

Unofficial Translation

**Notification of the National Broadcasting and Telecommunications Commission
Re: Nature and Categories of Telecommunications Business Requiring
Telecommunications Business License**

Whereas it is expedient to revise the nature and categories of telecommunications business requiring telecommunications business license in order to be clear and appropriate to regulate the telecommunications business operation and to protect the public interest as well as to promote more free and fair competition.

By Section 27 (3) (6) (24) and section 81 of the Act on Organization to Assign Radio Frequency and Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), in conjunction with Section 7 of Telecommunications Business Act B.E. 2544 (2001), the National Broadcasting and Telecommunications Commission hereby issues the notification as follows:

Clause 1 This Notification shall come into force from the date following the date of its publication in the Royal Gazette.

Clause 2 The following shall be repealed

(1) Notification of the National Telecommunications Commission Re: Nature and Categories of Telecommunications Business, dated on 20th June B.E. 2548 (2005)

(2) Notification of the National Telecommunications Commission Re: Nature and Categories of Telecommunications Business Requiring Telecommunications Business License, dated on 2nd August B.E. 2548 (2005)

(3) Notification of the National Telecommunications Commission Re: Nature and Categories of Telecommunications Business Requiring Telecommunications Business License (No. 2), dated on 12th December B.E. 2549 (2006)

Clause 3 In This Notification,

“Licensee” means the person granted the license to operate telecommunications business by the National Telecommunications Commission, under the Telecommunications Business Act

Clause 4 Any person who intends to operate a telecommunications business, in accordance with the Nature and Categories of business licensing under this Notification, requiring Telecommunication Business licenses from The National Broadcasting and Telecommunications Commission (hereafter referred to as “NBTC”).

Clause 5 The Nature and Categories of telecommunications business shall be classified by Facilities Based and Service Based which can be categorized as follows:

5.1 The Nature of telecommunications business with their own network which is considered by ownership, possessory right, management principle. In this regarding, the classification by nature of telecommunications business for telecommunications services can be classified into 3 categories as follows:

5.1.1 Telecommunication Network Provider for lease

Unofficial Translation

5.1.2 Telecommunication Network Provider for lease and service

5.1.3 Telecommunications facilities service include leasing equipment that the telecommunications facilities service provider or equipment lessor has responsibility for managing the telecommunications services of the lessee.

5.2 The categories of telecommunications service provider which is considered by the categories of telecommunications services provided to end users, that classified by categories of telecommunications service into 3 categories as follows:

5.2.1 Voice Service

5.2.2 Data Service

5.2.3 Multimedia Service

In this regard, the examples of telecommunications business are as prescribed in Annex A and B to this Notification.

Clause 6 The NBTC may issue additional notification on the nature and categories of telecommunications businesses.

Clause 7 Nature and Categories of telecommunications businesses requiring Type One license which do not have their own networks and should provide services on the basis of liberalization.

Clause 8 Nature and Categories of telecommunications businesses requiring Type Two license which intend to provide Telecommunications service with the objectives for limited group of people, or Telecommunications service that have no significant impact on free and fair competition, or Telecommunications service that have no impact on the public interest and consumers as follows:

8.1 Telecommunications network providers, with their own network for lease.

8.2 Telecommunications network providers, with their own network for lease and service

8.3 Telecommunications businesses without their own telecommunications network.

Clause 9 Nature and Categories of Telecommunications Business requiring Type Three license, as follows:

9.1 Telecommunications network providers, with their own network for lease, whose services as follows:

9.1.1 Telecommunications services with the objectives to provide services for a large number of the general public.

9.1.2 Telecommunications services that may have significant impact on free and fair competition.

9.1.3 Telecommunications services that may have impact on the public interest.

9.1.4 Telecommunications services that require special consumer protection.

9.1.5 Telecommunications services with the objectives to provide services for

Unofficial Translation

limited group of people and having significant impacts on free and fair competition.

9.1.6 Telecommunications services with the objectives to provide services for limited group of people and may having significant impacts on public interest. Or

9.1.7 Telecommunications services with the objectives to provide services for limited group of people and requiring special consumer protection

9.2 Telecommunications network providers, with their own network for lease and service whose services as follows:

9.2.1 Leasing of telecommunications network for the businesses with the objectives and level of impact specified in clause 9.1.

9.2.2 Providing telecommunications services via their own network for the businesses with the objectives and impact specified in clause 9.1.

Clause 10 Telecommunications business operations do not require Telecommunications Business License which have examples of telecommunications services as defined in Annex C to this Notification.

