

## Unofficial Translation

### Notification of the National Broadcasting and Telecommunications Commission

**Re: Criteria and Procedures for the Licensing of Spectrum for International Mobile Telecommunications Service in the Frequency Bands of 850 MHz, 1500 MHz, 2100 MHz and 2300 MHz**

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Whereas the National Broadcasting and Telecommunications Commission has established a policy regarding the allocation of the International Mobile Telecommunications (IMT) frequency bands that are about to expire for IMT to ensure that the public can continuously use the service, thereby promoting public benefit and the utilization of spectrum, an important national resource for communication, with consideration for the utmost benefit of the people. The policy also promotes the right to communication in an equal and fair manner, with a primary focus on protecting the interests of both the public and the state. It supports the development of the industry and the economic and social sectors, with the aim of advancing the digital economy as a driver for the country's economic growth.

By virtue of Section 27 (4) of the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), as amended by the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services (No. 2) B.E. 2560 (2017), Section 27 (24) of the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and Section 41 and 44/5 of the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), as amended by the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services (No. 3) B.E. 2562 (2019), in conjunction with Section 10 of the Telecommunications Business Act B.E. 2544 (2001), the National Broadcasting and Telecommunications Commission hereby issues stipulation as follows:

**Clause 1** This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

**Clause 2** This Notification shall supersede any other notifications, regulations, rules or other orders for the parts already specified in this Notification, or for which are contradictory to or inconsistent with this Notification.

**Clause 3** In this Notification,

“850 MHz Spectrum” means the spectrum in the band of 824 – 834 MHz paired with 869 – 879 MHz in accordance with the International Mobile Telecommunications (IMT) Spectrum Plan for the frequency band of 824 – 839/869 – 884 MHz that the NBTC considers to grant the license as prescribed in Clause 4 of this Notification;

“1500 MHz Spectrum” means the spectrum in the band of 1452 – 1507 MHz in accordance with the International Mobile Telecommunications (IMT) Spectrum Plan for the frequency band of 1427 - 1517 MHz that the NBTC considers to grant the license as prescribed in Clause 4 of this Notification;

“2100 MHz Spectrum” means the spectrum in the band of 1965 - 1980/2155 - 2170 MHz in accordance with the International Mobile Telecommunications (IMT) Spectrum Plan for the frequency bands of 1920 - 1980/2110 - 2170 MHz, and 2010 - 2025 MHz that the NBTC considers to grant the license as prescribed in Clause 4 of this Notification;

“2300 MHz Spectrum” means the spectrum in the band of 2300 - 2370 MHz in accordance with the 2300 - 2400 MHz Spectrum Plan that the NBTC considers to grant the license as prescribed in Clause 4 of this Notification;

“Spectrum License” means the license to use the spectrum in accordance with the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Businesses B.E. 2553 (2010) and its amendments, for the purpose of utilizing spectrum in telecommunications businesses;

“Applicant” means the person who applies for the Spectrum License;

“Bidder” means an applicant that the Commission considers as having the required qualifications and complying with the requirements, and therefore is entitled to participate in the Spectrum Auction;

“Winning Bidder” means Bidder who wins the auction and is entitled to receive the Spectrum License to be granted by the NBTC;

“Licensee” means a person who is granted Spectrum License and Type Three Telecommunication Business License by the NBTC for the provision of services in accordance with the scope of the license;

## Section 1 Spectrum Licensing

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**Clause 4** The NBTC shall consider to grant the Spectrum License for the frequency band with details on the spectrum lots, the amounts of bandwidth and the reserve price of the Spectrum Licensing for each frequency band as follows:

Spectrum Band	Spectrum Range	No. of Lots	Block Size	Reserve Price per Lot (million baht)
850 MHz	824 – 834/ 869 – 879	2	2 x 5 MHz	7,738.23
1500 MHz	1452 – 1507	11	5 MHz	1,057.49
2100 MHz	1965 – 1980/ 2155 – 2170	3	2 x 5 MHz	4,500.00
2300 MHz	2300 – 2370	7	10 MHz	2,596.15

The Spectrum License commencement dates shall be as follows:

(1) For the 850 MHz Spectrum in the frequency band of 824 - 834/869 - 879 MHz, the Spectrum License commencement date shall be August 4, 2025, or as otherwise determined by the NBTC.

