

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 280 of 2010**

**Coram: Shri S. Jayaraman, Member  
Shri V. S. Verma, Member  
Shri M. Deena Dayalan, Member**

**Date of Hearing: 16.12.2010**

**Date of Order: 8.3.2011**

**In the matter of:**

Section 41 of the Electricity Act, 2003 – intimation of the proposal to engage in other business for optimum utilization of the assets

**And**

**In the matter of:**

Power grid Corporation of India Ltd., New Delhi

**.....Petitioner**

**The following were present:**

1. Shri Babu Vergese, PGCIL
2. Shri A. A. Srivastave, PGCIL
3. Shri Manoj Kumar Pandey, PGCIL
4. Shri R. R. Patel, PGCIL

**INTERIM ORDER**

1. This petition has been filed by Power Grid Corporation of India Ltd., under Section 41 of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Sharing of revenue derived from utilisation of transmission assets for other business) Regulations, 2007 (hereinafter of “sharing of revenue regulations”) for intimation of the details about limited utilisation of the transmission towers of the petitioner for other business and for seeking decision on sharing of revenue arising out of such limited utilisation.



2. The petitioner has submitted that it has a power transmission network of nearly 77,900 ckm of power lines running across the country and 131 substations which carry almost 45% of the total power generated in the country. The power lines are installed on power towers of varying height and can solve the dual purpose of carriage of power conductors and GSM/CDMA/Wimax antennas. The petitioner has further submitted that it owns an estimated 1,50,000 power towers across the country including presence in rural and remote areas. The petitioner has also diversified into synergic telecom business and has established a broadband optical fibre network of 21,000 kms on its fully secured Extra High Voltage (EHV) 400/220 kV power transmission infrastructure which connect over 129 cities/towns and remote areas across the country.

3. The petitioner has further submitted that it has been receiving queries and request from USO Fund under Deptt. of Telecom, Govt. of India for the potential use of its infrastructure including power line towers for the purpose of providing rural connectivity. The petitioner has also been receiving queries from existing service providers and infrastructure providers regarding the utilisation and sharing of power grid line towers for mounting of antennas for the purpose of coverage in rural and remote areas. In the circumstances, the petitioner is proposing to utilise the existing transmission assets for the purpose of mounting of antennas of others without the same in any manner affecting the core activity of electricity transmission of Power Grid. For this purpose, the petitioner has issued an invitation to select the interested parties on the terms and conditions of the Request for Selection (RfS) documents. The petitioner has also submitted the information as required to be intimated under Regulation 3 of the sharing of revenue regulations in para 8 of the petition. On perusal of the said para, it is

noticed that the information submitted by the petitioner is incomplete in many respects. During the hearing on 16.12.2010, the petitioner in reply to our query has clarified that since the details are not available at present, the petition has been filed only for intimation of the proposal for utilising the transmission towers for mounting and communication antennas. The petitioner also submitted that it has undertaken a trial project at Ballabgarh which has been tested and certified by IIT, Delhi regarding the impact on the electricity transmission activity. The petitioner has clarified that only towers having spare lading capacity shall be deployed for mounting of communication antennas after required study, analysis and clearance from their Engineering Department. In reply to the further query, the representative of the petitioner clarified that only the angle/tension towers would be used for mounting of antenna where the spare capacity available.

4. The petitioner in its affidavit dated 9.2.2011 has placed on record the draft Infrastructure Sharing Agreement proposed to be signed by the company who intend to utilize the assets of Power Grid for telecom and other business.

5. We have perused the material on record and heard the representative of the petitioner. Regulation 3 of sharing of revenue regulations provide as under:

***“3. Intimation of other business. (1) The transmission owner proposing to undertake the other business for optimum utilization of its assets shall give prior intimation, in writing, to the Commission of its intention to undertake such other business:***

*Provided that the transmission owner undertaking the other business before commencement of these regulations shall give such intimation within two months from the date of such commencement.”*

6. In accordance with the above regulation, the petitioner has filed this petition for intimation to the Commission regarding its proposal to undertake other business for optimum utilisation of its assets. However, the petitioner has not furnished the complete information as required under Clause 2 of Regulation 3 of sharing of revenue regulations, particularly, the exact quantum of capital investment in other business. Moreover, the petitioner has submitted that the proposed activity would amount to permitting placement of antenna which will be covered under the category other than transmission business for which the sharing of revenue shall be decided by the Commission. However, the details of revenue from such business has not been placed on record.

7. The intimation given by the petitioner in terms of Regulation 3(1) of sharing of revenue regulations has been noted. The petitioner is directed to submit the details of the revenue received or expected to be received from the telecom business and business other than telecom business on affidavit. The petition will be listed for hearing after submission of the information called for.

Sd/-  
**(M. Deena Dayalan)**  
Member

Sd/-  
**(V. S. Verma)**  
Member

Sd/-  
**(S. Jayaraman)**  
Member