

Unofficial Translation

Notification of the National Broadcasting and Telecommunications Commission Re: Criteria and Procedure for the Licensing of Spectrum for Telecommunications Service in the Frequency Band of 895 – 915 MHz/940 – 960 MHz

The National Broadcasting and Telecommunications Commission has established a policy on spectrum management and use of spectrum which are national communications resources, considering utmost public benefits at national and local levels in education, culture, State security and other public interests including fair and free competition, as well as the procedures that will ensure thorough and appropriate distribution of benefits to various services and in line with State policy for the development of digital economy. The International Mobile Telecommunications (IMT) service is a key factor of industrial, economic and social development which will elevate Thailand's telecommunication development in line with the global evolution and will promote the public right to communicate and the advancement in receiving information, as well as in compliance with the fundamental telecommunications business policy of the country.

By virtue of Section 27(1), (2), (4), (6), (8), (11), (13), and (24), Section 29, Section 40, Section 45 and Section 81 of the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), in conjunction with Section 7, Section 9, Section 10, Section 24, Section 64, Section 65 and Section 66 of the Telecommunications Business Act B.E. 2544 (2001), and Section 8 of the Telecommunications Business Act B.E. 2544 (2001), amended by the Telecommunications Business Act B.E. 2549 (2006), the National Broadcasting and Telecommunications Commission hereby stipulates the following criteria and procedure for the licensing of spectrum for Telecommunications service in the Frequency Band of 895 – 915 MHz/940 – 960 MHz as follows:

Clause 1 This Notification shall supersede any other notifications, regulations or orders for the parts already prescribed in this Notification, or for those which are contradictory to or inconsistent with this Notification.

Clause 2 In this Notification,

“Commission” means the National Telecommunications Commission;

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

“900 MHz spectrum” means the spectrum in the band of 895 – 915 MHz paired with 940 – 960 MHz in accordance with the International Mobile Telecommunications (IMT) Spectrum Plan in the frequency band of 895 – 915 MHz/940 – 960 MHz;

“900 MHz Spectrum License” means the license to use spectrum in accordance with the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunication Services B.E. 2553 (2010) for telecommunications businesses;

“Applicant” means the person who applies for the 900 MHz Spectrum License;

“Bidder” means an applicant that the Commission considers as having the required qualifications and complying with the regulations, and therefore is entitled to participate in the Auction for the 900 MHz Spectrum;

“Winning Bidder” means a Bidder who wins the auction and is entitled to the 900 MHz Spectrum to be licensed by the Commission;

“Licensee” means a person who is granted a 900 MHz Spectrum License and Type Three Telecommunication Business License by the Commission for the provision of services in accordance with the scope of the licenses;

Section 1 Spectrum Licensing

Clause 3 900 MHz spectrum that shall be licensed under this Notification is divided into two lots of 2 x 10 MHz as follows:

The first lot covers the range of 895 – 905 MHz paired with 940 – 950 MHz;

The second lot covers the range of 905 – 915 MHz paired with 950 – 960 MHz;

In this regard, each Applicant shall be entitled to bid for one spectrum lot (2 x 10 MHz) only.

In the case where there is any remaining spectrum after the auction, the Commission shall begin the process to grant the license for such remaining spectrum within one year as from the end of the previous auction.

Clause 4 The Commission shall, after the conditions precedent have been duly fulfilled, consider granting the 900 MHz Spectrum License and the Type Three Telecommunication Business License in accordance with Section 7 of the Telecommunications Business Act B.E. 2544 (2001) for the provision of services in accordance with the scope of the license.

In the case that the Winning Bidder is already a Spectrum Licensee or is already a Type Three Telecommunication Business Licensee, the Commission shall, after the conditions precedent have been duly fulfilled, consider licensing the 900 MHz Spectrum for the additional provision of services in accordance with the scope of license as specified by the Commission under the existing spectrum license or Type Three Telecommunication Business License, as the case may be.

The Licensee shall be deemed as the person authorized to possess and use radiocommunications equipment and install radiocommunications station under the Radiocommunications Act with respect only to the radiocommunications equipment concerned with the services in accordance with the scope of the license, whereby the Licensee shall abide by the related rules and notifications.

Section 2

Qualifications of Applicant

Clause 5 The Applicant shall have the qualifications as follows:

(1) The Applicant shall have the qualifications as stipulated in Section 8 of the Telecommunications Business Act B.E.2544 (2001), amended by the Telecommunications Business Act B.E. 2549 (2006), and shall have the qualifications and shall not possess the prohibited characteristics as prescribed in Clause 3 of the National Telecommunications Commission's Notification Regarding Criteria and Procedure for Granting Type Three Telecommunications Business License;

(2) The Applicant shall be a juristic person in the type of a limited company or public limited company established under Thai law and shall not be a foreigner under the law on foreign business;

The Applicant shall prescribe the prohibitions as prescribed in the National Broadcasting and Telecommunications Commission's Notification Regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance B.E. 2555 (2012) together with affirmation sign by authorized signatory that the Applicant shall not conduct any act that is contrary to any of the prescribed prohibitions;

After the auction, in the case where the Licensee conducts any act that infringe the mentioned prohibitions, the National Broadcasting and Telecommunications Commission's Notification Regarding the Prescription of Prohibitions for the Act having Nature of Foreign Dominance B.E. 2555 (2012) shall be applied;

(3) The Applicant shall have no connection with other Applicant(s) by means of being the major shareholder, subsidiary company, associated company or person in authority or a controlled entity or related entity or have cross-shareholding with other Applicant(s). An exception shall be made in the case of being related due to relationship as the entity who grants or is granted authorization, concession or contract under Section 80 of the Telecommunications Business Act B.E. 2544 (2001). Whereby the consideration shall be in accordance with the provisions in Clause 2 of the National Telecommunications Commission's Notification Regarding Criteria and Method of Merger & Acquisition and Cross-Shareholding in Telecommunication Business B.E. 2553 (2010);

In the examination, if it is found that the Applicant does not have qualifications as prescribed, or the fact subsequently show that the Applicant who is the Bidder or the Winning Bidder does not have qualifications as prescribed, such Applicant shall be removed from the list of the Applicants, the Bidders or the Winning Bidders, as the case may be.

Section 3

Application Method

Clause 6 In applying for the license, the Applicant shall proceed as follows on the date of the application submission:

(1) Submit the completely-filled application forms and the accompanying document and information as prescribed in Annex A to this Notification, with 2 sets of their copies and the electronic documents to the Office, No. 87 Phaholyothin Soi 8, Phaholyothin Road, Samsennai, Phayathai, Bangkok 10400, Thailand;

(2) The Applicant shall proceed in accordance with Clause 5(2) by submitting the documents of the Applicant that documented compliance with the Schedule of Prohibitions as prescribed in the National Broadcasting and Telecommunications Commission's Notification Regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance B.E. 2555 (2012), together with an affirmation signed by an authorized signatory that the applicant shall not conduct any act that is contrary to any of the restrictions as prescribed in the application form for 900 MHz Spectrum License;

In addition to the above mentioned affirmation, the Applicant shall make affirmation in accordance with the measures for restricting collusive behaviour, the affirmation that if obtaining a License the Applicant agrees to prepare and act in accordance with a Corporate Social Responsibility (CSR) plan as approved by the Commission, and sign the Bidder's consent letter;

(3) Submit the payment of application fee of 500,000 Baht by cash or bank cheque issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), dated on or not more than three business days prior to the date of payment to the Office. This fee shall be deemed as the application fee for the spectrum license and Type Three Telecommunications Business License and shall not be refunded by the Office in any cases;

(4) Place an auction guarantee by bank cheque issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), dated on or not more than three business days prior to the date of payment to the Office, for an amount of 644,000,000 Baht;

In the case the Applicant does not proceed in accordance with specified methods, the Office shall not accept the License application;

The Commission reserves the right to confiscate the auction guarantee in the case that the Bidder or the Winning Bidder does not proceed in accordance with specified auction methods, auction rules, or conditions precedent of the license.

Clause 7 The Office shall consider the application as follows:

(1) The Office shall consider and examine the completeness of the filled application forms and the documents required for the consideration;

(2) In the case where it appears that the application forms for 900 MHz Spectrum License and required documents for the consideration of the Applicant's qualifications as specified in Clause 2 of Annex A to this Notification are inaccurate or incomplete or inadequate, the Office shall notify the Applicant to submit additional documents within 5 working days as from the date of receiving such notice. If, after the lapse of the specified period, the Applicant has not submitted the additional documents as notified, it will be deemed that the Applicant has not intention to submit the additional documents.

(3) The Office shall consider whether the Applicant has fully met the qualifications under Clause 5 and shall submit the result to the Commission for the consideration. The Applicant shall be notified of the result of the consideration within 15 days as from the date of application submission or the date on which all documents as per Clause 7(2) have been received from all Applicants. The Office shall then publicly announce a list of the Bidders.

In the case where there is any doubt in the qualification of the Applicant as prescribed in Clause 5 of this Notification, the Office may request the Applicant for the submission of additional information for the purpose of Applicant's qualification consideration.

(4) In the case where the Commission considers that any Applicant is unqualified or fails to fully comply with the regulations, the Applicant shall have the right to appeal for reconsideration to the Commission within 3 working days as from the date of receiving a notice in writing, and shall provide the rationale for such appeal and related documents. The Commission shall then inform the result of the reconsideration within 7 days as from the date the appeal is received. The judgment of the Commission shall be final.

(5) In the case where the Applicant is deemed as not qualified to be a Bidder, the Office shall refund the auction guarantee to the Applicant within 15 days as from the date of Bidder announcement.

Section 4

Auction

Clause 8 The Commission shall conduct the auction as follows:

(1) The Commission shall open the bid for all lots of 900 MHz Spectrum to be licensed simultaneously and shall proceed in multiple rounds and the bid price in each round shall increase correspondingly (Simultaneous Ascending Bid Auction). The Auction rules shall be in accordance with the details specified in Annex B of this Notification;

(2) The minimum price of the Spectrum Licensing for each spectrum lot is equal to 12,864,000,000 Baht;

(3) In the case where the number of bidders is less than or equal to the number of spectrum lots to be auctioned, the minimum price of the Spectrum Licensing for each spectrum lot shall be equal to 16,080,000,000 Baht;

(4) In the case where there is no Bidder, The Commission reserves the right to dismiss the auction and shall schedule the next auction as appropriate;

(5) The Commission shall approve the auction result within 7 days as from the date of the auction end and the Office shall inform the auction result to all Bidders and announce the Winning Bidders to the public. The Office shall return the auction guarantee to the unsuccessful Bidders within 15 days as from the date of the Winning Bidder announcement.