(2) For the 1500 MHz Spectrum in the frequency band of 1452 - 1507 MHz, the Spectrum License commencement date shall be August 4, 2025, or as otherwise determined by the NBTC.

(3) For the 2100 MHz Spectrum in the frequency band of 1965 - 1980/2155 - 2170 MHz, the Spectrum License commencement date shall be August 4, 2025, or as otherwise determined by the NBTC.

(4) For the 2300 MHz Spectrum in the frequency band of 2300 - 2370 MHz, the Spectrum License commencement date shall be August 4, 2025, or as otherwise determined by the NBTC.

**Clause 5** After the Winning Bidder in this notification has duly fulfilled the conditions precedent, the NBTC shall consider granting the Spectrum License and the Type Three Telecommunication Business License in accordance with Section 7 of the Telecommunications Business Act B.E. 2544 (2001) for the provision of services in accordance with the scope of the license.

In the case that the Winner Bidder in this notification is already a Spectrum Licensee or a Type Three Telecommunication Business Licensee, the NBTC shall, after the conditions precedent have been duly fulfilled, consider spectrum licensing for the additional provision of services in accordance with the scope of license as specified by the NBTC under the existing spectrum license or Type Three Telecommunication Business License, as the case may be.

The Licensee shall be deemed as the person authorized to possess and use radio communications equipment and install radio communications station under the Radio Communications Act with respect only to the radio communications equipment concerned with the service in accordance with the scope of license, whereby the Licensee shall abide by the related rules and notifications.

## **Section 2**

### **Qualifications of Applicant**

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**Clause 6** The Applicant shall have the qualifications as follows:

(1) The Applicant shall have the qualifications as stipulated in Section 8 of the Telecommunications Business Act B.E.2544 (2001), as amended by Telecommunications Business Act (No.2) B.E. 2549 (2006), and shall have the qualifications and shall not possess the prohibited characteristics as prescribed in Clause 6 of the National Broadcasting and Telecommunications Commission's Notification Regarding Criteria and Procedure for Granting Telecommunications Business License dated March 5, 2020;

(2) The Applicant shall be a juristic person in the type of a limited company or public limited company established under Thai law and shall not be a foreigner under the law on foreign business.

The Applicant shall prescribe the prohibitions as prescribed in the National Broadcasting and Telecommunications Commission's Notification Regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance together with affirmation signed by authorized signatory that the Applicant shall not conduct any act that is contrary to any of the prescribed prohibitions.

After the auction, in the case where the Licensee conducts any act that infringes the mentioned prohibitions, the National Broadcasting and Telecommunications Commission's Notification Regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance shall be applied.

(3) The Applicant shall have no connection with other Applicant(s) by means of being a major shareholder, a subsidiary, an associated company, a control person or a controlled person; having the same major shareholder or control person as other Applicant(s) in accordance with the provisions stipulated in Application Form 3: Ownership and Control Report as attached to this Notification;

(4) The Applicant shall not be the person having breached or failed to comply with the rules and conditions precedent to licensing in any previous spectrum licensing for telecommunication service; and shall not be a juristic person which contains the same director, managing director, or authorized control person as the said applicant; or shall be a person who is not related parties of the said Applicant by means of being a major shareholder, a subsidiary, an associated company, a control person or a controlled person; having the same major shareholder or control person as the said Applicant as stipulated in Application Form 3: Ownership and Control Report as attached to this Notification. This provision is exempted in the case that the said Applicant has completed the actions as prescribed by the NBTC in response to the violation or non-compliance with the bidding rules and conditions precedent before receiving the spectrum license for telecommunications business;

In the examination, if it is found that the Applicant does not have qualifications as prescribed, or the fact subsequently shows that the Applicant who is the Bidder or the Winning Bidder does not have

qualifications as prescribed, such Applicant shall be removed from the list of the Applicants, the Bidders or the Winning Bidders, as the case may be.

