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# **Evolution of the Telecommunication Regulator in Thailand: NBTC Roles & Challenges**

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# Evolution of Regulator : Thailand Context

**Roles of Regulator**

**Background at a glance: Thailand Context**

**Existing Telecom Eco System**

**NBTC Law and the Three Stakeholders**

**Conclusion and Suggestions**

# Roles of Regulator



# Background at a glance: Thailand context

## Thailand is a developing country and technology taker

- Technology becomes more complex but law & regulation cannot catch up with

## NBTC is newly established as the independent regulator

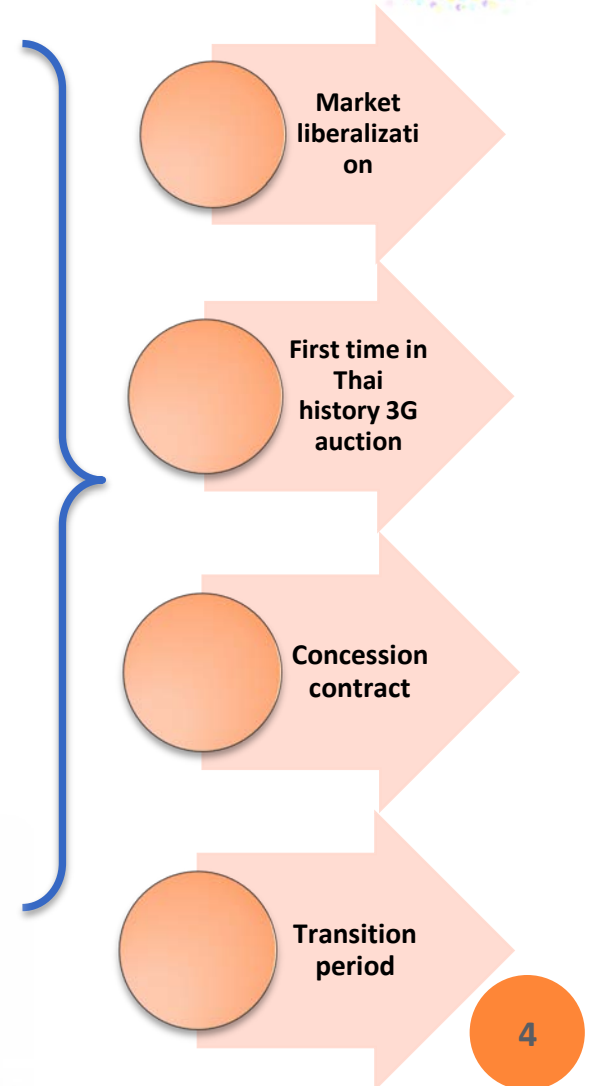
- ICT Ministry is national administrator for ITU satellite filings
- State Enterprises, CAT & TOT, are under ICT Ministry

## NBTC has full authority to allocate spectrum but law mandates “auction” only

- Public has misperception on “spectrum auction”