Clause 9 The Winning Bidder shall pay the spectrum auction fee as follows:

(1) In the case that the highest bid price does not exceed 16,080,000,000 Baht, each Winning Bidder shall be liable to pay the spectrum auction fee according to its highest bid price in three installments as follows:

The first installment - the Winning Bidder shall pay 50 percent of its highest bidding price and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), for the remaining of spectrum auction fee within 90 days as from the date it is notified in writing as being a Winning Bidder;

The second installment - the Winning Bidder shall pay a further 25 percent of its highest bid price and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), for the third installment within 15 days after the lapse of 2 years as from the date of the license award. The Office shall return the bank guarantee submitted with the first installment within 15 days as from the date of the receipt of the second installment;

The third installment - the Winning Bidder shall pay the remaining 25 percent of its highest bid price within 15 days after the lapse of 3 years as from the date of license award. The Office shall return the letter of guarantee submitted with the second installment within 15 days as from the date of the receipt of the third installment;

The spectrum auction fee to be paid by each Winning Bidder is excluded from tax, other fees and interest as prescribed by law;

(2) In the case that the highest bid price exceed 16,080,000,000 Baht, each Winning Bidder shall be liable to pay the spectrum auction fee according to its highest bid price in four installments as follows:

The first installment - the Winning Bidder shall pay 8,040,000,000 Baht and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), for the remaining of spectrum auction fee within 90 days as from the date it is notified in writing as being a Winning Bidder;

The second installment - the Winning Bidder shall pay 4,020,000,000 Baht and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), for the third and the fourth installment within 15 days after the lapse of 2 years as from the date of the license award. The Office shall return the bank guarantee submitted with the first installment within 15 days as from the date of the receipt of the second installment;

The third installment - the Winning Bidder shall pay 4,020,000,000 Baht and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), for the fourth installment within 15 days after the lapse of 3 years as from the date of the license award. The Office shall return the bank guarantee submitted with the second installment within 15 days as from the date of the receipt of the second installment;

The fourth installment - the Winning Bidder shall pay the remaining of its highest bid price within 15 days after the lapse of 4 years as from the date of license award. The Office shall return the letter of guarantee submitted with the third installment within 15 days as from the date of the receipt of the fourth installment;

The spectrum auction fee to be paid by each Winning Bidder is excluded from tax, other fees and interest as prescribed by law;

(3) In the case that the Licensee fails to make a full payment of the second or third or fourth installment within the specified period, the Licensee shall pay additional fee equal to the amount of the outstanding spectrum auction fee multiplied by the interest rate of 15 percent per year, calculated daily. In the case that the Licensee fails to pay within the specified period, it shall be deemed that the Licensee fail to comply with conditions specified in this Notification and the Commission may consider suspending or revoking its License;

(4) In paying the first installment of the spectrum auction fee, the Office shall offset the deposit placed by the Winning Bidder from this installment and each Winning Bidder shall completely pay the remaining amount within the specified period.

Section 5 Licensing Provisions

Part 1 Conditions Precedent

Clause 10 The Winning Bidder shall fulfill the following requirements within 90 days as from the date it is notified in writing as the Winning Bidder:

(1) The Winning Bidder shall pay the first installment of the spectrum auction fee and submit a letter of guarantee, issued by a financial institution operating commercial banking business under the Financial Institutions Business Act B.E. 2551 (2008), to guarantee payment of the remaining of spectrum auction fee as prescribed in Clause 9;

(2) In the case it is found that the necessary documents and information required for granting the applicant of Type Three Telecommunication Business License as submitted in accordance with Clause 4 of the Annex A to this Notification are inaccurate or inadequate, the

Winning Bidder shall rectify such documents as informed by the Office for completeness and accuracy.

Clause 11 The Commission shall issue the 900 MHz Spectrum License and Type Three Telecommunication Business License to each Winning Bidder after such Winning Bidder has correctly and completely fulfilled the conditions precedent.

Part 2

License Duration and Scope of License

Clause 12 The 900 MHz Spectrum License and Type Three Telecommunication Business License obtained under this Notification shall be valid for a period of 15 years as from the date of obtaining the License.

In the case where the Licensee of 900 MHz Spectrum is already a Spectrum Licensee or is already a Type Three Telecommunication Business Licensee, the license duration for only the telecommunications services using 900 MHz Spectrum acquired under this Notification in accordance with the scope of the license shall be valid for a period of 15 years as from the date of obtaining the rights.

The Licensee shall comply with the conditions precedent to service dissolution as specified by the Commission and shall submit service users' management plan at least 2 years in advance before the end of the license period in order to avoid effects on service users. The Licensee shall return the granted spectrum to the Commission when the license period lapses.

Clause 13 The Licensee shall be able to provide telecommunications services as a network provider and service provider as well as telecommunications facility throughout the Kingdom of Thailand. In this regard, the licensed telecommunications services shall include the following characteristics and types of service:

- (1) Wireless telecommunications network service;
- (2) Telecommunications services as follows;
 - (2.1) Mobile Phone Service;
 - (2.2) Public Broadband Multimedia Service;
 - (2.3) Value-added Service for the licensed telecommunications service;
 - (2.4) Wholesale Service for services specified in (2.1), (2.2) and (2.3);
- (3) Telecommunications Facility;

In the case that the Licensee intends to provide broadcasting business, the Licensee shall conform to laws on the provision of broadcasting business and other relevant laws.

Section 6

Licensing Terms and Conditions

Clause 14 The Licensee shall strictly comply with the terms and conditions on the use of radio frequency and telecommunications business operation under the Act on the Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010), the Telecommunications Business Act B.E. 2544 (2001) and its amendment, the Commission's Notification Regarding Spectrum Plan for the International Mobile Telecommunications (IMT) Spectrum Plan in the Frequency Bands of 895 – 915/940 – 960 MHz, conditions for Type Three Telecommunications Business License, as well as rules, regulations, notifications, orders and any criteria prescribed by the Commission.

Clause 15 The Licensee shall have the duty to pay Type Three Telecommunication Business Annual License fee, spectrum administrative fee, telecommunication numbering fee, revenue contribution to the Broadcasting and Telecommunications Research and Development Fund for the public Interest, and any other related fees under the criteria and procedures set forth by the Commission.

Clause 16 The provision of Telecommunications Network for rendering services

(1) The Licensee shall provide telecommunications network for rendering services covering at least 50 percent of the population within 4 years as from the date of obtaining the License and at least 80 percent of the population within 8 years as from the date of obtaining the License;

The provision of telecommunications network for rendering services shall be inclusive of the installation and the leasing of telecommunications network, but excluding the national roaming of other operators' mobile phone network;

(2) The Licensee's telecommunications network shall be capable of supporting a data transmission rate not less than the rate prescribed in the regulation regarding the standard and quality of data service prescribed by the Commission. In this regard, in the case where the Licensee has advertised its quality of telecommunications services, it is the duty of such Licensee to comply with its advertisement;

(3) For the benefit of clear examination regarding the implementation and investment in accordance with the conditions on telecommunications network provision, the Licensee shall report the network installation status as scheduled by the Commission, and shall provide supporting evidence demonstrating the average data transmission rate upon request by the Commission. In this regard, the Commission shall subsequently set forth the criteria, conditions and method to measure the population coverage in the service areas and transmission speed;

(4) In the case where the Licensee fails to comply with the conditions on network provision for rendering service as per Clause 16.1 without legal justification, which is considered as an act of taking advantage over the consumers in consuming service from the spectrum that is a national communication resource for the public interest, resulting as an act of refusal to the rights of

consumers or other licensees obtainable from the service provision, the Licensee shall pay a daily penalty charge at the rate of 0.05 percent of its highest bid price throughout the period of its failure to comply with the conditions of the Commission within the specified timeframe.

Clause 17 Infrastructure Sharing

The Licensee shall comply with the Commission's Notification Regarding Infrastructure Sharing for Mobile Network B.E. 2556 (2013)

Clause 18 Service of Mobile Virtual Network Operator (MVNO)

(1) The Licensee shall comply with the Commission's Notification Regarding Mobile Virtual Network Operator Service B.E. 2556 (2013).

(2) The Licensee shall provide telecommunications network service at least 10 percent of its network's capacity to MVNO(s) that is/are not the connected person(s) with any licensee under this Notification, upon receiving such service request.

Clause 19 National Roaming Service

The Licensee shall comply with the Commission's Notification Regarding National Roaming of Mobile Phone Network B.E. 2556 (2013).

Clause 20 Record of prepaid mobile phone service's users

The licensee shall comply with the Commission's Notification Regarding Criteria for Telecommunications Numbers Assignment and Management as well as the guideline prescribed by the Office which includes the prepaid user's registration prior to service activation.

Clause 21 Social and Consumer Protection Measures

(1) The Licensee shall prepare its Corporate Social Responsibility (CSR) plan covering the electronic waste management, users' health, risk management plan for rapidly changing technologies, and services for disabled which include at least special tariff and special invoice or contract with large font or in Braille at no additional charge. In this regard, the Licensee shall submit such CSR plan to the Commission prior to launching its service and shall implement according to its plan within 1 year as from the date of launching its service;

(2) The Licensee shall prepare a consumer protection plan covering measures to handle complaints free of charge, measures to handle unsatisfactory service, procedure to develop understanding among the public regarding the establishment of radiocommunications stations, as well as building the consumer recognition regarding rights to use telecommunications service which include publication of consumer rights in consuming mobile phone service as specified by the Office. In this regard, the Licensee shall submit the consumer protection plan to the Commission prior to launching its service and shall implement according to its plan immediately after the launch of its service;

(3) The Licensee shall support the mission of the Commission regarding telecommunications service for social benefits as prescribed by the Commission, particularly in arranging public telecommunications service and facilitating the access to public telecommunications

services universally for low-income earners, the disabled, children, the elderly, people in remote areas, and the underprivileged;

(4) The Licensee shall heedfully prevent any person from using its network for illegitimate activities or disseminating any information that may undermine peace or morality of the people, and shall support the state and private agencies in any act intending to protect rights of consumers for the safety of society and the State security;

(5) The Licensee shall provide the service in a fair nature, which includes setting of tariff that is clear, reasonable and not taking advantage of consumer, and shall provide service with quality as prescribed by the Commission. For this purpose, the Licensee shall set forth the tariff for voice and data services which is, on average, lower than the average tariff of mobile phone service using 2.1 GHz spectrum on 25 August 2015. In doing so to promote and increase the opportunity for users in accessing the mobile telecommunications service using 900 MHz spectrum, the Licensee shall provide at least one promotion which has tariff lower than average tariff of mobile phone service using 2.1 GHz spectrum 25 August 2015, as well as charges based on actual usage and has the quality not lower than the average quality of mobile phone service using 2.1 GHz spectrum. All this shall apply until the Commission prescribed criteria relating to the regulation of tariff and quality of service otherwise.