### **Section 3** **Application Method**

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**Clause 7** In applying for the License, the Applicant shall proceed as follows on the date of the application submission:

(1) Submit the completely-filled application forms and the accompanying document and information as prescribed in Annex A to this Notification, and the documents recorded in electronic storage media to the Office of the National Broadcasting and Telecommunications Commission, located at 87 Soi Phaholyothin 8, Phaholyothin Road, Samsennai, Phayathai, Bangkok 10400. In this regard, the Office of the National Broadcasting and Telecommunications Commission will also examine information regarding juristic persons such as a certificate of registration, memorandum of association and lists of shareholders for the consideration of the license application;

(2) The Applicant shall proceed in accordance with Clause 6 (2) by submitting the documents of the Applicant that documented compliance with the Prescription of Prohibitions as prescribed in the National Broadcasting and Telecommunications Commission's Notification Regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance, together with an affirmation signed by an authorized signatory that the applicant shall not conduct any act that is contrary to any of the restrictions as prescribed in the application form 2: Applicant's Affirmation attached to this Notification;

In addition to the above mentioned affirmation, the Applicant shall make affirmation in accordance with the measures for restricting collusive behavior, the affirmation that if obtaining a License, the Applicant agrees to prepare Cyber Security Plan, Data Privacy Plan, Public Relations Dissemination Plan, Corporate Social and Environmental Responsibility Plan (Green ICT), Technology Risk Management Plan, Consumer Protection Plan and Plan for Convenient and Universal Access to Telecommunications Services (Digital Inclusion), act in accordance with them, and sign the Bidder's consent letter;

(3) Submit the payment of application fee at the rate of 500,000 baht (FIVE HUNDRED THOUSAND BAHT) by cash or bank cheque issued by a financial institution operating commercial banking business under the Financial Institute Business Act, B.E. 2551 (2008), made payable to the Office of the NBTC, which is dated on or not more than three business days prior to the date of payment to the Office of the NBTC. This fee shall be deemed as the application fee for the Spectrum License and Telecommunications Business License, and shall not be refunded by the Office of the NBTC in any cases;

(4) Place an auction deposit by bank cheque issued by financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), which means a public limited company that is licensed to conduct commercial banking business, and shall include a retail commercial bank, a commercial bank that is a subsidiary of a foreign commercial bank, and a branch of a foreign commercial bank that is licensed to conduct commercial banking business, made payable to the Office of the NBTC, which is dated on or not more than three business days prior to the date of payment to the Office of the NBTC, or by letter of guarantee issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), for an amount of the auction deposit as follows:

(4.1) For 850 MHz spectrum license application, place an auction deposit for an amount of 774,000,000 Baht (SEVEN HUNDRED SEVENTY- FOUR MILLION BAHT) per 2x5 MHz spectrum bandwidth;

(4.2) For 1500 MHz spectrum license application, place an auction deposit for an amount of 106,000,000 Baht (ONE HUNDRED AND SIX MILLION BAHT) per 5 MHz spectrum bandwidth;

(4.3) For 2100 MHz spectrum license application, place an auction deposit for an amount of 450,000,000 baht (FOUR HUNDRED FIFTY MILLION BAHT) per 2x5 MHz spectrum bandwidth;

(4.4) For 2300 MHz spectrum license application, place an auction deposit for an amount of 260,000,000 baht (TWO HUNDRED SIXTY MILLION BAHT) per 10 MHz spectrum bandwidth;

In the case the Applicant does not proceed in accordance with the application methods specified by the NBTC, the Office of the NBTC shall not accept the license application;

The NBTC reserves the right to confiscate the auction deposit in the case that the Bidder or the Winning Bidder does not proceed in accordance with specified auction conditions, auction rules, or conditions precedent of the License.

Nonetheless, those who wish to apply for the Licenses can request that the Office of the NBTC collaborates with the Bank of Thailand for debt deferral according to the Supervisory Guidelines on Single Lending Limits for business groups with capacity deemed to be well-established by commercial banks as granting spectrum license is an important mechanism for the country's development strategy or investment in the country's infrastructure.

