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Notification of The National Broadcasting and Telecommunications Commission  
Re: Telecommunications Business Licensing Fees

Whereas it is expedient to revise the rate, criteria, and procedure for paying telecommunications business licensing fees in compliance with the fairness between facilities based business license and non – facilities based business license as well as promote the licensees in SME field to compete can compete in telecommunications market with efficiency, equality and fairness.

By Section 27 (6) and Section 45 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services, B.E. 2553 (2010) which contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which Section 29 in conjunction with Section 35, Section 36, Section 41, Section 43, Section 45, Section 46, Section 47, Section 61 and Section 64 of the Constitution of the Kingdom of Thailand so permit by virtue of law with section 11 of the Telecommunications Business Act B.E. 2544 (2001) which contains certain provisions in relation to the restriction of rights and liberties of a person that Section 29 in conjunction with Section 35, Section 36, Section 41, Section 43 and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the National Broadcasting and Telecommunications Commission hereby issues the following rate, criteria and procedure for paying the telecommunications business licensing fees as follows:

Clause 1 This notification shall be called “Notification of National Broadcasting and Telecommunications Commission Re: Telecommunications Business Licensing Fees”

Clause 2 This Notification shall come into force from the date following the date of its publication in the Royal Gazette.

Clause 3 The following shall be repealed

(1) Notification of National Telecommunications Commission Re: Temporally Telecommunications Business Licensing Fees

(2) Notification of National Telecommunications Commission Re: Temporally Telecommunications Business Licensing Fees (No.2) B.E. 2550 (2007)

(3) Notification of National Telecommunications Commission Re: Temporally Telecommunications Business Licensing Fees (No.3) B.E. 2552 (2009)

(4) Notification of National Telecommunications Commission Re: Internet Service Licensing Fees B.E. 2551 (2008)

(5) Notification of National Telecommunications Commission Re: Internet Service Licensing Fees (No.2) B.E. 2552 (2009)

(6) Notification of National Telecommunications Commission Re: Criteria for deduction

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of revenue prior calculating the telecommunications business licensing fees for Type Three Telecommunication Business License and Type Three Internet Service License

Clause 4 Any other notifications, regulations, rules and orders on the parts duly prescribed in, or contradictory to, or inconsistent with, this Notification shall be superseded by this Notification.

Clause 5 In this Notification,

“Licensee” means the person granted the license to operate telecommunications business by the National Telecommunications Commission, under the Telecommunications Business Act including internet service licensee. Excluding the operators who have been granted concession or contract by TOT Public Company Limited or CAT Telecommunications Public Company Limited prior to the date on which the Telecommunications Business Act, B.E. 2544 (2001) comes into force;

“Revenue from telecommunications business operations” means the revenue from telecommunications business operation in all type of operation which from the provision of service of Type One telecommunications business license, Type Two telecommunications business license, and Type Three telecommunications business license. In this regards, the revenue from telecommunications business includes the revenue from provision of internet operations.

“Commission” means the National Broadcasting and Telecommunications Commission;

“Office” means the Office of the National Broadcasting and Telecommunications Commission;

Clause 6 The Responsibilities of Applicant and Licensee

The applicant shall be responsible for license application processing fees, as well as the licensee shall be responsible for annual licensing fees and license renewal fees to the Office according to the rate and condition of telecommunications business licensing fees as prescribed in Annex to this Notification.

Clause 7 Payment of annual licensing fees

(1) Payment of telecommunications licensing fees shall be paid once a year by calculating revenue from telecommunications business operations in the accounting period. In this regards, the revenue from telecommunications business operations calculated for licensing fees is gross revenue without deducting any deductions.

(2) The licensee shall pay the licensing fees within 150 days since the end date of accounting period. The licensee shall also submit the annual financial statements certified by Certified Public Accountant and disclose the revenue from licensed type of telecommunications services, by note to the financial statements. Except to the licensee is unable to submit the

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annual financial statements certified by the Certified Public Accountant within the aforementioned period of time, the licensee shall submit the trial balance instead. In this regard, the Certified Public Accountant has certified the annual financial statements, the licensee shall submit the financial statements within 15 days since the date of Certified Public Accountant certified the financial statement.

