

Order of the Head of the National Council for Peace and Order

No. 76/2559

Re: Measures to Promote Sound Broadcasting, Television Broadcasting and
Telecommunications Businesses for Public Interest

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Whereas at present, the operation of digital terrestrial television in the national commercial service category faces varied forms of competition, alongside the impact of the country's economic circumstances that have affected the income of bona fide operators, making them unable to pay the spectrum license fees within the stipulated time frame. Simultaneously, promoting the public's access to and awareness of diverse, accurate, complete, and unbiased information remains essential for maintaining public order and national security and fostering unity and harmony among citizens. Therefore, it is necessary to promote the widespread and efficient provision of free television service via satellite. This promotional measure will build confidence among both public and private sector operators and further support the sound broadcasting, television broadcasting and telecommunications industries to enhance effectiveness and strengthen the overall stability of the country's economic system.

By virtue of Section 44 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), the Head of the National Council for Peace and Order, with the approval of the National Council for Peace and Order, hereby issues the following Orders:

Clause 1 In this Order:

“Notification” means the Notification of the National Broadcasting and Telecommunications Commission, Re: Criteria, Procedures, and Conditions for the Spectrum Auction for Providing Digital Television Services in the National Commercial Service Category, B.E. 2556 (2013).

Clause 2 The spectrum licensee under the Notification shall pay the spectrum license fees for the outstanding balance from the fourth installment onwards, in accordance with the criteria, procedures, and conditions specified in Clause 10 of the Notification.

Clause 3 If any spectrum licensee is unable to comply with the criteria, procedures, and conditions set forth in Clause 2, such spectrum licensee shall notify Office of the NBTC in writing prior to the due date for payment of the spectrum license fee as specified in the Notification.

If Office of the NBTC deems appropriate, such spectrum licensee shall pay the outstanding balance of the spectrum license fee in accordance with the criteria, procedures, and conditions specified in the Annex attached to this Order, and shall also comply with other criteria, procedures, and conditions as specified in the Notification.

Clause 4 The payment of fees under this Order shall not preclude the spectrum licensee from requesting payment of the outstanding spectrum license fee as specified in Clause 10 of the Notification. The spectrum licensee shall notify Office of the NBTC in writing prior to the due date for the payment of the spectrum license fee as specified in the Notification.

Clause 5 The payment of the spectrum license fee under Clause 3 shall not apply to the operators of digital terrestrial television in the national commercial service category who have requested the cancellation of their operations or have had their television operating license and spectrum license revoked before the effective date of this Order.

Clause 6 The NBTC and Office of the NBTC or the Management Committee of the Broadcasting and Telecommunications Research and Development Fund for Public Interest, as the case may be, shall provide support for the expenses of free television service via satellite, in accordance with the Notification of the National Broadcasting and Telecommunications Commission, Re: The Criteria for Free Broadcasting Public Television Services, for a period of three years.

The implementation of the paragraph one shall be financed by the Broadcasting and Telecommunications Research and Development Fund for Public Interest, with due regard for efficient, economical, and optimal spending for the benefit of the nation and the people. This includes coverage of public television services that broadcast programs via satellite, which is intended to provide Thai citizens both domestically and abroad with comprehensive, continuous, and diverse information regarding events and situations occurring in Thailand.

Clause 7 The NBTC or Office of the NBTC shall proceed with the recall of frequency spectrum for reallocation or improvement of frequency spectrum usage under the Frequency Spectrum Management Master Plan, B.E. 2555 (2012) once a period of five years has elapsed from the date of the completion of the Frequency Spectrum Management Master Plan. However, government agencies, state enterprises, or public entities engaging in broadcasting activities under the Sound Broadcasting and Television Broadcasting Businesses Act, B.E. 2551 (2008), and being approved to hold frequency spectrum under the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services Act, B.E. 2553 (2010), shall retain their rights to continue sound broadcasting operations and to hold the relevant frequency spectrum in accordance with their original scope and rights.

Clause 8 If it deems appropriate, the Prime Minister or the Cabinet may propose to the National Council for Peace and Order to amend this Order.

Clause 9 This Order shall come into force as from the date of its publication in the Government Gazette.

Ordered on the 20th December B.E. 2559 (2016)

General Prayut Chan-o-cha

Head of the National Council for Peace and Order

Annex to the Order of the Head of the National Council for Peace and Order

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The payment of the outstanding balance of the spectrum license fee shall be made in installments as follows:

1. The payment of the spectrum license fee for the outstanding balance 10% of the minimum price shall be divided into two installments as follows:

(1) The first installment shall be paid at 5 percent of the minimum price, along with providing a letter of guarantee from a financial institution classified as commercial banking under the Financial Institution Business Act, B.E. 2551 (2008) to secure the payment of the spectrum license fee for the outstanding balance of the minimum price for the remaining installments, within 30 days from the completion of the 3-year period after the license was granted;

(2) The second installment shall be paid at 5 percent of the minimum price within 30 days from the completion of the 4-year period after the license was granted, along with interest on the amount due from the due date specified in Clause 10.1 (4) of the Notification of the National Broadcasting and Telecommunications Commission, Re: Criteria, Procedures, and Conditions for the Spectrum Auction for Providing Digital Television Services in the National Commercial Service Category, B.E. 2556 (2013), until the full payment is made.