**Clause 8** The Office of the NBTC shall consider the application as follows:

(1) The Office of the NBTC shall consider and examine the completeness of the filled application forms and the documents required for the consideration;

(2) In the case where it appears that the application forms for Spectrum License and required documents for the consideration of the Applicant's qualifications as specified in Clause 2 of Annex A of this Notification are incomplete or inadequate, the Office of the NBTC shall notify the Applicant to submit additional documents within five working days as from the date of receiving such notice. If, after a lapse of the specified period, the Applicant has not submitted the additional documents as notified, it will be deemed that the Applicant has no intention to submit the additional documents;

(3) The Office of the NBTC shall consider whether the Applicant has fully met the qualifications under Clause 6 and shall submit the result to the NBTC for consideration. The Applicant shall be notified of the result of the consideration within fifteen days as from the date of application submission or the date on which all documents as per Clause 8 (2) have been received from all Applicants. The Office of the NBTC shall then publicly announce a list of the Bidders.

In the case where there is any doubt in the qualification of the Applicant as prescribed in Clause 6 of this Notification, the Office of the NBTC may request the Applicant to submit additional information for the Applicant's qualification consideration;

(4) In case where the NBTC considers that any Applicant is unqualified or fails to fully comply with the regulations, the Applicant shall have the right to appeal for reconsideration to the NBTC within three working days from the date of receiving a notice in writing and shall provide the rationale for such appeal and related documents. The NBTC shall inform the result of reconsideration within seven days from the date on which the appeal is received. The NBTC's decision shall be final;

(5) In the case where the Applicant is deemed as not qualified to be a Bidder, the Office of the NBTC shall return the auction deposit to the Applicant within fifteen days from the date of Bidders List announcement.

#### **Section 4** **Auction**

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**Clause 9** The NBTC shall conduct the auction as follows:

(1) The NBTC shall conduct the auction of 850 MHz, 1500 MHz, 2100 MHz and 2300 MHz Spectrum by applying Simultaneous Ascending Clock Auction, which is composed of two stages, namely Allocation Stage and Assignment Stage. The Auction Rules shall be in accordance with the details specified in Annex B of this Notification;

(2) In case of one Bidder, the NBTC shall extend the application submission period for thirty days from the date of the Office of the NBTC's publication of the list of qualified applicants. At the end of such period, the NBTC shall proceed with the Auction pursuant to the auction procedure in this Notification.

Subsequent to the Auction as prescribed in paragraph one, if any spectrum lot remains, the NBTC may consider auctioning the remaining lots as is appropriate;

(3) In the case where there is no Bidder, the NBTC reserves the right to dismiss the auction and shall schedule the next auction as appropriate;

(4) The NBTC shall approve the auction result within seven days as from the date of the auction ends and the Office of the NBTC shall inform the auction result to all Bidders and publicly announce the Winning Bidders. The Office of the NBTC shall return the auction deposit to the unsuccessful Bidders within fifteen days as from the date of the Winning Bidders announcement.

**Clause 10** The Winning Bidder shall pay the spectrum auction fee as follows:

(1) In the case where the Winning Bidder is already a licensee for the use of spectrum for International Mobile Telecommunications Service prior to the enforcement of this Notification, the Winning Bidder shall pay the spectrum auction fee based on the highest bid amount of each winner, divided into three installments as follows:

The first installment – the Winning Bidder shall pay fifty percent of its highest bid price and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institution Business Act, B.E. 2551 (2008), for the remaining of the spectrum auction fee not less than seven days before the date of granting spectrum license;

The second installment – the Winning Bidder shall pay twenty-five percent of its highest bid price and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institution Business Act, B.E. 2551 (2008), for the remaining of the spectrum auction fee within fifteen days after the lapse of three years from the date of license award;

The third installment – the Winning Bidder shall pay twenty-five percent of its highest bid price after the lapse of four years from the date of license award;

The Office of the NBTC shall return the letter of guarantee submitted for the previous installment within fifteen days as from the date that Licensee paid the spectrum auction fee for each installment; the spectrum auction fee to be paid by each Winning Bidder is excluded from taxes, other fees and interests as prescribed by law.

