

# Unofficial Translation

## Order of the National Telecommunications Commission

No. 32/ 2553

### Re: Identifying Operators with Significant Market Power in Each Relevant Market And the Operators with Significant Market Power to Comply with Specific Measures

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Whereas the National Telecommunications Commission has the duties to supervise and prevent licensees or operators of telecommunications business from exercising market power which effects or may effect in future in the monopoly or reduction or restriction of competition in the telecommunications business, with the objective to promote market entry and free and fair competition among the licensees or operators of telecommunications business and other relevant business in the country, the National Telecommunications Commission thereby issued the Notification on the Definition of Market and Relevant Telecommunications Market as well as prescribed the Notification on the Criteria and Procedures for Identifying Operators with Significant Market Power in Telecommunications Business in order to comply with the criteria set out in the Notification of the National Telecommunications Commission Re: Measures for the Prevention of Monopoly or Unfair Competition in Telecommunications Business B.E. 2549 (2006);

The National Telecommunications Commission had a meeting on 4 August 2010 at which the Commission discussed and considered all aspects of information covering the results of the study project to identify relevant telecommunications markets, assessment of competitiveness of the relevant markets and analysis of behaviors pertaining to reduction or limitation or restriction of competition, report on the analysis of competitiveness and identification of operators with market power as well as other related and useful information, the meeting deemed that under relevant telecommunications markets where competition is not effective or unlikely to be effective in future, the National Telecommunications Commission thereby has identified one or more than one licensee as operators with significant market power and set out specific measures for those licensees or operators of telecommunications business identified as the significant market powers to undertake to rectify the ineffective competition of that relevant market. By virtue of Section 21 of the Telecommunications Business Act, B.E. 2544 (2001) in conjunction with Clause 4 and Clause 12 of the Notification of the National Telecommunications Commission on the Criteria and Procedures for Identifying Operators with Significant Market Power in Telecommunications Business, the following order is issued;

**Clause 1** The following five licensees or operators of telecommunications business as listed below are significant market power in relevant markets;

(1) Advances Info Services Public Company Limited is the operator with significant market power in domestic mobile phone retail market and domestic mobile network service

(2) Total Access Communications Public Company Limited is the operator with significant market power in domestic mobile phone retail market and domestic mobile network service

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(3) TOT Public Company Limited is the operator with significant market power in domestic fixed line retail market, high speed internet in the retail market and domestic fixed line network service

(4) CAT Telecommunications Public Company Limited is the operator with significant market power in international call retail market, international gateway service and international internet gateway service

(5) True Internet Company Limited is the operator with significant market power in high speed internet in the retail market

Clause 2. The licensees or operators of telecommunications business listed as operators with significant market power under Clause 1 shall have the duties to comply with the following specific measures;

(1) Separate the accounts by type of service in accordance with the criteria and procedures for telecommunications accounts reporting on type-by-type service which shall be prescribed in due course by the National Telecommunications Commission. In the initial stage of implementation, the Notification of the National Telecommunications Commission on Criteria for Telecommunications Accounts Reporting, B.E. 2553 (2010) shall apply until the National Telecommunications Commission otherwise issues a notification, rules, or order;

(2) Submit the data as specified in the Thailand Uniform System of Accounts (TUSOA). The criteria, duration and conditions for the filings of the data shall be in accordance with the Notification of the National Telecommunications Commission on Criteria for Telecommunications Accounts Reporting, B.E. 2553 (2010);

(3) Submit the information on service charge rates for the Commission's supervision of the prices both in the retail and wholesale markets. The criteria and procedures for the submission shall be in accordance with the Notification of the National Telecommunications Commission on Maximum Rate of Service fee and Advance Service Fee Collection in Telecommunications Business, B.E. 2549 (2006);

(4) Operators with telecommunications network shall have the duties to provide unbundling network services, and permit other licensees or operators of telecommunications business to access and interconnect with their telecommunications network, as well as report any information related with the network to the National Telecommunications Commission by December annually in accordance with the network information report form prescribed by the National Telecommunications Commission. This information shall be used for the arrangements of Infrastructure Sharing, Point of Access and Local Loop Unbundling Plan, and etc.

**Clause 3.** This Order shall not exempt the licensees or operators of telecommunications business from complying with any rules, regulations, notifications, directives or any other requirements as may be prescribed by the National Telecommunications Commission, committees and sub-committees appointed by the National Telecommunications Commission according to the law, or as prescribed by the Office of the National Telecommunications Commission.

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**Clause 4.** In the case where it is found that the licensees or operators of telecommunications business with significant market power under paragraph one fail to comply with the specific measures prescribed by the National Telecommunications Commission, it shall be deemed as a violation of Section 21 of the Telecommunications Business Act, B.E. 2544 (2001) under which the licensees or operators of telecommunications business violating the said provision shall be liable to the penalty stipulated in Section 69 of the said law.

**Clause 5.** This Order shall come into force on the date of this announcement.

Announced on the 30<sup>th</sup> date of September, B.E. 2553 (2010)

(Professor Prasit Prapinmongkolkarn)	Chairman of the National Telecommunications Commission
(Mr. Suchat Suchatvejapoom)	Commissioner
(Associate Professor Sudharma Yoonaidharma)	Commissioner
(Mr. Suranan Wongvittayakamjorn)	Commissioner
(Associate Professor Pana Thongmeearkom)	Commissioner
(Mr. Bandhoon Supakavanich)	Commissioner
(Colonel Natee Sukolrat)	Commissioner

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Please note that the translation has not been subjected to an official review by the Office of the National Telecommunications Commission. The Office of NTC, accordingly, cannot undertake any responsibility for its accuracy, nor be held liable for any loss or damages arising out of or in connection with its use.

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## Appendix

### Sharing Telecommunication Infrastructure Information

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Garuda ONTC	Sharing Infrastructure Information Form	Logo Operators
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#### Part 1 General information

Name of site: _____	Type of site: <input type="checkbox"/> Old <input type="checkbox"/> New
	<input type="checkbox"/> Indoor <input type="checkbox"/> Outdoor
Address: ____ Moo: ____ Road: _____ Sub-district _____	
District: _____ Province: _____ Postcode: _____	
LAT: _____ LONG _____	

#### Part 2 Details of the site

Radio System <input type="checkbox"/> GSM <input type="checkbox"/> GSM 1800 <input type="checkbox"/> Others _____	
Frequency: Tx _____ MHz, Rx _____ MHz _____	Transmission Power: ____ Watts
Types of Pole <input type="checkbox"/> Guyed	Height _____ m.
<input type="checkbox"/> Square-Self	Height _____ m.
<input type="checkbox"/> Self-Supporting	Height _____ m.
<input type="checkbox"/> Others _____	Height _____ m.
Size of Area: . ____ x ____m.	
Radio Station Setting: <input type="checkbox"/> Container	Size ____ x ____ m.
<input type="checkbox"/> Building/ Room	Size ____ x ____ m.
<input type="checkbox"/> Cabinet	Size ____ x ____ m.
<input type="checkbox"/> Others _____	Size ____ x ____ m.
Transmission System <input type="checkbox"/> Microwave <input type="checkbox"/> Copper Cable	
<input type="checkbox"/> Optical Fiber _____	Core(s)

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## Part 3 Details of sharing telecommunication infrastructure information

Height: \_\_\_\_\_ m.

Size of Area: \_\_\_\_ x \_\_\_\_ m.

Number of Core Fiber: \_\_\_\_\_ Cores

Number of Sub duct: \_\_\_\_\_ Sub duct

Others:

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Signature \_\_\_\_\_

Date \_\_\_\_\_