Section 7

Measures for Restricting Collusive Behaviour

Clause 22 The Applicants shall be prohibited from any kinds of communication among each other in the nature of exposing or exchanging confidential information, or any information with regard to spectrum licensing, from the date of the application submission until the time of auction result announcement on the day the auction ends.

Clause 23 *The Applicant shall not conduct any act having the following natures:*

(1) Mutually agree on a bid with other applicant(s), with an objective to benefit any person to be eligible for the License, thus avoiding a fair bid competition.

(2) Give, ask to give or agree to give money or assets or any other benefit to others for an advantage in the auction with an objective to persuade that person to cooperate with any act that shall benefit any person to be eligible for the License, or to persuade a person to bid at a high or low price that is obviously an unconventional bid, or to persuade a person not submit a bid or to withdraw a bid or to not become an Applicant or a Bidder in the auction.

(3) Coerce others to unwillingly cooperate with any act in a bid, or not to submit a bid, or to withdraw a bid, or have to bid as specified, by violence or threat with any mean, causing others to fear of physical harm to their life, physique, liberty, reputation, or property of the threatened person or third party, until that coerced person does as told.

(4) Use deception or any other act to cause others not to have a chance to bid fairly, or to bid mistakenly.

(5) Fraudulently submit a bid to the Office with the knowledge that the bid is abnormally high or low and can be obviously perceived as an unconventional bid, having an objective to deprive fair price competition, and the said conduct causes the spectrum auction to derail.

Clause 24 The Applicant shall comply with the criteria, period, procedure, and conditions as prescribed in this Notification, and shall sign the Bidder's consent letter in Annex A to this Notification.

Clause 25 This Notification shall come into force from the day following the date of its publication in the Government Gazette.

Issued on the day of 16 September 2015

.....Signed.....

(ACM Thares Punsri)

Chairman of the National Broadcasting
and Telecommunications Commission

Annex A

List of Documents and Information to be submitted for License Application

The Annex of Notification of the National Broadcasting and Telecommunications Commission

Re: Criteria and Procedure for Spectrum Licensing for Telecommunications Service in the Frequency Band of 895 - 915 MHz/940 – 960 MHz

1. The Application forms for the 900 MHz Spectrum License, as attached to this Annex A, consist of:

- Form 1 Applicant Information and Documents Supporting License Application
- Form 2 Affirmation of the Applicant
- Form 3 Ownership and Control Report
- Form 4 Persons Entitled to Possess and Access Information of the Applicant for Spectrum License
- Form 5 Bidder's Consent Letter
- Form 6 Letter of Bank Guarantee

The Applicant shall submit Application Forms 1 - 5 when applying for the license. The Winning Bidders shall submit Application Form 6 together with the payment of the first installment of 900 MHz Spectrum auction fee within 90 days from the date it is notified in writing of being a Winning Bidder.

2. Documents for the consideration of the applicant's qualifications are as following:

2.1 Documents of the legal entity applying for the License:

- 1) Copy of the corporate registration certificate issued by the Ministry of Commerce for not longer than one month, and copy of the memorandum of association;
- 2) Copy of the certificate of corporate seal;
- 3) Copy of the Articles of Association as registered with the Ministry of Commerce;
- 4) Copy of the authorized signatories' identification cards and house registration certificate. In the case an authorized signatory is a foreigner, the copy of his or her passport shall be submitted instead;
- 5) Power of attorney and copies of the appointer's and appointee's identification cards and house registration certificates in case of authorization;
- 6) Document demonstrating or indicating the shareholding information of the Applicant that the Applicant is not a foreigner under the law on foreign business, issued by the Ministry of Commerce for not longer than three months from the issued date and the letter of Thai legal entity self-certification. The Applicant shall also certify that the Applicant still maintains status of Thai legal entity on the date of application submission in the case there is changes in shareholding structure which is significantly different from the above-mentioned document demonstrating or indicating the shareholding information.

2.2 Information supporting the consideration of the qualifications according to the ownership and control requirement:

- 1) Overview of the business of the Applicant and legal entities including parent companies, subsidiary companies, and associated companies of the Applicant, which is currently in

operation or is going to be operated (in the case that the company has not yet launched the business). In the case that there are many parent companies, subsidiary companies, and associated companies, the Applicant shall demonstrate the shareholding and ownership structure of the Applicant's group of companies, by explaining in writing, table, diagram, or chart;

2) Organization structure within the Applicant's company; showing sets of the director together with the responsibilities and name of directors, and showing the overall organization chart of the company which includes information on important executive positions by showing names with positions in the level of highest executives of the organization, second highest executives in each business department, and executives of the finance and accounting departments.

3. The prohibitions in accordance with the Commission's Notification regarding the Prescription of Prohibitions on Act Constituting Foreign Dominance B.E. 2555 (2012) with affirmation sign by authorized signatory that the Applicant shall not conduct any act that is contrary to any of the prescribed prohibitions.

4. Necessary documents and information required in granting the applicant of Type Three Telecommunication Business License, exclusive of those already submitted in Article 2 above.

4.1 Information of past services and business performance

1) In case the corporation was established more than one year ago:

1.1) Report on the provision of services of the Applicant for the past five years or for the years according to the Applicant's legal entity establishment which include;

(1) Nature and types of services

(2) Users and market shares

(3) Terms and service fees

(4) Service capacity and quality

(5) Scope of services

(6) Security measures for users

(7) Others, such as users' complaints

1.2) Revenue structure classified by service types;

1.3) Analyses or opinions considered beneficial to applicant's financial assessment;

1.4) Applicant's performance records for the past five years or for the years according to the Applicant's legal entity establishment.

2) In case the corporation was established less than one year ago:

2.1) Report on financial status and performance of the major shareholders of the legal entity applying for the License over the past three years (if any);

2.2) Corporate financial potential information, e.g.;

(1) Credit details approved by financial institutions

(2) Saving bank statements issued by financial institutions

3) Applicant must declare rights to benefits from assets relating to licensed telecommunications business, concessions or contracts by CAT Telecom Company Limited and TOT Company Limited or other government agencies.

4.2 Information on future service and investment plans

1) Service plans:

- 1.1) Nature and categories of services applying for license
- 1.2) Construction and system installation plans
- 1.3) Service offering plan of services applying for license
- 1.4) Marketing and competition policy and analysis
- 1.5) Scope of services
- 1.6) Service capacity and quality
- 1.7) Applicant's service development plan
- 1.8) Plan to ensure uninterrupted services, for example user complaints

service.

2) Investment and capital mobilization plans:

- 2.1) Executives' expertise
 - 2.2) Funding sources
 - 2.3) Financial projection parameters
 - 2.4) Financial projection
 - 2.5) Estimate of project's net present value, Return on Investment (ROI) and
- payback period
- 2.6) Sensitivity analysis
 - 2.7) Possible operating risk factors
 - 2.8) Applicant's business development plan
 - 2.9) Investment benefits on domestic industry and overall economy

4.3 Information on applicant's financial status

1) In case the corporation was established more than one year ago, the Applicant shall submit documents for the consideration for the past five years or for the years according to the Applicant's legal entity establishment, as the case may be, which include:

1.1) Audited Financial Report over the past years which include balance sheet, income statement, and cash flow statement;

1.2) Analysis or opinion considered beneficial to applicant's financial assessment that indicating the following financial ratios:

- (1) Liquidity ratios
- (2) Profitability ratios
- (3) Efficiency ratios
- (4) Financial policy ratios

2) In the case that the corporate established more than one year, the Applicant shall submit documents for the consideration as follows:

2.1) Report on financial status and performance of the major shareholders of the juristic entity applying for the License over the past three years (if any);

2.2) Corporate financial potential information, e.g.,

- (1) Credit details approved by financial institutions
- (2) Saving bank statement issued by financial institutions

4.4 Technical and technological information

- 1) Specify service area
- 2) Application for telecommunications number assignment
- 3) Technical Specifications
- 4) Network Architecture
- 5) Network Configurations
- 6) Network Elements
- 7) Information on usage and status of telecommunications network indicating details on frequencies, locations, routes for access and interconnections of the telecommunications network
- 8) Technological standards employment, system design and technical specifications of radiocommunications stations

4.5 Related service information

- 1) Proposal on emergency or disaster measures
- 2) Reference interconnection and access offer



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 1: Applicant Information and Documents Supporting License Application

Section 1: Information on the Applicant (Please supply complete details)

1.1	Legal Name of Applicant <i>(Full Legal Name as it appears on supporting documents)</i>	
1.2	Legal Form of Applicant <i>(Check the appropriate items below and append certified copies)</i>	
1.2.1	<input type="checkbox"/>	Limited Private Company
1.2.2	<input type="checkbox"/>	Limited Public Company
1.3	Address of Applicant	
1.3.1	Registered Address <i>(As given in the supporting documentation)</i>	
	Address	
	City/Province/Postal Code	
	Telephone No.	
	Fax No.	
	Email Address	
	Website	
1.3.2	Correspondence Address <i>(If different from item 1.3.1 above. If identical, leave blank.)</i>	
	Address	
	City/Province/Postal Code	
	Telephone No.	
	Fax No.	
	Email Address	

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 1: Applicant Information and Documents Supporting License Application

1.4	Authorized Person(s)	
1.4.1	Authorized Person (1st Person)	
	Name	
	Title within the Applicant	
	Telephone No.	
	Fax No.	
	Email Address	
1.4.2	Authorized Person (2nd Person)	
	Name	
	Title within the Applicant	
	Telephone No.	
	Fax No.	
	Email Address	
1.4.3	Authorized Person (3rd Person)	
	Name	
	Title within the Applicant	
	Telephone No.	
	Fax No.	
	Email Address	
1.5	Contact Person	
1.5.1	Primary Contact Person (designated person for coordination)	
	Contact Name	
	Contact Title within the Applicant	
	Telephone No.	
	Fax No.	
	Email Address	
1.5.2	Secondary Contact Person (designated person for coordination if the Primary Contact Person is unavailable)	
	Contact Name	
	Contact Title within the Applicant	
	Telephone No.	
	Fax No.	
	Email Address	

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 1: Applicant Information and Documents Supporting License Application

Section 2: Documents Supporting License Application

(Check the appropriate items below and append certified copies of the checked documents)