(2) In the case where the Winning Bidder is not a licensee for the use of spectrum for International Mobile Telecommunications Service prior to the enforcement of this Notification, the Winning Bidder shall pay the spectrum auction fee based on the highest bid amount of each winner, divided into ten installments as follows:

The first installment – the Winning Bidder shall pay ten percent of its highest bid price and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institution Business Act, B.E. 2551 (2008), for the remaining of the spectrum auction fee not less than seven days before the date of granting spectrum license;

The second installment to the tenth installment – the Winning Bidder shall pay ten percent of the highest bid price equally for each installment and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institution Business Act, B.E. 2551

(2008), for the remaining of the spectrum auction fee within 15 days after the lapse of each year from the date of the license award for the second year to the tenth year respectively.

In this regard, if the Winning Bidder has not accomplished the network rollout obligation as prescribed in Clause 17 (1), the Winning Bidder shall be liable to pay the spectrum auction fee as specified in Clause 10(1).

The Office of the NBTC shall return the letter of guarantee submitted for the previous installment within fifteen days as from the date that Licensee paid the spectrum auction fee for each installment; the spectrum auction fee to be paid by each Winning Bidder is excluded from taxes, other fees and interests as prescribed by law.

(3) In the case that the Licensee fails to make a full payment of the second and other installments within the specified period, it shall be deemed that the Licensee fails to comply with conditions specified in this Notification and the NBTC may consider suspending or revoking its License.

(4) In paying the first installment of the spectrum auction fee, the Office of the NBTC shall offset the auction deposit placed by the Winning Bidder from this installment, and each Winning Bidder shall completely pay the remaining amount within the specified period.

## **Section 5 Licensing Provisions**

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### **Part 1 Conditions Precedent**

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**Clause 11** The Winning Bidder shall fulfill the following requirements;

(1) pay the first installment of the spectrum auction fee and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), to guarantee the remaining installments of the spectrum auction fee as prescribed in Clause 10 (1), or Clause 10 (2), as the case may be;

(2) In the case it is found that the necessary documents and information required for granting the applicant of Type Three Telecommunication Business License as submitted in accordance with Clause 4 of the Annex A to this Notification are inaccurate or inadequate, the Winning Bidder shall rectify such documents as informed by the Office of the NBTC for completeness and accuracy within the period prescribed by the Office of the NBTC from the date of receiving the notification letter for being the Winning Bidder.

In the case that the Winning Bidder fails to comply correctly and completely with the condition precedent within the prescribed period, the Winning Bidder shall be deemed to have waived the right to be granted spectrum license. The NBTC shall proceed with confiscation of the auction deposit, and the said Winning Bidder shall be liable to preliminary damages per one lot of spectrum won in the auction in the amount required in License Application Form 5: Applicant's Letter of Consent attached to this Notification;

In this regard, the said Winning Bidder who fails to comply with the conditions precedent, and other juristic persons which contain the same director, managing director, or authorized control person as the said Winning Bidder who has failed to comply with the conditions precedent; or which are related parties to the said Winning Bidder by means of being a major shareholder, a subsidiary, an associated company, a

control person or a controlled person; having the same major shareholder or control persons as the said Applicant; as stipulated in Form 3: Ownership and Control Report attached to this Notification shall be prohibited from submitting any application for spectrum license and telecommunication business license of any type until the NBTC grants permission.

**Clause 12** The NBTC shall issue the Spectrum License and Type Three Telecommunication Business License to each Winning Bidder after such Winning Bidder has completely and correctly fulfilled the conditions precedent.

## **Part 2**

### **License Duration and Scope of License**

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**Clause 13** The Spectrum License and Type Three Telecommunication Business License obtained under this Notification shall have a period of fifteen years from the date of license award.

In the case where the Spectrum Licensee under this Notification is already a Spectrum Licensee or a Type Three Telecommunication Business Licensee, the license duration for only the telecommunications services under this Notification in accordance with the scope of the license shall be fifteen years from the date of license award.

The Licensee shall comply with the conditions precedent to service termination as prescribed by the NBTC and shall submit the customer remedy management plan at least two years in advance prior to the end of license period in order to prevent the impact on the customers. The Licensee shall return the granted spectrum to the NBTC when the license period expires.

