

**MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION**  
**New Administration Building, Left Wing, 1st Floor, Lower Lachumiere,**  
**Shillong – 793001**

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No. MSERC/FoTN/Regulation/2022/154      Dated Shillong 17<sup>th</sup> October 2022

**Draft MSERC (Facilitation of Telecommunication Network) Regulations 2022.**

In exercise of the power conferred on it by Section 51 read with Section 181 (o) and (y) of the Electricity Act, 2003 (36 of 2003) and all other powers enabling in this behalf, the Meghalaya State Electricity Regulatory Commission hereby makes the following Regulations namely:-

**1. Short Title, Scope, Extent and Commencement**

1.1 These Regulations may be called the “Meghalaya State Electricity Regulatory Commission (Facilitation of Telecommunication Network) Regulations 2022.”

1.2 These Regulations shall extend to the whole State of Meghalaya and shall apply on the Distribution Licensees/Franchisees engaged in the business of distribution and supply of electricity in the State.

1.3 These Regulations shall come into force on the date of their publication in the Official Gazette.

**2. Definitions and Interpretations**

2.1 Words, terms and expressions that are defined in the Act, or Safety Rules as specified by the Central Electricity Authority (hereinafter referred to as ‘Authority’), as amended from time to time and used in these regulations for the facilitation of Telecommunication Network, 2022 shall have and carry the same meaning as defined and assigned in the same Act and/or Safety Rules as specified by the Authority.

2.2 Subject to the above, expressions used herein but not specifically defined in the Act or Safety Rules or in this Regulation shall have the meaning as is generally assigned in the electricity industry.

2.3 In the interpretation of this MSERC Facilitation of Telecommunication Network Regulations, 2022, unless the context otherwise requires:-

- (a) Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term respectively;
- (b) References to any statutes, Regulations or Guidelines shall be construed as including all statutory provisions consolidating, amending or replacing such statutes, Regulations or guidelines as the case may be referred to;

2.4 In these Regulations, unless the context otherwise requires –

- (a) “**Act**” means the Electricity Act, 2003;
- (b) “**Commission**” means the Meghalaya State Electricity Regulatory Commission.
- (c) “**Distribution Assets**”: Distribution assets such as electric poles, distribution transformers, official buildings etc of distribution licensee but excluding wires.
- (d) “**Gross Revenue**” in respect of facilitation of telecommunication network means the gross revenue other than core business of supply of electricity by the distribution licensee in a financial year;
- (e) “**Telecommunication Company**” means telecommunication companies engaged in transmission of data in words, voice, audio, image, video mode, etc and are registered under Companies Act.
- (f) “**Telecommunication Network Business**” means any business including renting of distribution assets for installation of telecommunication network infrastructure (all wireless business such as 5G etc) for telecommunication business, in accordance with provision of Section 51 of the Act.
- (g) “**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.
- (h) “**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 the 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 licensed business.

III. Annual revenue income derived or estimated to be derived from the rent of the telecommunication business.

IV. Any other details required by the Commission.

3.2. The distribution 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 ELCTRIC SUPPLY) Regulations, 2010, MSERC( Standards of Performance) Regulations 2012, 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 5 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 the 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 Substation 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 the 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 from time to time.

#### **5. Manner of sharing 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 -**

- Nothing in these Regulations shall be deemed to affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.
- Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure that 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.
- 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 MSERC (Multi Year Tariff for Distribution and Transmission) Regulations, 2014, as amended from time to time, 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.

Sd/-  
**Secretary**  
**MSERC**