Clause 11 In the case of changing in the environment that may have significant impact on free and fair competition, on the public interest and on consumers; or in the case that it is essential to provide special protection to consumers; or in the case that it is deemed expedient to revise existing regulatory policies, the NBTC may revise the telecommunications services which is required each type of telecommunications business license.

Clause 12 Telecommunications business operations of Licensees, according to the Notification of the National Telecommunications Commission Re: and Nature and Categories of Telecommunications Business dated on 2nd August B.E.2548 (2005) and the Notification of the National Telecommunications Commission Re: Nature and Categories of Telecommunications Business Requiring a Telecommunications Business License (No.2) dated on 12th December B.E. 2549 (2006), who have been granted the license prior to the enforcement of this notification shall have the right to continue telecommunications business until the license is terminated.

Announced on the 10th day of May B.E. 2562 (2019)

.....Sign.....

(Gen. Sukit Kamasunthorn)

Commission of National Broadcasting and
Telecommunications Commission

Acting Chairman of the National Broadcasting
and Telecommunications Commission

Annex A

Unofficial Translation

Example of Telecommunications Network as prescribed in the Notification of the National Broadcasting and Telecommunications Commission Re: Nature and Categories of Telecommunications Business Requiring Telecommunications Business License

Telecommunications Network	Telecommunications Service Applications
1. Wireline Network	1.1 Copper Wire Network 1.2 Fiber Optic Network 1.3 Submarine Cable Network 1.4 Power Line Network Examples of Wireline Network - Network Service - Leased Circuit Service - Voice Over Internet Protocol (VoIP) Service - Domestic Telephone and international Telephone Services - International Internet Gateway (IIG) Service
2. Wireless Network	2.1 Satellite Network, for example, - Satellite Data Transfer Service - Satellite Up/Down Link Service - Satellite Internet Service 2.2 Public Cellular Mobile Telephone Network 2.3 Specific Group, for example, - Trunked Radio Service - Single Channel Service - Multi Channel Service 2.4 Wireless telephone networks, for example, - Wireless Local Loop (WLL) Service 2.5 Radio communications links, for example, - Photonic Link Service - Data Transfer Link In The Microwave Range Service - Frequency Internet Service 2.6 Photonic Network 2.7 Other Electromagnetic Wave Network
3. Telecommunications Service Facilities	- Telecommunications infrastructures, for example: towers, ducts and poles etc.

Unofficial Translation

Annex B

Example of Telecommunications Service as prescribed in the Notification of the National Broadcasting and Telecommunications Commission Re: Nature and Categories of Telecommunications Business Requiring Telecommunications Business License

Example of telecommunications services with their own network

- 1) Public Switched Telephone Service
- 2) Integrated Services Digital Network Service
- 3) Public Cellular Mobile Telephone Service
- 4) Leased Circuit/Channel Service
- 5) Public Trunked Radio Service
- 6) Public Broadband Multimedia Service or Broadband Internet Service
- 7) Terrestrial Link Service
- 8) Satellite Uplink/Downlink Service from ground station
- 9) Public Very Small Aperture Terminal (VSAT) Service with own ground station to provide Service to the general public
- 10) Satellite Internet Service with own ground station
- 11) International Internet Gateway (IIG) and National Internet Exchange (NIX) Services

Example of telecommunications services without their own network

- 1) Very Small Aperture Terminal (VSAT) Service for limited group of people
- 2) Internet Service
- 3) Audiotext Service
- 4) Store-and-Retrieve Value-Added Service
- 5) International Calling Card Service
- 6) Internet Protocol (Internet Protocol Virtual Private Network - IP VPN) Service
- 7) Mobile Virtual Network Operator (MVNO) Service

Unofficial Translation

Annex C

Examples of Telecommunications Services without granted telecommunications business license as prescribed in the Notification of the National Broadcasting and Telecommunications Commission Re: Nature and Categories of Telecommunications Business Requiring Telecommunications Business License

Examples of Telecommunication Services without granted telecommunications business license

- 1) Mobile desk telephones (desk cellular phones)
- 2) Coin-slot pay telephones stationed at homes and shops
- 3) Cable rental service in building or private property managed by owner or residential juristic person, or housing estate juristic person who provide services to all licensees without discrimination in terms of access to services and pricing.
- 4) Internet Service or Telephone Service for facilitating the operation of hotel business or others which does not intend to directly operate the telecommunication services, and these services managed by business owners.
- 5) Telecommunications facilities service include leasing equipment that the telecommunications service provider or equipment lessor has responsibility for managing the telecommunications services of the lessee.