**Clause 14** The Licensee shall have the right to provide telecommunication services as a network provider and service provider as well as telecommunications facility within the scope of the telecommunications business throughout the Kingdom of Thailand as follows:

- (1) Wireless telecommunication network service;
- (2) Telecommunications services, as follows:
  - (2.1) Mobile Service
  - (2.2) Mobile Broadband Internet Service
  - (2.3) Value-Added Service of Licensed Telecommunication Service
  - (2.4) Wholesale Services for Services in (2.1), (2.2), and (2.3)
- (3) Telecommunications Facility

In this regard, the scope of telecommunications services shall be in accordance with standards and International Mobile Telecommunication-IMT technology;

In the case that the Licensee intends to provide broadcasting business, the Licensee shall comply with the law on the provision of broadcasting business and other relevant laws.

## **Section 6**

### **Licensing Terms and Conditions**

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**Clause 15** The Licensee shall strictly comply with the terms and conditions on the use of radio frequency and telecommunications business operation under the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and its amendments, the Telecommunications Business Act B.E.2544 (2001) and its amendments, regulations, notifications, orders, and conditions for Type Three Telecommunications Business License, as well as any criteria prescribed by the NBTC.

**Clause 16** The Licensee shall have the duty to pay Type Three Telecommunication Business Annual License fee, spectrum administrative fee, telecommunication numbering fee, revenue contribution to the Broadcasting and Telecommunications Research and Development Fund for the public interest, and any other related fees under the criteria and procedures set forth by the NBTC.

**Clause 17** The Provision of Telecommunications Network for Rendering Services

(1) The Licensee shall provide telecommunications network for rendering services as follows:

(1.1) Provide telecommunications network coverage for not less than 50 percent of the population in each sub-district within two years from the date of obtaining the license.

(1.2) Provide telecommunications network coverage for not less than 80 percent of the population in each sub-district within four years from the date of obtaining the license.

(1.3) Provide telecommunications network coverage for not less than 90 percent of the population in each sub-district within five years from the date of obtaining the license.

The provision of telecommunications network for rendering services shall be inclusive of the installation and the leasing of telecommunications network but excluding domestic roaming services of other operators' mobile phone network;

(2) The telecommunications network of the Licensee shall support a data transfer speed of not less than the rate specified in the criteria for the standards and quality of telecommunications services for data services, as declared by the NBTC. In cases where the Licensee has advertised its telecommunications service quality standards, it is the Licensee's responsibility to ensure that the service meets the advertised standards.

(3) For the purpose of verifying the compliance and investment in the provision of the telecommunications network in a clear manner, the Licensee must prepare a report on the progress of the telecommunications network installation in accordance with the timeline specified by the NBTC. The Licensee must also submit supporting evidence to demonstrate the average data transfer speed as requested by the NBTC. The NBTC will define the criteria, conditions, and methods for measuring population coverage in the service area and the measurement of data transfer speeds at a later date.

**Clause 18** Infrastructure Sharing

The Licensee shall enter into negotiation on the infrastructure sharing such as the co-location of the base station, tower, etc. as specified by the NBTC with the existing operators or facility service providers in the areas that the Licensee will provide services first;

In the case that the Licensee needs to procure own infrastructure, the Licensee shall provide open access to other licensees for infrastructure sharing.

**Clause 19** Mobile Virtual Network Operator (MVNO)

(1) The Licensee must comply with notifications, regulations, and requirements on MVNO, or as otherwise specified by the NBTC.

(2) The Licensee must provide telecommunications network services with a capacity of at least ten percent of its total telecommunications network capacity to a MVNO operator who is not related to any Licensee under this Notification when there is a request for such services.

**Clause 20** Cybersecurity Measures and Prevention of Cybercrime

(1) The Licensee shall prepare a cybersecurity plan and a data privacy protection plan by establishing a data protection mechanism as required by law such as the Personal Data Protection Act B.E. 2562 (2019) to create secured and reliable data and telecommunication networks and to prevent cybercrime. The Licensee shall submit a cybersecurity plan and a data privacy protection plan to the Office of the NBTC prior to launching its service. In addition, the Licensee shall comply with the relevant laws and NBTC regulations.

(2) The Licensee must prepare a public relations dissemination plan to create awareness and provide knowledge and understanding of various forms of cybercrimes, along with methods for self-protection and actions in case any problems arise.