In the case of the licensees fail to pay the licensing fees or fail to pay the full amount due by the date for payment of the licensing fees, the licensees shall pay the licensing fees and an additional fees of 1.5 percent per month of outstanding amount. By fraction of the month to be charged for one month since the day following the due date for payment of the licensing fees until paying licensing fees completely.

(3) The Office shall examine telecommunications licensing fees follows to (2) within 90 days since the Office receive financial statement which certified by Certified Public Accountant. If the Office examined that the licensees pay telecommunications business licensing fees inaccurately, the Office shall notify the licensees, in writing, to pay license fees correctly or refund from excessive fees within 15 days since receiving notification. If the payment is overdue, the licensee, who pays license fees incompletely, shall pay an additional fees at the rate of 1.5 percent per month until the licensing fees has been paid completely, by fraction of the month to be charged for one month until paid completely. In order to verify the accuracy and completeness of the payment of the licensing fees, the Office may require the licensees to deliver the evidence or other information essential to the determination within the specified time.

Clause 8 The telecommunications business licensing fees and spectrum licensing fees shall be paid annually, combined fees of the two categories shall not exceed 2 percent of revenue from telecommunications business operations. If the licensees pay such annual licensing fees exceed 2 percent of revenue from telecommunications business operations, the Office shall have a notification, in writing, to the licensees for receiving exceeded license fees within 90 days since the Office received financial statements.

Clause 9 The Commission shall review the telecommunications business licensing fees every 3 years or when it deems appropriate to be in line with situation.

Clause 10 The Office has duties of collecting telecommunications business licensing fees, establishing a telecommunications business licensing fees accounting system that comply with the accepted auditing standards, and implementing an efficient and accountable fees collection management system.

Clause 11 The licensees who had been granted a license prior to the effective date of this Notification, shall comply with this Notification since the start date (1<sup>st</sup> January B.E.2556 (2013)) onwards. Except to type one internet business licensees and type two internet business licensees,

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they shall comply with this Notification since the following due date for paying licensing fees in 2013 (B.E.2556) by calculating the revenue from internet business operations since the following due date of paying licensing fees in 2013 (B.E.2556) to the end date of fiscal year.

Clause 12 To comply with the provision of clause 11, if licensees pay telecommunications business licensing fees and spectrum licensing fee exceed to 2 percent of revenue from telecommunication business operations. The Office shall verify and comply with the provision in clause 8, *mutatis mutandis*.

Clause 13 The chairman of the National Broadcasting and Telecommunications Commission shall in charge and control over the execution of this Notification.

Announced on the 27<sup>th</sup> day of December B.E. 2555 (2012)

.....Sign.....

(ACM Thares Punsri)

Chairman of the National Broadcasting  
and Telecommunications Commission

Annex

Rates and Condition for the Payment of Telecommunications Licensing Fees

Prescribed to The Notification of The National Broadcasting and Telecommunications Commission

Re: Telecommunications Business Licensing Fees

Table one: The rate of license application processing and renewal fees

Type of License	Rate		Payments Conditions
	License application processing fees	Application renewal fees	
Type One	5,000 Baht	-	<p><u>License application processing fees</u></p> <p>Free of charge for processing on add categories of service</p> <p><u>Application renewal fees</u></p> <p>Paid when the licensees apply for a license renewal.</p> <p>License application processing fees and application renewal fee are non – refundable even if the application or license renewal is denied.</p>
Type Two, non – facility based	5,000 Baht	-	
Type Two, facility based	10,000 Baht	-	
Type Three	10,000 Baht	10,000 Baht	

Table Two: Annual Licensing Fees Rate

Type of License	Revenue From Telecommunications Business Operations	Licensing Fees Rate
Type One	0 – 100 million Baht	0.25 Percent
	Over 100 million Baht – 500 million Baht	0.5 Percent
	Over 500 million Baht – 1,000 million Baht	1 Percent
	Over 1,000 million Baht	1.5 Percent
Type Two	0 – 100 million Baht	0.25 Percent
	Over 100 million Baht – 500 million Baht	0.5 Percent
	Over 500 million Baht – 1,000 million Baht	1 Percent
	Over 1,000 million Baht	1.5 Percent
Type Three	0 – 100 million Baht	0.25 Percent
	Over 100 million Baht – 500 million Baht	0.5 Percent
	Over 500 million Baht – 1,000 million Baht	1 Percent
	Over 1,000 million Baht	1.5 Percent