2.1	Documents for the consideration of the applicant's qualifications as prescribed in Clause 5
2.1.1	<p>Documents of the juristic entity</p> <p><input type="checkbox"/> Copy of the corporate registration certificate and copy of the memorandum of association</p> <p><input type="checkbox"/> Copy of the certificate of corporate seal</p> <p><input type="checkbox"/> Copy of the Articles of Association as registered with the Ministry of Commerce</p> <p><input type="checkbox"/> Copy of the authorized signatories' identification card and house registration certificate. In the case the authorized signatory is a foreigner, the copy of his or her passport shall be submitted instead</p> <p><input type="checkbox"/> Document demonstrating or indicating the shareholding information of the Applicant that the Applicant is not a foreigner under the law on foreign business, issued by the Ministry of Commerce for not longer than three months from the issued date and the letter of Thai juristic entity self-certification. The Applicant shall also certify that the Applicant still maintains status of Thai juristic entity on the date of application submission in the case there is changes in shareholding structure which is significantly different from the above-mentioned document demonstrating or indicating the shareholding information</p>
	<p>in case of authorization</p> <p><input type="checkbox"/> Power of attorney</p> <p><input type="checkbox"/> copies of the appointer's and appointee's identification cards and house registration certificates</p>
2.1.2	<input type="checkbox"/> Information supporting the consideration of the qualifications according to the ownership and control requirement (Application Form for Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz - Form 3: Ownership and Control Report)
2.1.3	<input type="checkbox"/> Information on persons entitled to possess and access information of the applicant for 900 MHz Spectrum License (Application Form for Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz - Form 4: Persons Entitled to Possess and Access Information of the Applicant for Spectrum License)
2.1.4	<input type="checkbox"/> Overview of the business of the Applicant and juristic entities that are parent company, subsidiary company, and associated company of the Applicant, which is currently in operation or is going to be operated (in the case that the company has not yet launch the business). In the case that there are many parent companies, subsidiary companies, and associated companies, the Applicant shall demonstrate the shareholding and ownership structure of the Applicant's group of companies, by explaining in writing, table, diagram, or chart.
2.1.5	<input type="checkbox"/> Organization structure within the Applicant's company; showing sets of the director together with the responsibilities and name of director, and showing the overall organization chart of the company which include information on important executive

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 1: Applicant Information and Documents Supporting License Application

	positions by showing names with positions in the level of highest executives of the organization, second highest executives in each business department, and executives of finance and accounting department.
2.2	Necessary documents and information required in granting the applicant of Type Three Telecommunication Business License
2.2.1	Information of past services and business performance
	<p>[...] In the case that the corporate established more than one year</p> <p>[...] Report on the provision of services of the Applicant for the past 5 years or for the years according to the Applicant's juristic entity establishment for years which include</p> <ul style="list-style-type: none"> [...] Nature and types of services [...] Users and market shares [...] Terms and service fees [...] Service capacity and quality [...] Scope of services [...] Security measures for users [...] Others, such as users' complaints <p>[...] Revenue structure classified by service types</p> <p>[...] Analysis or opinions considered beneficial to applicant's financial assessment</p> <p>[...] Applicant's performance records for the past 5 years or for the years according to the Applicant's juristic entity establishment for years</p> <p>[...] In the case that the corporate established less than one year</p> <p>[...] Report on financial status and performance of the major shareholders of the juristic entity applying for the License over the past three years (if any)</p> <ul style="list-style-type: none"> [...] Corporate financial potential information, e.g., [...] Credit details approved by financial institutions [...] Saving bank statements issued by financial institutions <p>[...] Applicant must declare rights to benefits from assets relating to licensed telecommunications business, concession or contract by CAT Telecom Company Limited and TOT Company Limited or other government agencies</p> <p>[...] Others include</p>
2.2.2	Information on future service and investment plans
	<p>[...] Service plans which include</p> <ul style="list-style-type: none"> [...] Nature and categories of services applying for license [...] Construction and system installation plans [...] Service offering plan of services applying for license [...] Marketing and competition policy and analysis [...] Scope of services [...] Service capacity and quality [...] Applicant's service development plan [...] Plan to ensure uninterrupted services, for example, user complaints service [...] Others includes

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Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 1: Applicant Information and Documents Supporting License Application

	<p>[...] Investment and capital mobilization plans which include</p> <ul style="list-style-type: none"> [...] Executives' expertise [...] Funding sources [...] Financial projection parameters [...] Financial projection [...] Estimate of project's net present value, Return On Investment (ROI) and payback period [...] Sensitivity analysis [...] Possible operating risk factors [...] Applicant's business development plan [...] Investment benefits on domestic industry and overall economy [...] Others include
<p>2.2.3</p>	<p>Information on applicant's financial status</p> <p>[...] In the case that the corporate established more than one year, the Applicant shall submit documents for the consideration for the past 5 years or for the years according to the Applicant's juristic entity establishment, as the case may be, which include</p> <ul style="list-style-type: none"> [...] Audited Financial Report over the past 5 years or for the years according to the Applicant's juristic entity establishment for years, which include balance sheet, income statement, and cash flow statement [...] Analysis or opinion considered beneficial to applicant's financial assessment that indicating the following financial ratios <ul style="list-style-type: none"> [...] Liquidity ratios [...] Profitability ratios [...] Efficiency ratios [...] Financial policy ratios [...] Others include <p>[...] In the case that the corporate established more than one year, the Applicant shall submit documents for the consideration as follows</p> <ul style="list-style-type: none"> [...] Report on financial status and performance of the major shareholders of the juristic entity applying for the License over the past three years (if any) [...] Corporate financial potential information, e.g., <ul style="list-style-type: none"> [...] Credit details approved by financial institutions [...] Saving bank statement issued by financial institutions [...] Others include
<p>2.2.4</p>	<p>Technical and technological information</p> <ul style="list-style-type: none"> [...] Specify service area [...] Application for telecommunications number assignment [...] Technical Specifications [...] Network Architecture [...] Network Configurations [...] Network Elements [...] Information on usage and status of telecommunications network indicating details on

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 1: Applicant Information and Documents Supporting License Application

	<p>frequencies, locations, routes for access and interconnections of the telecommunications network</p> <p>[...] Technological standards employment, system design and technical specifications of radiocommunications stations</p> <p>[...] Others include</p>
2.2.5	<p>Related service information</p> <p>[...] Proposal on emergency or disaster measures</p> <p>[...] Reference interconnection and access offer</p> <p>[...] Others include</p>

Applicant's Affirmation in the Application Submission

1)	We hereby certify that we have read and understood the criteria and procedure under the Notification of the National Broadcasting and Telecommunications Commission regarding the Criteria and Procedure for Spectrum Licensing for Telecommunications Service in the Frequency Band of 895 - 915 MHz/940 - 960 MHz, and agree to comply unconditionally with all provisions prescribed therein.
2)	We hereby certify that all information filled in this Application Form and accompanying supporting documents are true and complete in all respects.
3)	If it is subsequently found that we have failed to meet any of the qualifications or have forged the document/s or given false statement/s in order to be approved by the Commission as qualified Applicant, we agree to have our License revoked or terminated forthwith by the Commission.
4)	We agree that information shown in this document will be used in consideration of the 900 MHz Spectrum Licensing only, and the Office shall reserve the right to submit the said information to the third party who is assigned by the Office to assess the information in accordance with the criteria and procedure for 900 MHz Spectrum Licensing and other relevant criteria.

Signature..... Authorized person acting for the corporate (1st Person)

(.....)

Date/Month/Year

Signature Authorized person acting for the corporate (2nd Person)

(.....)

Date/Month/Year

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 1: Applicant Information and Documents Supporting License Application

Signature Authorized person acting for the corporate (3rd Person)

(.....)

Date/Month/Year

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 2: Affirmation of the Licensee

1.	Legal Name of Applicant <i>(Full Legal Name as it appears on supporting documents)</i>
2.	We, hereby, certify that we fully possess the Applicant's qualifications prescribed in Clause 5 of the Commission's Notification Regarding the Criteria and Procedure for Spectrum Licensing for Telecommunications Service in the Frequency Band of 895 - 915 MHz/940 - 960 MHz, as follows:
2.1	<input type="checkbox"/> being a juristic person in the type of a limited company or public limited company established under Thai law.
2.2	<input type="checkbox"/> having the qualifications as stipulated in Section 8 of the Telecommunications Business act B.E.2544 (2001) and its amendment as follows: [] not being a foreigner under the law on foreign business. [] The Applicant shall prescribe the prohibitions in accordance with the Commission's Notification regarding the Prescription of Prohibitions on Acts Constituting Foreign Dominance B.E. 2012 (2555) together with affirmation sign by authorized signatory that the Applicant shall not conduct any act that is contrary to any of the prescribed prohibitions. [] not being a bankrupt. [] never have a telecommunications business license revoked. [] the directors, managers or persons in authority of the applicant shall not be a person sentenced by a final judgement for an offence committed under this Act, or under the law on telegraph and telephone, the law on radiocommunication or the law on consumer protection during two years period prior to the date of submitting the application. [] have an investment plan and efficient telecommunications service plan. [] possess the qualifications and shall not be under any prohibition prescribed by the Commission for the application of Type Three Telecommunications Business License under Section 7 of the Telecommunications Business Act B.E. 2544 (2001) and its amendments.
2.3	<input type="checkbox"/> having the qualifications and shall not possess the prohibited characteristics as prescribed in Clause 3 of the National Telecommunications Commission's Notification Regarding Criteria and Procedure for Granting Type Three Telecommunications Business License as follows: [] Being a juristic person registered under the Thai law.

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 2: Affirmation of the Licensee

	<p><input type="checkbox"/> Not being placed under a receivership or reorganization order by a court under the bankruptcy law, resulting in an appointment of creditor or third party to replace the original board of directors; and not being a person undergoing insolvency process or having been sentenced in a court of law.</p> <p><input type="checkbox"/> Not having been sentenced and having his or her property confiscated by a court order, whatsoever, for the execution of a judgment by provisions of the Civil Procedure Law on the execution of judgments by a court verdict or court order.</p> <p><input type="checkbox"/> The directors, managers or individuals responsible for the operation of the applicant corporate shall not be a person on the Stock Exchange of Thailand's list of unsuitable administrators pursuant to its regulations.</p> <p><input type="checkbox"/> The directors, managers or individuals responsible for the operation of the applicant corporate shall not have been in charge of similar duties for any corporate whose telecommunication business license had been revoked by the Commission.</p> <p><input type="checkbox"/> License applicants, directors, managers or individuals with competent authority for the management of applicants' business shall never have been convicted by a court judgment, during the two-year period prior to the application submission date, for violation of the Competition Law, Information Law or Intellectual Property Law, and shall not have committed basic offences under the Money Laundering Control law or any offences related to the officials under the Criminal Code and offences relating to the law on government project bidding or any other offences under the organic law on corruption prevention and suppression.</p>
2.4	<p><input type="checkbox"/> have no connection with other Applicant(s) by means of being the major shareholder, subsidiary company, associated company or person in authority or a controlled entity or related entity or have cross-shareholding with other Applicant(s). An exception shall be made in the case of being related due to relationship as the entity who grants or is granted authorization, concession or contract under Section 80 of the Telecommunications Business Act B.E. 2544 (2001), whereby the consideration shall be in accordance with the provisions in Clause 2 of the National Telecommunications Commission's Notification regarding Criteria and Method of Merger & Acquisition and Cross-Shareholding in Telecommunication Business B.E. 2553 (2010).</p>
3.	The affirmation of the prohibitions for the act having nature of foreign dominance
	<p><input type="checkbox"/> We have prescribed the prohibitions for the act having nature of foreign dominance and certify that shall not conduct any act that that is contrary to any of the prescribed prohibitions, as specified in the Commission's Notification regarding the Prescription of Prohibitions for Acts Constituting Foreign Dominance B.E. 2012 (2555). Herewith, we append prohibitions for the act having nature of foreign dominance in which our juristic</p>