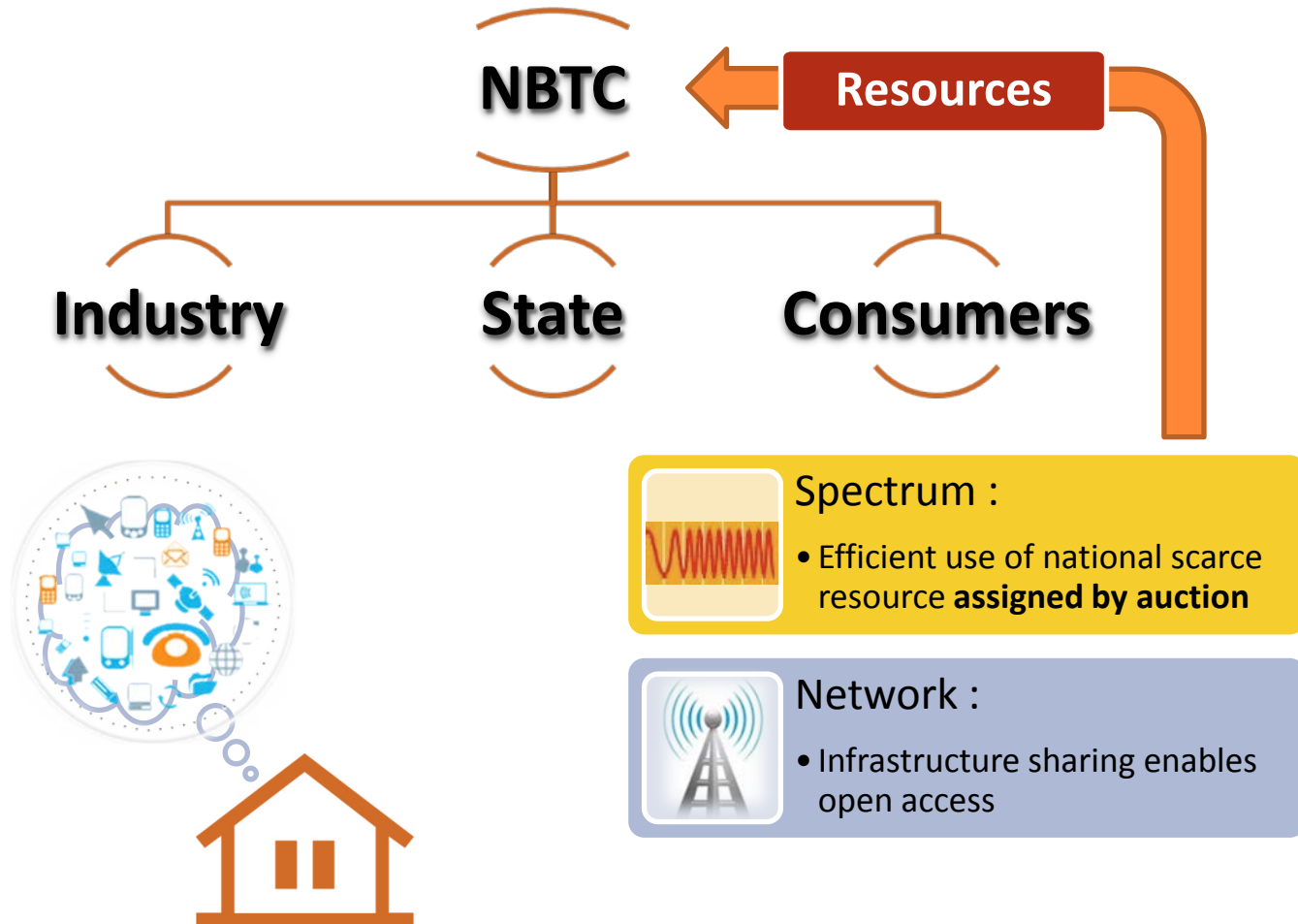
## Spectrums available but cannot be allocated to catch the demand

- Some rural areas still cannot reach basic telecom services





# Current Telecommunication Eco System



# Organization : Converged but some burdens



**Single entity**  
Converged  
regulator

**NBTC**

Constitution  
(Sec.305)  
**separates 2**  
**committees**  
based on skill  
and expertise

**TC**  
**(Telecom)**

**BC**  
**(Broadcasting)**

## Problems

- Truly **“converged”** regulator?
- Each committee performs **its own duties** within the scope of authorities.
- Substantive **laws are not converged.**
- **700 MHz** still under Broadcasting Committee

## Solution

- Good initiation but **needs more mutual collaborative framework** that better fits the model of single converged regulator.



# Does existing licensing regime facilitate converged services enough?

## Problems

Thailand's licensing system **has not yet combined converged services** to fall within one license.

Both sectors are regulated in a **different manner** under different applicable law.