**Clause 21** Social and Consumer Protection Measures

(1) The Licensee shall prepare its corporate social and environmental responsibility plan (Green ICT) and risk management plan for rapidly changing technologies, and must carry out missions to support the sustainable development of telecommunications businesses.

(2) The Licensee must prepare a plan for convenient and universal access to telecommunications services (Digital Inclusion) for holders of disability ID cards, holders of the state welfare registration card, and elderly persons as defined under the Elderly Act B.E. 2546 (2003) and its amendments, to ensure their convenient and universal access to telecommunications services. The plan must include details such as service packages with special low tariffs and discounts of no less than thirty percent compared to packages offered in the market. In addition, the Licensee shall provide telecommunications service invoices or service contracts in formats suitable for persons with disabilities, without any additional charges.

The Licensee shall submit the Green ICT plan as specified in (1) and the Digital Inclusion plan as specified in (2) to the Office of the NBTC prior to launching its service and shall implement according to its plans within 1 year as from the date of launching its service. In this regard, the Licensee shall submit the revised plan every 2 years from the date of the license award to the Office of the NBTC. In the event that the Office of the NBTC prescribes additional conditions regarding social and environmental responsibility, the Licensee shall take action as specified and report the results of the plan implementation annually;

(3) The Licensee shall prepare a consumer protection plan covering measures to handle complaints free of charge, measures to address inappropriate service, procedures to develop public understanding regarding the establishment of a radio communications stations, and consumer awareness raising about their rights to use telecommunications services. This includes the dissemination of the consumer rights declaration for using mobile phone service as specified by the Office of the NBTC. In this regard, the Licensee shall submit the consumer protection plan to the Office of the NBTC prior to launching its service and shall implement according to its plan immediately after the service launch;

(4) The Licensee shall support the mission of the NBTC regarding telecommunication services for social benefits, particularly in arranging public telecommunications services and facilitating the access to public telecommunications services universally for low-income individuals, persons with disabilities, children, the elderly, people in remote rural areas, and the underprivileged, in accordance with the criteria specified by the NBTC.

(5) The Licensee shall heedfully prevent any person from using its telecommunications network for unlawful business operations or disseminating any information that may undermine peace or morality of the people, and shall support the state and private agencies in any act intended to protect consumer's right and for the safety of the society and the state security.

(6) The Licensee shall provide the service in a fair nature, which includes setting of tariff that is reasonable, not taking advantage of consumer, and clear and shall provide service with quality as prescribed by the NBTC.

**Section 7**  
**Measures for Restricting Collusive Behavior**

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**Clause 22** The Applicants shall be prohibited from any kind of communication among each other in the nature of exposing confidential information, or exchanging any information with regard to spectrum licensing, from the date of the application submission until the time of auction result announcement on the day that auction ends.

**Clause 23** The Applicants shall not conduct any act having the followings natures:

(1) Mutually agree on a bid with other Applicant(s), with an objective to benefit any person to be eligible for the License, thus avoiding a fair bid competition;

(2) Give, ask to give or agree to give money or assets or any other benefit to others for an advantage in the auction with an objective to persuade that person to cooperate with any act that shall benefits any person to be eligible for the License, or to persuade a person to bid at a high or low price that is obviously an unconventional bid, or to persuade a person to not submit a bid or to withdraw a bid;

(3) Coerce others to unwillingly cooperate with any act in a bid, or not to submit a bid, or to withdraw a bid, or have to bid as specified, by violence or threat with any mean, causing others to fear of physical harm to their life, physique, liberty, reputation, or property of the threatened person or third party, until that coerced person does as told;

(4) Use deception or any other act to cause others not to have a chance to bid fairly, or to bid mistakenly;

(5) Fraudulently submit a bid to the Office of the NBTC with the knowledge that the bid is abnormally high or low and can be obviously perceived as an unconventional bid, having an objective to deprive fair price competition, and the said conduct causes the spectrum auction to derail.

**Clause 24** The Applicant shall comply with the criteria, period, procedure, and conditions as prescribed in this Notification, and shall sign the Bidder's consent letter in the Annex A to this Notification.

Issued on

B.E. 2568 (2025)

(Clinical Professor Sarana Boonbaichaiyapruk)  
Chairman of the National Broadcasting and  
Telecommunications Commission