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 2: Affirmation of the Licensee

	entity has prescribed in accordance with all clauses of guidelines specified in the annex to the Commission's Notification regarding the Prescription of Prohibitions for the Act having Nature of Foreign Dominance B.E. 2012 (2555) and signed by authorized signatory that we shall not conduct any act that is contrary to any of the prescribed prohibitions.
4.	The affirmation in accordance with measures for restricting the collusion behaviour
4.1	<p><input type="checkbox"/> We hereby certify that we, our representatives and relating parties shall comply with the following rules:</p> <p>[] The Applicants shall be prohibited from any kinds of communication among each other in the nature of exposing or exchanging confidential information, or any information with regard to spectrum licensing, from the date of the application submission until the time of auction result announcement on the day the auction ends.</p> <p>[] The Applicant shall not conduct any act having the following natures:</p> <ol style="list-style-type: none">(1) Mutually agree on a bid with other applicant(s), with an objective to benefit any person to be eligible for the License, thus avoiding a fair bid competition;(2) Give, ask to give or agree to give money or assets or any other benefit to others for an advantage in the auction with an objective to persuade that person to cooperate with any act that shall benefit any person to be eligible for the License, or to persuade a person to bid at a high or low price that is obviously an unconventional bid, or to persuade a person not submit a bid or to withdraw a bid or to not become an Applicant or a Bidder in the auction;(3) Coerce others to unwillingly cooperate with any act in a bid, or not to submit a bid, or to withdraw a bid, or have to bid as specified, by violence or threat with any mean, causing others to fear of physical harm to their life, physique, liberty, reputation, or property of the threatened person or third party, until that coerced person does as told;(4) Use deception or any other act to cause others not to have a chance to bid fairly, or to bid mistakenly;(5) Fraudulently submit a bid to the Office with the knowledge that the bid is abnormally high or low and can be obviously perceived as an unconventional bid, having an objective to deprive fair price competition, and the said conduct causes the spectrum auction to derail.
5.	The affirmation on the preparation of the Corporate Social Responsibility (CSR) plan
	<p><input type="checkbox"/> We hereby certify that when obtained a Spectrum License, we agree to prepare and act in accordance with the Corporate Social Responsibility (CSR) plan as approved by the Commission</p>

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 2: Affirmation of the Licensee

Applicant's Affirmation in the Application Submission

- | | |
|----|--|
| 1) | We hereby certify that we have read and understood the criteria and procedure under the Notification of the National Broadcasting and Telecommunications Commission regarding the Criteria and Procedure for Spectrum Licensing for Telecommunications Service in the Frequency Band of 895 - 915 MHz/940 - 960 MHz, and agree to comply unconditionally with all provisions prescribed therein. |
| 2) | We hereby certify that all information filled in this Application Form and accompanying supporting documents are true and complete in all respects. |
| 3) | If it is subsequently found that we have failed to meet any of the qualifications or have forged the document/s or given false statement/s in order to be approved by the Commission as qualified Applicant, we agree to have our License revoked or terminated forthwith by the Commission. |
| 4) | We agree that information shown in this document will be used in consideration of the 900 MHz Spectrum Licensing only, and the Office shall reserve the right to submit the said information to the third party who is assigned by the Office to assess the information in accordance with the criteria and procedure for 900 MHz Spectrum Licensing and other relevant criteria. |

Signature..... Authorized person acting for the corporate (1st Person)

(.....)

Date/Month/Year

Signature Authorized person acting for the corporate (2nd Person)

(.....)

Date/Month/Year

Signature Authorized person acting for the corporate (3rd Person)

(.....)

Date/Month/Year

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

1.	Legal Name of Applicant <i>(Full Legal Name as it appears on supporting documents)</i>
2.	Proportion of Shareholding in the Applicant
2.1	First-Tier Shareholder (Shareholder of the Applicant)
	<p>1) Please specify names of the shareholders, their shareholding proportion and voting share proportion. Shareholdings each of less than 1% might be aggregated as ‘others’ and are not to be individually specified. Note that the ownership percentages given below must add up to 100%. The information given here must be consistent with the supporting documents filed. Where there are discrepancies thereof, please provide written explanation and attach applicable documentation with your application.</p> <p>2) The voting shares shall include the shares held by related parties by using the definition of ‘Related Parties of the Licensee’ under the Notification of the NTC regarding Criteria and Procedure for Mergers and Cross-shareholdings in Telecommunications Business B.E. 2553 (2010), Clause 2 (12), as the explanation for the term ‘Related Parties of the Applicant’.</p> <p>“Related Parties of the Applicant” refer to the following persons or partnerships related to the shareholder of the Applicant:</p> <ul style="list-style-type: none">(1) Spouse of the said shareholder; or(2) Minor child of the said shareholder; or(3) Ordinary partnership of which the said shareholder or person in (1) or (2) is a partner; or(4) Limited partnership of which the said shareholder or person in (1) or (2) is a partner with unlimited liability or a partner with limited liability altogether holding 30% or more of total shares of that limited partnership; or(5) Limited company or limited public company in which the said shareholder or person in (1) or (2) or partnership in (3) or (4) altogether hold 30% or more of total paid-up shares of that company; or(6) Limited company or limited public company in which the said shareholder or person in (1) or (2) or partnership in (3) or (4) or company in (5) altogether hold 30% or more of total paid-up shares of that company; or(7) Juristic entity in which the said shareholder has the management power in capacity as its representative. <p>3) The major shareholder of the Applicant means the shareholder of the Applicant in the amount of 10% or more of the Applicant’s total voting shares, including the shares held by related parties of the Applicant.</p>

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

	First-Tier Shareholder [Full name as appearing in the supporting documents]	Ownership [% (2 decimal digits)]	
		Total Shares	Voting Shares Including Shares Held by Related Parties
2.1.1			
2.1.2			
2.1.3			
2.1.4			
2.1.5			
2.1.6			
2.1.7			
2.1.8			
Total		100%	100%

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

2.2 Second-Tier Shareholder (Shareholder of the First-Tier Shareholder)

In case the first-tier shareholder is a juristic entity and holds shares or voting shares, including the shares held by related parties of the Applicant, in the amount of 10% or more of total shares or total voting rights, please provide details of shareholders of the said first-tier shareholder, using the instruction given in Table 2.1

	First-Tier Shareholder [as specified in 2.1]		Second-Tier Shareholder (for total shares)	Ownership [% (2 decimal digits)]	
	For Total Shares	For Voting Shares Including Shares Held by Related Parties		Total shares	Voting Shares Including Shares Held by Related Parties
2.2.1					
2.2.2					
2.2.3					
2.2.4					
2.2.5					
2.2.6					
2.2.7					
2.2.8					

[Please add as many additional rows as required to fully fill the information.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

2.3 First-Tier Shareholder (Shareholder of the Applicant)

Please specify names of the shareholders, their ownership proportion, which shall include shares held by the related parties of the shareholders, and their voting share proportion. Shareholdings each of less than 1% might be aggregated as 'others' and are not to be individually specified. Note that the ownership percentages given below must add up to 100%.

	First-Tier Shareholder [based on ownership proportion]	Type of Business/Occupation	Ownership [% (2 decimal digits)]	
			Total Shares Including Shares Held by Related Parties	Total Shares Including Shares Held by Related Parties
2.3.1				
2.3.2				
2.3.3				
2.3.4				
2.3.5				
2.3.6				
2.3.7				
2.3.8				
2.3.9				
2.3.10				
[Please add as many additional rows as required to fully state applicant's current ownership.]				
Total			100%	100%

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

2.4 Second-Tier Shareholder (Shareholder of the First-Tier Shareholder)

In case the first-tier shareholder is a juristic entity and holds shares, including the shares held by related parties, in the amount of 50% or more of total shares, including shares held by related parties, of the Applicant or holds voting shares in the amount of 50% or more of total voting rights in the Applicant, please provide details of shareholders of the said first-tier shareholder, using the instruction given in Table 2.3.

	First-Tier Shareholder [As listed in 2.3]		Second-Tier Shareholder (For total shares)			Ownership [% (2 decimal digits)]	
	Based on Ownership Proportion	Based on Voting Right Proportion	Based on Ownership Proportion	Based on Ownership Proportion	Based on Voting Right Proportion	Based on Ownership Proportion	Based on Ownership Proportion
2.4.1							
2.4.2							
2.4.3							
2.4.4							
2.4.5							
2.4.6							
2.4.7							

[Please add as many additional rows as required to fully fill the information.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

2.5 Third-Tier Shareholder (Shareholder of the Second-Tier Shareholder)

In case the second-tier shareholder is a juristic entity and holds shares, including the shares held by related parties, in the amount of 50% or more of total shares, including shares held by related parties, of the first-tier shareholder or holds voting shares in the amount of 50% or more of total voting rights in the first-tier shareholder, please provide details of shareholders of the said second-tier shareholder, using the instruction given in Table 2.3.

	Second-Tier Shareholder [As listed in 2.4]		Third-Tier Shareholder			Ownership [% (2 decimal digits)]	
	Based on Ownership Proportion	Based on Voting Right Proportion	Based on Ownership Proportion	Based on Voting Right Proportion	Type of Business/Occupation	Total Shares Including Shares Held by Related Parties	% of Voting Shares Owned to Total Voting Rights
2.5.1							
2.5.2							
2.5.3							
2.5.4							
2.5.5							
2.5.6							

[Please add as many additional rows as required to fully fill the information.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

Note:

1. In case any third-tier shareholder is a juristic entity and holds shares, including the shares held by related parties, in the amount of 50% or more in the third-tier shareholder, or holds voting shares in the amount of 50% or more in the third-tier shareholder, please provide details of shareholders of the third-tier shareholder, adhering to Table 2.4 mutatis mutandis.
2. In case any shareholder of the shareholder in the subsequent tiers holds shares, including the shares held by related parties, in the amount of 50% or more of total shares, or holds voting shares in the amount of 50% or more of total voting rights, the Applicant must provide details of shareholders, adhering to Table 2.4, of all subsequent tiers of the shareholders with the shareholding, including the shares held by related parties, of 50% or more of total shares, or voting shares in the amount of 50% or more of total voting rights.
3. The type of business or occupation shall be disclosed at least through to the third-tier shareholder. For individual persons, their occupation shall be disclosed on a best efforts basis.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3. Relationship with other juristic entities

3.1 Cross-shareholding with Other Entities

Cross-shareholding refers to the Applicant having cross-shareholding with other two entities or more for the purpose of creating a business alliance or a corporate structure of such company, partnership or juristic entity, particularly by way of one company having a major ownership in another entities or by way of a network of businesses with a company, partnership or entity controlling the financial management policy.

