation in line with the digital convergence trend, the source said.

True and DTAC submitted the notification of their planned amalgamation to the NBTC on Jan 25. An NBTC rule requires telecom operators seeking to merge to report to it at least 90 working days before executing the merger.

The source said the new NBTC board, which took office last month, aims to extend the timeline for its scrutiny of the merger deal for another 60 days from the original plan expected to be completed on May 17.

The board's resolution about the postponement of the scrutiny is expected to come out at the board's meeting next week, the source said.

The deferral is necessary to let the NBTC gather more opinions in fresh hearings and enable four panels responsible for scrutinising the deal to have more time to work.