2. The fee for the spectrum license for the amount exceeding the minimum price, which is 60 percent of the amount exceeding the minimum price, shall be paid in 6 installments as follows:

(1) The first installment shall be paid at 10 percent of the amount exceeding the minimum price within 30 days from the completion of the 3-year period after the license was granted, along with a letter of guarantee from a financial institution classified as commercial banking under the Financial Institutions Business Act, B.E. 2551 (2008) to secure the payment of the spectrum license fee for the amount exceeding the minimum price in the remaining installments;

(2) The second installment shall be paid at 10 percent of the amount exceeding the minimum price within 30 days from the completion of the 4-year period after the license was granted, along with interest on the payment due from the due date specified in Clause 10.2 (4) of the Notification of the National Broadcasting and Telecommunications, Re: Criteria, Procedures, and Conditions for the Spectrum Auction for Providing Digital Television Services in the National Commercial Service Category, B.E. 2556 (2013), until the full payment is made. Additionally, a letter of guarantee from a financial institution classified as commercial banking under the Financial Institutions Business Act, B.E. 2551 (2008) shall be provided to secure the payment of the spectrum license fee for the amount exceeding the minimum price in the remaining installments;

(3) The third installment shall be paid at 10 percent of the amount exceeding the minimum price within 30 days from the completion of the 5-year period after the license was granted, along with interest on the payment due from the due date specified in Clause 10.2 (5) of the Notification of the National Broadcasting and Telecommunications, Re: Criteria, Procedures, and Conditions for the Spectrum Auction for Providing Digital Television Services in the National Commercial Service Category, B.E. 2556 (2013), until the full payment is made. Additionally, a letter of guarantee from a financial institution classified as commercial banking under the Financial Institutions Business Act, B.E. 2551 (2008) shall be provided to secure the payment of the spectrum license fee for the amount exceeding the minimum price in the remaining installments;

(4) The fourth installment shall be paid at 10 percent of the amount exceeding the minimum price within 30 days from the completion of the 6-year period after the license was granted, along with interest on the payment due from the due date specified in Clause 10.2 (5) of the Notification of the National Broadcasting and Telecommunications, Re: Criteria, Procedures, and Conditions for the Spectrum Auction for Providing Digital Television Services in the National Commercial Service Category, B.E. 2556 (2013), until the full payment is made. Additionally, a letter of guarantee from a financial institution classified as commercial banking under the Financial Institutions Business Act, B.E. 2551 (2008) shall be provided to secure the payment of the spectrum license fee for the amount exceeding the minimum price in the remaining installments;

(5) The fifth Installment shall be paid at 10 percent of the amount exceeding the minimum price within 30 days from the completion of the 7-year period after the license was granted, along with interest on the payment due from the due date specified in Clause 10.2 (6) of the Notification of the National Broadcasting and Telecommunications, Re: Criteria, Procedures, and Conditions for the Spectrum Auction for Providing Digital Television Services in the National Commercial Service Category, B.E. 2556 (2013), until the full payment is made. Additionally, a letter of guarantee from a financial institution classified as commercial banking under the Financial Institutions Business Act, B.E. 2551 (2008) shall be provided to secure the payment of the spectrum license fee for the amount exceeding the minimum price in the remaining installments;

(6) The sixth installment shall be paid at 10 percent of the amount exceeding the minimum price within 30 days from the completion of the 8-year period after the license was granted, along with interest on the payment due from the due date specified in Clause 10.2 (6) of the Notification of the National Broadcasting and Telecommunications, Re: Criteria, Procedures, and Conditions for the Spectrum Auction for Providing Digital Television Services in the National Commercial Service Category, B.E. 2556 (2013), until the full payment is made.

Accordingly, the interest shall be paid at the rate equal to the policy interest rate as prescribed by the Monetary Policy Committee of the Bank of Thailand on the payment date.

3. In the case where the spectrum licensee fails to fully pay the spectrum license fees within the stipulated time frame, the licensee shall be required to pay an additional fee equal to the product of the overdue license fee amount and an interest rate of seven and a half percent, multiplied by the ratio of the overdue days to the total days in a year (360 days). If the payment is not made within the stipulated time frame, the spectrum licensee shall be deemed to have violated the terms of the spectrum license, and the National Broadcasting and Telecommunications Commission may consider suspending or revoking the spectrum license.

4. The spectrum license fees shall exclude taxes, additional fees, and interest as prescribed by law.