The cross-shareholding as in the first paragraph must be the shareholding that causes one entity to have control over the other company, irrespective of the amount of the cross-shareholding, whereby such control may be acquired either directly or indirectly in an unbroken chain of shareholding or control of other entities through to the entity that is a shareholder of the other entity that is controlled.

The control of the Applicant in another entity shall include:

- 1) The Applicant holding shares totaling 50% or more of total voting rights of, in case of direct control, the immediate controlled entity or, in case of indirect control, the intermediate controlled entity acquired by an unbroken chain of ownership through to the entity that is a shareholder of the immediate controlled entity; or
- 2) The Applicant nominating or likely to nominate a significant number of directors to control the management or operation of the controlled entity or the entity acquired by an unbroken chain of ownership through to the entity that is a shareholder of the controlled entity.

*Pursuant to the NTC Notification regarding Criteria and Procedure for Merger and Cross-Shareholding in Telecommunications Business B.E. 2553 (2010), Clause 2 (8).

Declaration of Information The Applicant shall declare the cross-shareholding in other juristic entities in terms of the nature of cross-shareholding, proportion of the cross-shareholding, and type of business of the entities with cross-shareholding. The Applicant must certify as to whether it acquires control in any other entity/ies.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

	Name of Entities in Which the Applicant Acquires Cross-Shareholding Directly and Indirectly (A)	Details of Cross-Shareholding				Control in Juristic Entity [Based on definition of cross-shareholding in Clause 2] (Check (✓) where applicable)		
		Nature of Cross-Shareholding (Direct or Indirect)	Ownership [% (2 decimal digits)]		% of Voting Shares Owned to Total Voting Rights [% (2 decimal digits)]		Director Nomination	Likelihood of Director Nomination
			Applicant's Ownership in (A)	(A)'s Ownership in the Applicant	Applicant's Ownership in (A)	(A)'s Ownership in the Applicant		
3.1.1								
3.1.2								
3.1.3								
3.1.4								
3.1.5								
3.1.6								
3.1.7								
3.1.8								
3.1.9								
3.1.10								
3.1.11								

[Please add as many additional rows as required to fully state applicant's current ownership.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.2 Subsidiary Company of the Applicant

Subsidiary company of the Applicant refers to:

- 1) A juristic entity in which the Applicant holds 50% or more of total voting shares of that entity;
- 2) A juristic entity in which the entity in 1) holds 50% or more of total voting shares of that entity;
- 3) A juristic entity acquired in an unbroken chain of ownership, starting with the shareholding by juristic entity in (9.2) in another entity, whereby the amount of shareholding in each tier is 50% or more of total voting shares of the acquired entity;
- 4) A juristic entity in which the Applicant or the entities in 1), 2) or 3) hold, directly or indirectly, an aggregate of 50% or more of total voting shares of the acquired entity;
- 5) A juristic entity in which the Applicant or the entities in 1), 2), 3) or 4) have control over the financial and operational policy in order to reap benefits from activities of that entity.

The ownership of the Applicant or the entities in 1), 2), 3) or 4) shall include the shares held by related parties.

* Pursuant to the NTC Notification regarding Criteria and Procedure for Merger and Cross-Shareholding in Telecommunications Business B.E. 2553 (2010), Clause 2 (9).

Declaration of Information The Applicant shall provide details of the subsidiary company in terms of the nature of business of the subsidiary company or the proportion of the voting shareholding, or the nature of relationship defining it as a subsidiary company of the Applicant, or the level of control through director nomination or likelihood of director nomination.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

	Name [Subsidiary company as defined]	Type of Business [Description of business]	% of Voting Shares Held [2 decimal digits] or Relationship	Control in Juristic Entity (Check (✓) where applicable)	
				Director Nomination	Likelihood of Director Nomination
3.2.1					
3.2.2					
3.2.3					
3.2.4					
3.2.5					
3.2.6					
3.2.7					
3.2.8					
3.2.9					
3.2.10					

[Please add as many additional rows as required to fully fill the information.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.3 Associated Company of the Applicant

Associated company of the Applicant refers to:

- 1) A juristic entity in which the Applicant or its subsidiary company holds an aggregate of 20% but not exceeding 50% of total voting shares of that entity;
- 2) A juristic entity in which the Applicant or its subsidiary company has power to participate in decision-making on the financial and operational policy, but not to the extent to control the said policy, and which is not deemed as a subsidiary company or a joint venture company.

The shareholding of the Applicant or the subsidiary company shall include the shares held by related parties.

* Pursuant to the NTC Notification regarding Criteria and Procedure for Merger and Cross-Shareholding in Telecommunications Business B.E. 2553 (2010), Clause 2 (10).

Declaration of Information The Applicant shall provide details of the associated company in terms of the nature of business of the associated company, or the proportion of the shareholding, or the nature of relationship defining it as an associated company of the Applicant, or the level of control through director nomination or likelihood of director nomination.

	Name [Full name as appearing in the supporting documents]	Type of Business [Description of business]	% of Voting Shares Held [2 decimal digits] or Relationship	Control in Juristic Entity (Check (✓) where applicable)	
				Director Nomination	Likelihood of Director Nomination
3.2.1					
3.2.2					
3.2.3					

[Please add as many additional rows as required to fully state applicant's current ownership.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4 Connected Transaction

“Connected Transaction” refers to the definition of “Person with competent authority of the Applicant” Pursuant to the NTC Notification regarding Criteria and Procedure for Merger and Cross-Shareholding in Telecommunications Business B.E. 2553 (2010), Clause 2 (13).

“Person with competent authority of the Applicant” refers to a shareholder or other person who, by his conduct, has material influence on the policy making, management or operation of the Applicant, whether or not such influence arises from his shareholding or authority delegated to him under an agreement or any other act, including particularly a person falling under any of the following characteristics:

1. Person having vote rights, either directly or indirectly, in an amount of 25% or more of total voting shares of the Applicant;
2. Person who, by his conduct, can control the appointment or removal of director/s of the Applicant;
3. Person who, by his conduct, can control the person in charge of the policy making, management or operation of the Applicant to act according to his order in relation to the policy making, management or operation of the Applicant;
4. Person, who by his conduct, undertakes, or is responsible for, the operation of the Applicant similar to an executive, including person in a position with power and duty similar to such person of the Applicant.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.1 Applicant directly owns shares in a juristic entity which is a limited public company and a limited company.

Name of Juristic Entities in Which the Applicant Directly Owns Shares

Name of Juristic Entities in Which the Applicant Directly Owns Shares	% of Shares Owned to Total Shares Including Shares Held by Related Parties (Specify every level of shareholding by the Applicant)	% of Voting Shares Owned to Total Voting Rights (Only in case of the Applicant holding shares and voting rights for 50% or more of total voting rights)

[Please add as many additional rows as required to fully state applicant's current ownership.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.2 Applicant indirectly owns shares in a juristic entity which is a limited public company and a limited company.

Juristic Entities in Which the Applicant Owns 50% or More of Total Shares (First Tier)		Juristic Entities in Which First-Tier Shareholder Owns 50% or More of Total Shares (Second Tier)		Juristic Entities in Which Second-Tier Shareholder Owns 50% or More of Total Shares (Third Tier)	
Name	% Ownership (Including shares held by related parties)	Name	% Ownership (Including shares held by related parties)	Name	% Ownership (Including shares held by related parties)
1.		1.		1.	
		2.		2.	
2.		1.		1.	
		2.		2.	

[Please add as many additional rows as required to fully state applicant's current ownership.]

Note: Where the Applicant owns shares through intermediate entities in an unbroken chain beyond the third tier, please give details of all tiers through to the tier that lastly reflects the ownership of 50% or more of the entity in the immediately preceding tier.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.3 Applicant indirectly owns shares and voting rights in a juristic entity which is a limited public company and a limited company.

Juristic Entities in Which the Applicant Owns Shares and Voting Rights for 50% or More of Total Voting Rights (First Tier)		Juristic Entities in Which First-Tier Shareholder Owns Shares and Voting Rights for 50% or More of Total Voting Rights (Second Tier)		Juristic Entities in Which Second-Tier Shareholder Owns Shares and Voting Rights for 50% or More of Total Voting Rights (Third Tier)	
Name	% Voting Rights Owned to Total Voting Rights	Name	% Voting Rights Owned to Total Voting Rights	Name	% Voting Rights Owned to Total Voting Rights
1.		1.		1.	
				2.	
		2.		1.	
				2.	
2.		1.		1.	
				2.	
		2.		1.	
				2.	

[Please add as many additional rows as required to fully state applicant's current ownership.]

Note: Where the Applicant owns shares and voting rights through intermediate entities in an unbroken chain beyond the third tier, please give details of all tiers through to the tier that lastly reflects the ownership and voting rights of 50% or more of the entity in the immediately preceding tier.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.4 Applicant nominates or is likely to nominate a significant number of directors to control the management or operation of a juristic entity which is a limited public company and a limited company.

Juristic entities which are a limited public company and a limited company and in which the Applicant nominates or is likely to nominate a significant number of directors to control the management or operation

Name of Juristic Entity	Name of Individual Person	Nature of Management or Operational Control by Such Person

[Please add as many additional rows as required to fully fill the information.]

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.5 Applicant nominates or is likely to nominate a significant number of directors to control the management or operation of a juristic entity which is a limited public company and a limited company connected in an unbroken chain of ownership

Juristic entity in which the Applicant owns shares and nominates or is likely to nominate a significant number of directors to control the management or operation (First Tier)			Juristic entity in which the first-tier shareholder owns shares and nominates or is likely to nominate a significant number of directors to control the management or operation (Second Tier)			Juristic entity in which the second-tier shareholder owns shares and nominates or is likely to nominate a significant number of directors to control the management or operation (Third Tier)		
Name of Juristic Entity	Name of Individual Person	Position/Conduct	Name of Juristic Entity	Name of Individual Person	Position/Conduct	Name of Juristic Entity	Name of Individual Person	Position/Conduct
1.			1.			1.		
						2.		
			2.			1.		
						2.		

[Please add as many additional rows as required to fully fill the information.]