- Operating telecoms business is subject to the Telecoms Business Act 2001
- Operating broadcasting business is subject to the Broadcasting Business Act 2008

## Solutions

Modifying licensing regime from a traditional one service to **broader categories**.

Need a simplified, technology-neutral, flexible licensing to encourage market entry and **promote competition**.

If regulation is overly strict, it means **barrier to innovation** of new services.

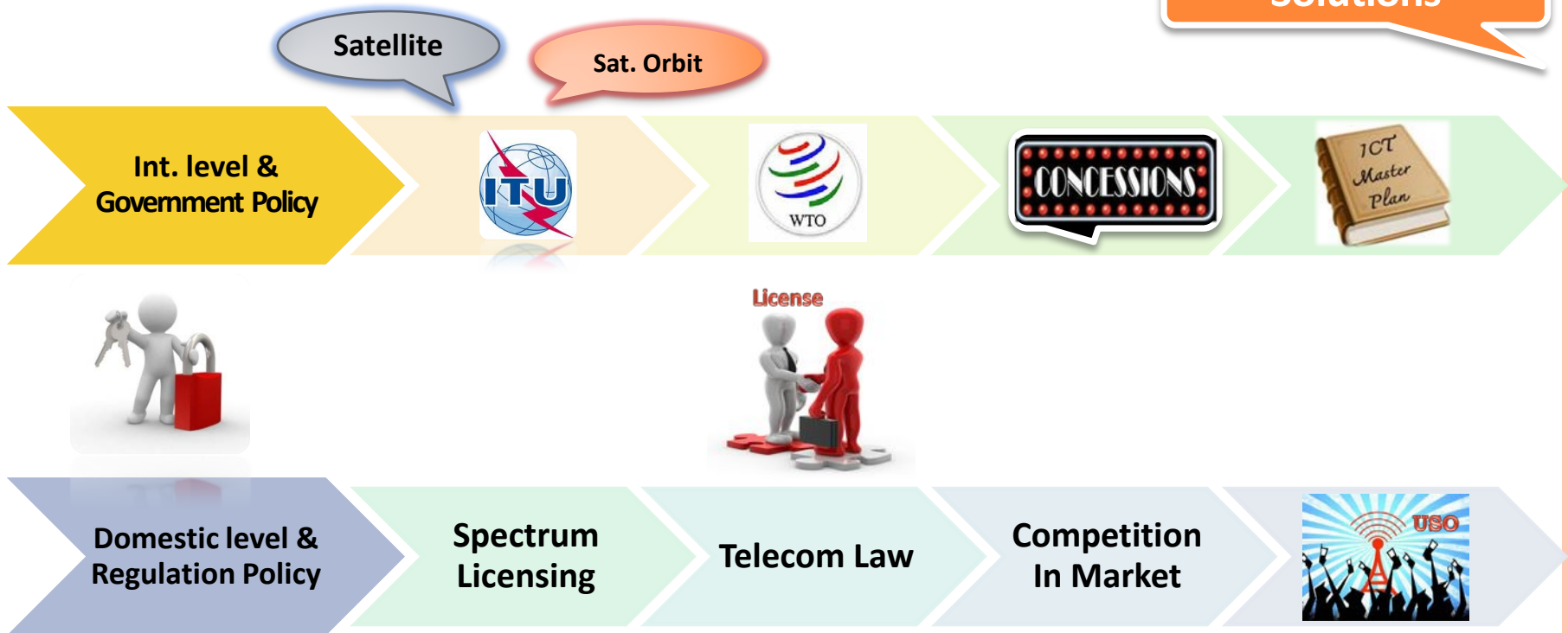




# Problems on institution concerned with different authorities



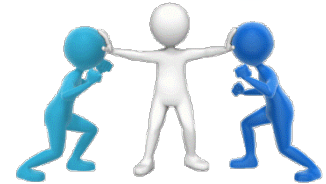
## Solutions



**Multilateral institutions** in area of standardization  
**Fragmentation** in implementing



# Industry



**Problems**

Monopoly Under Concessions

I need spectrum

More BTS sites for Coverage

Bad Images from Consumer's view



**Solutions**

Licensing System

Effective measure to allocate spectrum

Infra Sharing

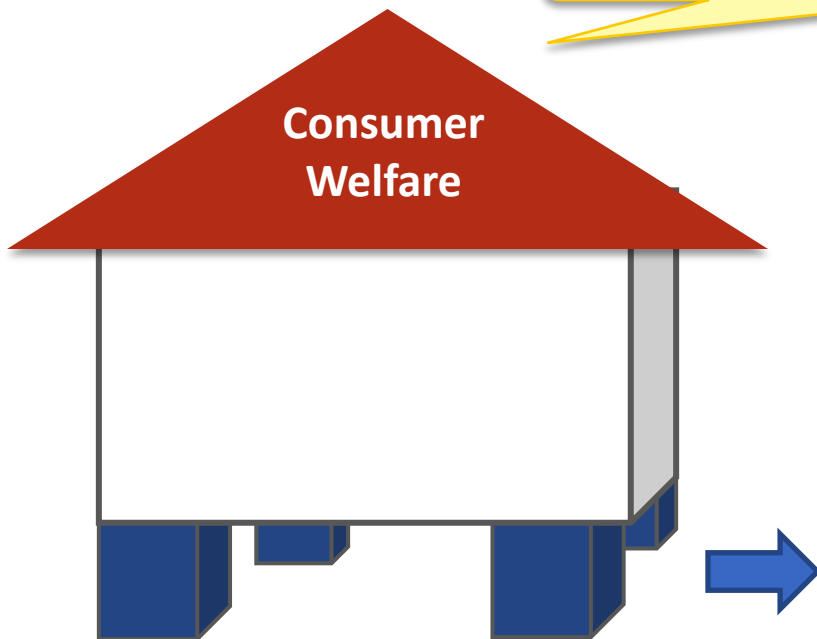
CSR



**Facilitate and Regulate as NECESSARY**

# Consumers

Consumer protection = primary objective



- Consumers are abused by incorrect perception.

- Competition served as a “tool” to achieve the ultimate goal.
- But if competition is abused, the consumers welfare will be affected.



### Incorrect Perception



Spectrum auction is only way to allocate spectrum.



Spectrum auction is the best way to get rid of monopoly and corruption.



State will make lots of money from auction.



Competition must be measured at the auction stage.



Spectrum auction has only Open outcry (English) auction.



