



उत्तर प्रदेश पावर कारपोरेशन लिमिटेड

(उत्तर प्रदेश सरकारका उपक्रम)

U.P. POWER CORPORATION LIMITED

(Govt. of Uttar Pradesh Undertaking)
CIN: U32201UP1999SGC024928

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No. 528/RAU/Regulation

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Dated: 18 Oct., 2022

The Secretary,
U.P. Electricity Regulatory Commission,
Vidyut Niyamak Bhawan,
Vibhuti Khand, Gomti Nagar,
Lucknow.

Subject: Comments on draft UPERC Facilitation of Telecommunication Network Regulations, 2022.

Sir,

Kindly find enclosed comments of U.P. Power Corporation Ltd. in reference to the notice published vide letter No UPERC/VCA/2022/838 dated 23.09.2022 on the above subject.

Thanking you.

Encl: As above

Yours faithfully,


(Amit Kumar Srivastava)
Director (Commercial)

U.P. Power Corporation Ltd. Comments on Draft UP Electricity Regulatory Commission (Facilitation of Telecommunication Network) Regulations, 2022. The Hon'ble Commission invited suggestions/ objections/ comments from various stakeholders vide Public Notice No UPERC/VCA/2022/838 dated 23.09.2022.

| S.No. | Proposed Regulations | Suggestions/ Objections/ Comments |
|--|--|---|
| <p>3. Intimation of other business:</p> <p>(3.1)</p> | <p>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 -</p> <p>I. The nature and extent of the use of distribution assets of licensee, which are utilized or proposed to be utilized for telecommunication business.</p> <p>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</p> <p>III. Annual revenue income derived or estimated to be derived from the rent of telecommunication business.</p> <p>IV. Any other details required by the Commission.</p> | <p>It is submitted that Hon'ble UPERC (Treatment of income of Other Businesses of Transmission Licensees and Distribution Licensee) Regulation 2004 has already have the similar provision.</p> <p>The Hon'ble Commission is requested to confirm whether the proposed regulation will repeal the existing regulations.</p> |
| <p>3. Intimation of other business: (3.2)</p> | <p>The Licensee shall have the absolute responsibility to ensure that the utilization of the assets and facilities of</p> | <p>As per the proposed clause the Licensee shall have the absolute responsibility to ensure</p> |


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 अधीक्षण अभियन्ता (आर०ए०यू०)

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| | <p>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.</p> | <p>that the utilization of the assets and facilities of the Licensed Business for telecommunication purposes.</p> <p>It is submitted that renting the Licensee assets for the purposed telecommunication purposes may deteriorate the value of the assets before the useful life of the assets.</p> <p>Therefore, it is requested that an additional R&M may be allowed towards the use of assets for the purposed Telecommunication purpose.</p> |
| <p>4. Functions of Distribution Licensee:</p> <p>4(3)</p> | <p>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.</p> | <p>It is submitted that assignment of distribution assets to telecom companies will be done through a transparent process/mechanism therefore the limit of 50% of total distribution assets may be removed.</p> |
| <p>4 (5)</p> | <p>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</p> | <p>The proposed regulations allow 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</p> |


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| | <p>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.</p> | <p>for convenience of billing & collection.</p> <p>The proposed clause may also attract other consumers having more than one connections in the area for Consolidated bill.</p> <p>Metering of energy for the Telecommunication equipments installed should be done through SMART PRE PAID Meters so that in case of default by the operators. There is no financial loss to the distribution licensee.</p> |
| <p>5. Manner of sharing of revenue from telecommunication business -</p> | <p>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.</p> | <p>If the distribution licensee rents out its distribution assets for installation of telecommunication network including 5G network, then an amount equal to 50% 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 50% shall be included as non-tariff income of corresponding ARR.</p> |
| <p>Addition Clause</p> | <p>Payment towards monthly rentals of poles shall be made in advance by the telecommunication network operator on or before the due date against the invoice raised by UPPCL/Discom. However, in case of delay in advance payment beyond the due date, penalty shall be charged @ 1.5% per month of delay or part thereof on the monthly rental amount exclusive of taxes/GST/statutory levies, etc. If the payment is not made by operator within three months then installation be removed and cost of removal also be recovered from the operator.</p> | |

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