Note: Where the Applicant owns shares through intermediate entities in an unbroken chain beyond the third tier, please give details of all tiers through to the last tier.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.6	Person with competent authority of the Applicant owns shares directly in a juristic entity which is a limited public company and a limited company.	
Person with competent authority of the Applicant		Description of person with competent authority of the Applicant (As defined in the NTC Notification regarding Criteria and Procedure for Merger and Cross-Shareholding in Telecommunications Business B.E. 2553 (2010), Clause 2 (13))
1) 2) 3) 4) [Please add as many additional rows as required to fully fill the information.]	1. Person who has voting rights, directly or indirectly, in an amount of 25% or more of total voting shares of the Applicant	
1) 2) 3) 4) [Please add as many additional rows as required to fully fill the information.]	2. Person who, by his conduct, can control the appointment or removal of director/s of the Applicant	

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

Person with competent authority of the Applicant	Description of person with competent authority of the Applicant (As defined in the NTC Notification regarding Criteria and Procedure for Merger and Cross-Shareholding in Telecommunications Business B.E. 2553 (2010), Clause 2 (13))
1) 2) 3) 4) [Please add as many additional rows as required to fully fill the information.]	3. Person who, by his conduct, can control the person in charge of the policy making, management or operation of the Applicant to act according to his order in relation to the policy making, management or operation of the Applicant
1) 2) 3) 4) [Please add as many additional rows as required to fully fill the information.]	4. Person, who by his conduct, undertakes, or is responsible for, the operation of the Applicant similar to an executive, including person in a position with power and duty similar to such person of the Applicant

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.7	Person with competent authority of the Applicant nominates or is likely to nominate a significant number of directors to control the management or operation of a juristic entity which is a limited public company and a limited company.		
Person with competent authority of the Applicant	Juristic entity in which the person with competent authority of the Applicant nominates or is likely to nominate a significant number of directors to control the management or operation		
	Name of juristic entity	Name of individual person	Likelihood of management or operational control
1.	1.		
	2.		
2.	1.		
	2.		
3.	1.		
	2.		
4.	1.		
	2.		
5.	1.		
	2.		
6.	1.		
	2.		
[Please add as many additional rows as required to fully fill the information.]			

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

3.4.8 Person with competent authority of the Applicant nominates or is likely to nominate a significant number of directors to control the management or operation of a juristic entity which is a limited public company and a limited company connected in an unbroken chain of ownership

Person with competent authority of the Applicant	Juristic entity in which person with competent authority of the Applicant owns shares and nominates or is likely to nominate a significant number of directors to control the management or operation (First Tier)			Juristic entity in which the first-tier shareholder owns shares and nominates or is likely to nominate a significant number of directors to control the management or operation (Second Tier)			Juristic entity in which the second-tier shareholder owns shares and nominates or is likely to nominate a significant number of directors to control the management or operation (Third Tier)		
	Name of Juristic Entity	Name of Individual Person	Position/Conduct	Name of Juristic Entity	Name of Individual Person	Position/Conduct	Name of Juristic Entity	Name of Individual Person	Position/Conduct
1.	1.			1.			1.		
				2.			2.		
	2.			1.			1.		
				2.			2.		

[Please add as many additional rows as required to fully fill the information.]

Note: Where the Applicant owns shares through intermediate entities in an unbroken chain beyond the third tier, please give details of all tiers through to the last tier.

I hereby certify that all above information is true in all respects. Signature



Application Form

Spectrum Licensing for Telecommunications Service in the Frequency Band of 900 MHz

Form 3 Ownership and Control Report

4. Applicant's Affirmation in the Application Submission

- 1) We hereby certify that we have read and understood the criteria and procedure under the Notification of the National Broadcasting and Telecommunications Commission regarding the Criteria and Procedure for Spectrum Licensing for Telecommunications Service in the Frequency Band of 895 - 915 MHz/940 - 960 MHz, and agree to comply unconditionally with all provisions prescribed therein.
- 2) We hereby certify that all information filled in this Application Form and accompanying supporting documents are true and complete in all respects.
- 3) If it is subsequently found that we have failed to meet any of the qualifications or have forged the document/s or given false statement/s in order to be approved by the Commission as qualified Applicant, we agree to have our License revoked or terminated forthwith by the Commission.
- 4) We agree that information shown in this document will be used in consideration of the 900 MHz Spectrum Licensing only, and the Office shall reserve the right to submit the said information to the third party who is assigned by the Office to assess the information in accordance with the criteria and procedure for 900 MHz Spectrum Licensing and other relevant criteria.

Signature Authorized person acting for the corporate (2nd Person)

(.....)

Date/Month/Year

Signature Authorized person acting for the corporate (3rd Person)

(.....)

Date/Month/Year

Signature Authorized person acting for the corporate (2nd Person)

(.....)

Date/Month/Year

I hereby certify that all above information is true in all respects. Signature



Application Form
Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz

Form 4: Persons Entitled to Possess and Access Information of the Applicant for Spectrum License

1.	Legal Name of Applicant <i>(Full Legal Name as it appears on supporting documents)</i>			
2.	Authorized Persons			
<p>State here all persons whom the Applicant has authorized to have access to non-public information about any aspect of the Applicant's participation in the award process, including but not limited to the auction process.</p> <p>Note that this listing must include persons not employed by, or not holding formal positions with the Applicant, such as accountants, auditors, financial advisors and the like, where such persons are authorized recipients of non-public information on the Applicant's participation in the 900 MHz Spectrum Licensing.</p>				
	Name	Occupation	Role	Organization
	(full name of individual)	(state primary occupation)	(functional role in bid)	(full organization or entity name if not Applicant)
1)				
2)				
3)				
4)				
5)				
6)				
7)				
8)				
9)				
10)				

I hereby certify that all above information is true in all respects. Signature



Application Form
Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz

Form 4: Persons Entitled to Possess and Access Information of the Applicant for Spectrum License

3.	Documents Attached
3.1	Please append certified copies of the following documents of each authorized person <ul style="list-style-type: none"> ▪ Power of attorney ▪ copies of the appointer's and appointee's identification cards and house registration certificates

4.	Applicant's Affirmation in the Application Submission
1)	We hereby certify that we have read and understood the criteria and procedure under the Notification of the National Broadcasting and Telecommunications Commission regarding the Criteria and Procedure for Spectrum Licensing for Telecommunications Service in the Frequency Band of 895 - 915 MHz/940 - 960 MHz, and agree to comply unconditionally with all provisions prescribed therein.
2)	We hereby certify that all information filled in this Application Form and accompanying supporting documents are true and complete in all respects.
3)	If it is subsequently found that we have failed to meet any of the qualifications or have forged the document/s or given false statement/s in order to be approved by the Commission as qualified Applicant, we agree to have our License revoked or terminated forthwith by the Commission.
4)	We agree that information shown in this document will be used in consideration of the 900 MHz Spectrum Licensing only, and the Office shall reserve the right to submit the said information to the third party who is assigned by the Office to assess the information in accordance with the criteria and procedure for 900 MHz Spectrum Licensing and other relevant criteria.

Signature.....Authorized person acting for the corporate (1st Person)
 (.....)
 Date/Month/Year

Signature Authorized person acting for the corporate (2nd Person)
 (.....)
 Date/Month/Year

Signature Authorized person acting for the corporate (3rd Person)
 (.....)
 Date/Month/Year

I hereby certify that all above information is true in all respects. Signature



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 5: Consent Letter of Applicant

Consent Letter of Applicant

To be in accordance with Section 45 of the Act on Organization to Assign Radio Frequency and to Regulate the Broadcasting and Telecommunications Services B.E. 2553 (2010) and the Notification of the National Broadcasting and Telecommunications Commission Re: Criteria and Procedure for Spectrum Licensing for Telecommunications Service in the Frequency Band of 895 – 915 MHz/940 – 960 MHz (“Notification”) which requires the National Broadcasting and Telecommunications Commission (“the Commission”) to determine and define rules governing the granting of license by means of Auction method, to conduct the Auction properly with transparent management of information, and to assign the national telecommunications resource to meet the benefit of public interest and to ensure free and fair competition, the Commission has therefore prepared a consent letter of Applicant to set out appropriate practices for the Applicant as follows:

Clause 1 Persons obliged by the consent letter

Persons to be obliged by this consent letter are the Applicant which include representatives, persons entitled to possess and access information, as well as the Applicant’s related persons regardless of the nature of relationship between the Applicant and related persons. The said relationship may be implicit or explicit, in written or unwritten form. The Applicant shall, subject to this consent letter, be responsible for any act conducted by the said persons, e.g. staff, employees and consultants of the Applicant.

Clause 2 Confidential Information

2.1 Confidential information according to this consent letter shall mean:

- a) Information relating to Auction value;
- b) Information relating to price;
- c) Information relating to business operations plan, network deployment plan, policy, information relating to financial status, marketing and cost, operating plan as well as cost of regulatory assessment;
- d) Technical information, e.g. type of networks, equipments, sources, manufacturing location, distributors, transaction price, market price and information relating to intellectual property;
- e) Information relating to personnel, personnel recruitment, personnel duties and list of persons related to the Auction;
- f) Any other information or behavior, whether tangible or intangible, that relates to a proposal, setting of a bid price, production cost, assets list, budget, or any other information that directly or indirectly relates to a bid price;
- g) Any other information or behavior that, if revealed or taken, partially or wholly, will or may affect the Applicant’s Auction valuation or well-functioning of Auction, e.g. information relating to public order measures, personnel list or characteristics of the Applicant including persons related to the Auction.

2.2 The information confidentiality set forth in this section shall be valid and effective from the date of the application submission until the time of auction result announcement on the day of auction ends.

Clause 3 Restrictions on anti-collusion behavior

3.1 All Bidders are prohibited from any contact, communicating, collaborating, consulting, disclosing, exchanging or entering into contract or agreement in any form, including an attempted conduct of such behaviors, whether it be in writing, signaling or by verbal communication both directly and indirectly, one-way (unilateral) or multilateral way, between persons or related persons who are not the same party of the Applicant which may restrict or reduce competition in the 900 MHz Spectrum License Auction.

3.2 Apart from requirements in this consent letter, the persons obliged by this consent letter shall also be subject to the Act on Offences Relating to the Submission of Bids to State Agencies B.E. 2542 (1999) in the event that any behavior prohibited under the said Act is found.

3.3 Restrictions on anti-collusion behavior in this section shall be valid and effective from the date of the application submission until the time of auction result announcement on the day of auction ends.

Clause 4 Compliance with the criteria, duration, method and conditions of the Notification

The Applicant shall strictly comply with the criteria, duration, method and conditions prescribed in the Notification.

Clause 5 Liability

5.1 In the event that there is an act or omission of an act that breaches the requirements in this consent letter, the Commission reserves the right to disqualify and forfeit the Auction guarantee or require full indemnity of damages or expenses used in its operations to issue the 900 MHz Spectrum License by the Auction, including expenses occurring in case re-auction is required.

