

as 5G, etc.) for telecommunication business, in accordance with provision of Section 51 of the Act.

- e) **“Metering Mechanism”** All electricity consumption by telecommunication network of Telecom Companies installed on distribution assets shall be metered at the point of installation through a Smart Meter and billing of such consumption shall be done on point of installation basis as per supply code.
- f) **“Agreement”** Agreement for rental and related services signed between telecom company and distribution licensee for installation of telecommunication network on point of installation of such distribution assets.

3. Intimation of other business:

3.1. A distribution licensee shall inform the Commission regarding installation of telecommunication network on its distribution assets and income derived from such activities on annual basis through ARR. While giving information in terms of Clause of this regulation, the licensee shall furnish the following details -

- I. The nature and extent of the use of distribution assets of licensee, which are utilized or proposed to be utilized for telecommunication business.
- II. The impact, if any, of such use of assets and facilities on the ability of the licensee to carry out the duties and obligations of the license business
- III. Annual revenue income derived or estimated to be derived from the rent of telecommunication business.
- IV. Any other details required by the Commission.

3.2. The Licensee shall have the absolute responsibility to ensure that the utilization of the assets and facilities of the Licensed Business for telecommunication purposes shall not in any manner affect the performance of the obligations or the quality of service required from the Licensee including as specified under CENTRAL ELECTRICITY AUTHORITY (MEASURES RELATING TO SAFETY AND ELECTRIC SUPPLY) REGULATIONS, 2010, UPERC (Standards of Performance Regulations) 2019, Electricity Supply Code, or any other Regulation of the Commission and that any such utilization shall be entirely at the cost and risk of the Licensee.

4. Functions of Distribution Licensee:

- (1) Distribution licensee can rent out its distribution assets and provide related services to telecommunication company for installation of telecommunication network including 5G network.
- (2) The Distribution licensee shall sign a rental and related services agreement for a mutually agreeable period of 5 years at a time, which may be extended on mutually agreed terms with each term of five years and not exceeding the tenure of license of Telecom company, with the Telecom company within its area of supply for installation of telecommunication network including 5G network on its distribution assets. The Electricity connection to the towers of telecom companies installed on the Distribution Assets will be given on point of installation of distribution assets. However, the connection agreement can be signed collectively for all the distribution assets within a distribution division depending upon the convenience of distribution licensee. However, the connection agreement will entail the location coordinates or GPS location or pole number or DT number or name of sub-station allotted to a telecom company within a division.
- (3) Distribution licensee shall ensure that a particular telecom company does not get access of more than 50% of its total distribution assets for installation of telecommunication network including 5G network infrastructure to deter the abuse of dominant position. If there are more than one Telecom licensee.
- (4) The assignment of distribution assets to telecom companies will be done through a transparent process/mechanism.
- (5) All electricity consumption by telecommunication network installed on distribution assets of the distribution licensee shall be metered at the point of installation through a Smart Meter and the billing of such consumption shall also be done at the point of installation as individual connections will be released on each point of installation. However, the Consolidated bill of all the connections of a particular Telecom licensee within a distribution division or equivalent, can be generated with connection wise details for

convenience of billing & collection. The cost of the connection and meter shall be borne by the telecom company.

(6) Income from renting & related services of distribution assets shall be claimed by distribution licensee towards non-tariff income in respective tariff order in accordance with the classification given under MYT Tariff Regulations.

(7) The Licensee shall ensure that at no point of time:

- Renting of its assets result in lack of available capacity for its consumers- to carry out its own licensed activity.
- The safety of the assets of the licensee is compromised.
- Renting of its assets affect the performance of the obligations or the quality of service required from the Licensee including as specified under Standards of Performance Regulations, Electricity Supply Code, or any other Regulation of the Commission as amended time to time.

5. Manner of sharing of revenue from telecommunication business –

If the distribution licensee rents out its distribution assets for installation of telecommunication network including 5G network, then an amount equal to 30% from the gross rent as received from the telecommunication company in a given financial year shall be retained by the distribution licensee whereas, the remaining 70% shall be included as non-tariff income of corresponding ARR.

6. Inherent power of the Commission –

- i. Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.
- ii. Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.

- iii. Nothing in these Regulations shall, expressly or implied, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

7. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, give directions, not inconsistent with the provisions of the Act, as may appear to be necessary or expedient for the purpose of removing difficulties.

8. Power to Amend

The Commission may, at any time vary, alter, modify, or amend by notification any provision of these Regulations.

9. Savings

Notwithstanding anything contained in UPERC (Multi Year Tariff for Distribution and Transmission) Regulations 2019, the treatment of non-tariff income, in form of rentals derived from renting of distribution assets for facilitation of telecommunication network, shall be governed in accordance with the provisions of this Regulation.