### Solutions



- ✓ providing correct perception.
- ✓ Strengthening more public participation
- ✓ Tackling barriers that deter consumers from using new services and products in converging environment.
- ✓ Ensuring that consumers have right to redress fairly and efficiently.



# Balance Benefit between the 3 Stakeholders

Amend current law to give regulator more **flexibilities**

Soft Law

Concessions

Licensing System

STAKEHOLDERS



Consumer



State



Industry

BALANCE



# International Co-operations Arena



Supporting same directive to the **AEC single market**



**Joint co-operations** for Standardizations



Driving to the **single** International Roaming rate



Exchanging views and bringing **best practices** to improve NBTC performance





# Conclusion & Suggestions

- revising current law to modernize them and to give regulation **more flexibilities**;
- performing roles as **both regulator and facilitator**;
- regulating when it is **necessary**, not whenever we have opportunities;
- converging regulations of **both institution and substantive law**;
- legislating telecom law not to focus on problems in the past but **to prepare for the future**;
- balancing rights of all stakeholders to **ensure best benefit** of innovations to consumers and business;
- strengthening **public participation** and educating **public knowledge** to put correct perception and gain public trust;
- cooperating more closely among regulators at both regional and international levels to **bring best practices** to support each other.





Q&A?

Thank you

ขอบคุณครับ/ค่ะ