Persons according to Clause 1 shall grant consent to deduct damages or the said expenses from the Auction guarantee to compensate expenses incurred or any other damages owed to the Commission.

5.2 In the event that a Winning Bidder fails to comply with Clause 8 of the Notification, such person shall be liable for compensatory damages or expenses occurring in the Auction, in full amount, with the consent given to the Office to deduct from the Auction guarantee.

In the event that a Winning Bidder fails to comply with the conditions precedent correctly and fully within the required period before License granting, such Winning Bidder shall be considered waiving the right to obtain the 900 MHz Spectrum License according to the Notification and the Commission reserves the right to forfeit the Auction guarantee.

Clause 6 Report of breach of the consent letter

A person who reports the incidents, provides clues, facts, information or performs any manner to deliver or bring about evidence which is useful to investigate the breach of consent letter, the personal information of such person including the source of information shall be protected.

Clause 7 Manipulation of information

Any person who has access to information according to this consent letter and any other non-public information obtaining through the participation of the 900 MHz Spectrum License Auction shall be prohibited from using such information or disclosing it to others directly or indirectly, regardless of whether for his own interest or others' interest.

Clause 8 Acknowledgement and acceptance of the consent letter

The Applicant for the 900 MHz Spectrum License who sign in this consent letter shall be deemed as having acknowledgement and acceptance in the requirements of this consent letter.

Signature.....Authorized person acting for the corporate (1st Person)
(.....)
Date/Month/Year

Signature Authorized person acting for the corporate (2nd Person)
(.....)
Date/Month/Year

Signature Authorized person acting for the corporate (3rd Person)
(.....)
Date/Month/Year



Application Form

**Spectrum Licensing for Telecommunications Service
in the Frequency Band of 900 MHz**

Form 6: Letter of Bank Guarantee

Letter of Guarantee

No Date

We,(name of issuing bank)....., with office located at No. Road
..... Sub-district/Khwaeng District/Khet
Province by, as an authorized
person acting for the Bank, hereby issue this Letter of Guarantee to the Office of the National
Broadcasting and Telecommunications Commission, hereinafter referred to as 'the Office', as follows:

1. Whereas [___name of the juristic entity wining the bid_____], hereinafter
referred to as "the Winning Bidder and/or the Licensee," in accordance with the Notification of the
National Broadcasting and Telecommunications Commission regarding Criteria and Procedure for
Spectrum Licensing for Telecommunications Service in the Frequency Band of 895- 915 MHz /940 -960
MHz;

We hereby undertake to unconditionally and irrevocably honor and guarantee, in the
same manner as a primary obligor, payment of the 900 MHz spectrum auction fee to the Office up to
the amount of baht (.....) in the case where(name of the juristic
entity wining the bid)..... fails to perform its obligations under the conditions of payment of the
900 MHz spectrum auction fee within the period of time specified in the Notification, whereby we
agree to pay the debt for and on behalf of (.....name of the juristic entity wining the bid.....)
pursuant to this Letter of Guarantee in full and forthwith upon first written demand by the Office and
whereby we shall not exercise any right to objection and it shall not be necessary for the Office to
proceed first against(name of the juristic entity wining the bid)..... before proceeding
against the Bank for such payment.

2. In the event that the National Broadcasting and Telecommunications Commission
extends the time for payment of the 900 MHz spectrum auction fee, it shall be deemed that we duly
agree thereto.

3. We shall not in any case whatsoever revoke the guarantee provided herein.

In witness whereof, we have hereunder affixed our seal and signature.

(Signature) Guarantor
(.....)
Title

(Signature)..... Witness
(.....)
Title

(Signature) Witness
(.....)
Title

Annex B
Auction Rules

1. Auction Methodology

The Commission shall open the bid for all lots of 900 MHz Spectrum to be licensed simultaneously and shall proceed in multiple rounds and the bid price in each round shall increase correspondingly (Simultaneous Ascending Bid Auction). A bidder shall place bid for a desired lot. The 900 MHz Spectrum to be auctioned consists of two lots of spectrum at 2 x 10 MHz each.

2. Spectrum to be Auctioned and the First Round Price

The spectrum to be auctioned and the first round price are shown in the following table. The first round price will be the sum of the minimum price of the spectrum licensing according to clause 8(2) and (3) of the Commission's notification Regarding the Criteria and Procedures for the Licensing of Spectrum for Telecommunications Service in the Frequency Band of 895 – 915 MHz/940 - 960 MHz and the bid in each round as specified in Section 4.1 of Auction rules.

1) In the case there are more than two bidders:

Spectrum Lot	Frequency Band	Minimum Price (Million Baht)	First Round Price (Million Baht)
Lot 1	895 - 905 MHz / 940 - 950 MHz	12,864	13,508
Lot 2	905 - 915 MHz / 950 - 960 MHz	12,864	13,508

2) In the case there are two bidders or fewer:

Spectrum Lot	Frequency Band	Minimum Price (Million Baht)	First Round Price (Million Baht)
Lot 1	895 - 905 MHz / 940 - 950 MHz	16,080	16,402
Lot 2	905 - 915 MHz / 950 - 960 MHz	16,080	16,402

In this regard, a bidder can place bid for only one lot in each round.

3. Auction Round

The timetable for auction rounds will be announced via auction software. Each round of the auction consists of three stages as follows:

3.1 Bidding Stage

Each round of the auction begins with the bidding stage which lasts for 15 minutes. The bidders can place their bids within this 15 minutes period.

3.2 Processing Stage

The processing stage will begin after the end of the bidding stage.

3.3 Result reporting Stage

For this result stage, the round result, the bid price of each spectrum lot for the next round, and other information as specified in Section 6 will be announced five minutes prior to the beginning of bidding stage in the next round.

4. Auction Process

4.1 Bid price in each round

The bid increment is 644,000,000 Baht. When the bid price in the current bidding round is equal or greater than 16,080,000,000 Baht, the bid increment is 322,000,000 Baht.

In the case that there are two bidders or fewer, the bid increment is 322,000,000 Baht.

If there is no bidder placing bid on a spectrum lot in the previous round, the bid price for such spectrum lot will remain unchanged.

4.2 Auction in the first round

4.2.1 All bidders must place bid for a spectrum lot at the price specified by the Commission in Section 2.

4.2.2 Criteria for assigning a provisional winner for each spectrum lot are as follows:

In Case of	Criteria
1) Only one bidder places bid.	That bidder will be assigned as the provisional winner.
2) Two or more bidders place bids.	The provisional winner will be randomly assigned to one of the bidders who place bids for the given spectrum lot in that round.
3) There is no bid placed.	No provisional winner will be assigned for the given spectrum lot.

4.2.3 In the first round of the auction, the bidders cannot use the waiver. If the bidder does not place bid for any spectrum lot, it shall be considered that the bidder does not comply with the auction requirements and its bidder status shall be terminated, whereby the Commission reserves the right to forfeit the auction guarantee of that bidder.

4.3 Auction in the Second and Subsequent Rounds

4.3.1 In each round bid, the bidders are obliged to do the following;

1) In the case that the bidder is a provisional winner of any spectrum lot, the bidder can top-up its bid on the spectrum lot which the bidder is a provisional winner. If the bidder does not place bid, it shall be deemed that the bidder confirms its existing bid price.

2) In the case that the bidder is not a provisional winner of any spectrum lot, the bidder must do either of the following:

- 2.1) Place bid for a spectrum lot
- 2.2) Use a waiver

Should the bidder fails to do either option above and has no waiver left, it shall be deemed that the bidder no longer has the right to place bid in the subsequent rounds.

4.3.2 In the case that the bidder is not the provisional winner and still has waivers, the bidder can choose not to use the waiver. Such bidder will no longer have right to place bid or use the waiver in the subsequent rounds.

4.3.3 The criteria for assigning a provisional winner for each spectrum lot are as follows:

In Case of	Criteria
1) Only one bidder places bid.	That bidder will be assigned as the provisional winner.
2) Two or more bidders place bids.	The provisional winner will be randomly assigned to one of the bidders who place bids for the given spectrum lot in that round.
3) There is no bid placed but a provisional winner is assigned for that spectrum lot	The bidder having provisional winner status remains as the provisional winner.
4) There is no bid placed for a spectrum lot which has no provisional winner	No provisional winner will be assigned for the given spectrum lot.

5. Waivers

5.1 Each bidder is allowed a maximum of three waivers during the auction. However, in the first round of the auction the bidder cannot use the waiver and must place bid for a spectrum lot. In the second and subsequent rounds, the bidder who is the provisional winner is not allowed to use the waiver.

5.2 In the second and subsequent rounds, the bidder who is not the provisional winner and still has waivers left can use a waiver by two means as follows:

5.2.1 The bidder requests to use a waiver; or

5.2.2 The bidder does not place any bid during the bidding stage, the waiver will be used automatically.

In the case that the bidder is not the provisional winner and still has waivers, the bidder can choose not to use the waiver. Such bidder will no longer have the right to place bid or use the waiver in the subsequent rounds.

6. Information Disclosure

In the result reporting stage of each auction round, each bidder will be informed of such information as:

- 6.1 Bid price of each spectrum lot in the next round;

- 6.2 The number of bids submitted for each spectrum lot in the previous round;
- 6.3 The spectrum for which the bidder is assigned as the provisional winner;
- 6.4 The number of remaining waivers.

7. Termination of a Bidder Status

The bidder will no longer have the right to place bid in the following case:

7.1 In the case where a bidder fails to place a bid for any spectrum lot in the first round, it shall be considered that such bidder does not comply with the auction requirements and its bidder status shall be terminated, whereby the Commission reserves the right to forfeit the auction guarantee of that bidder.

7.2 In the second and subsequent rounds, in the case where a bidder who is not a provisional winner in any spectrum lot fails to comply with requirements as described in Section 4.3.1 while having no waiver left, it shall be deemed that such bidder no longer has right to place bid in the subsequent rounds.

7.3 In the second and subsequent rounds, in the case where a bidder who is not a provisional winner and still has waivers choose not to use the waiver. Such bidder will no longer have the right to place bid or use the waiver in the subsequent rounds.

8. Conclusion of the Auction

The spectrum auction shall be concluded in the round where there is no bidder placed the bid for any spectrum lot and no bidder used the waiver. The provisional winner of each spectrum lot will be deemed as the winning bidder of the given spectrum lot.

The auction process shall be concluded after the winning bidders have duly signed in verification of their highest bid prices they have placed and the Commission announces the auction result on the date which the spectrum auction is concluded.

9. Reserved Rights

In the case where there is any force majeure or other necessities that prevents the auction from proceeding normally under the auction rules, the Commission reserves the right to change the format, procedure, methodology and rules of the auction, as well as to cease, suspend or cancel the auction.