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HOUSING & URBAN DEVELOPMENT DEPARTMENT

NOTIFICATION

The 24th February, 2016

Subject: Comprehensive guidelines for Installation of Micro/Small Cells on Municipal Electric Poles, Street Light Poles and High Mast Poles to enhance Telecommunication Infrastructure in the State of Odisha.

S.R.O. No. 115/2016— In recognizing the role broadband plays in economic growth, the Housing & Urban Development Department (HUDD) has decided to permit deployment of Micro/Small Cell technology (a new wireless technology) on Municipal Street Light Poles and High Mast Poles across the State of Odisha. The development of Micro/Small cells would enable telecom operators to meet the objectives of providing superior coverage and quality while reducing the overall footprint of the macro layer (conventional masts/towers) in crowded urban environments, all while helping to respond to citizen's demands for a better communications experience. Micro-Cell can be deployed in areas having space constraints, narrow streets, dense populated areas and open Public spaces which are not feasible for tall and huge towers and areas of large gatherings requiring higher bandwidth.

The detailed guideline for installation/deployment of Micro/Small Cells on Municipal Electric Poles, Street Light Poles and High Mast Poles is presented below:

Applicability:

These guidelines shall apply to the whole of the State of Odisha and shall be followed by all the Municipal Corporations, Municipalities and Notified Area Councils.

Permits :

1. Before installing Micro/Small Cells, the operator must obtain appropriate permits from the concerned Urban Local Body (ULB). An application for permit shall be submitted indicating all the details of Micro/Small Cell equipments for installation, location and number of poles etc. Applicant shall make the 100% payment of the fee due after which

the application will be considered as complete and further processing will be done for issue of permission.

2. All matters pertaining to clearances shall be referred to the “Single Window Clearances Committee” constituted in each of the ULBs in accordance with Notification No. 28334–HUD-DIR-POLICY-16/2014(PT)/HUD., dated the 31st December, 2014 read along with Para. 11 of ‘Special Regulation for Installation of Telecom Towers in Urban Areas of Odisha, 2013’.

3. The ULB shall continue to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards reasonably related to health and safety.

4. The concerned ULB shall issue the permission for installation of Micro/Small Cells within 2(two) months from the date of receipt of complete application with full fee. In case of any deficiency in the application, the ULB shall intimate the operator within 1(one) month for compliance of the deficiencies by the operator. The application shall be deemed granted if the ULB fails to act on it within the requisite time period.

Fees Payable:

1. One time charges are fixed for installation of Micro/Small Cell for Telecom Services in the State of Odisha as under—

Sl. No.	Name of Area	Amount (One time charges for each Micro/Small Cell Unit)
(1)	(2)	(3)
1	Municipal Corporations	Rs. 18,000/- (Rs. Eighteen thousand) only.
2	Municipalities/NACs	Rs. 12,000/-(Rs. Twelve thousand) only.

2. Above charges shall be uniformly applicable to all operators willing to deploy Micro/Small Cell Technology in the State of Odisha. These charges are exclusive of VAT, Labour Cess and other applicable taxes from time to time.

3. The ULB may levy these charges proportionately if the site (e.g. street light, electric poles etc.) is allowed to be used by more than one operator to “co-locate” the Micro/Small Cells in the same site.

4. These charges shall have to be deposited by the operator to the ULB.

5. Government reserves the right for change in the tariff structure.

Lease Considerations:

After the grant of permit, the operator shall enter into a lease agreement with the respective ULBs. Key considerations in the Micro/Small Cell lease include rent and other payment terms, the definition of and access to the leased space, signals and interference with the installed technology and existing technologies, the term of the lease and provisions addressing termination and removal of equipment, and insurance and liability issues.

Restrictions:

1. The deployment shall involve no new ground disturbance.
2. The distance between installed Micro/Small Cells and human beings should not be less than 0.5 meter.
3. It is permissible to install Micro/Small Cells at a height not less than 2.5 meters, measured from ground level by (or without) using pylons. After the installation and operation of each Micro/Small Cell, the operators should measure the electromagnetic density emitted from the station by using approved measurement equipment and should prepare an approved technical report containing the results of these measurement. A copy of such report must be submitted to the concerned ULB.
4. Operators need to produce safety certificate from Telecom Enforcement Resources Monitoring (TERM) Cell of Odisha.
5. The Micro/Small Cell deployment shall be subject to the relevant guidelines of DoT and such directives of HUDD as may be issued from time to time. Moreover, the same should be subject to Court orders on issue relating to Public Safety, Health and Convenience.

Responsibility of the operator:

1. Damage and liability: The operator shall be responsible for the structural stability of the Micro/Small Cell and its accessories wherever it is installed and for any damage caused due to inadequate safety measures.
2. The operator shall have to consider all of the regulatory, land use, and other issues that come with providing backhaul to the Micro/Small Cell installation.
3. The operator should take special precaution for all kinds of safety.
4. The operator shall furnish a legally valid undertaking that they are solely responsible for any damage to the building/environment and public safety and shall interfere with the existing installation on the sites.
5. The operator shall ensure that the power radiated by their radio frequency equipment complies with national or international exposure limits. It shall provide a declaration of conformity or a report or a certificate by Government agencies like TERM

Cell of “Telecom Regulatory Authority of India” or “Indian Institute of Technology (IIT)” to demonstrate compliance with the exposure limits.

Enforcement :

The concerned ULB shall take necessary action on authorized installation without valid permission which may draw penalty up to 50 per cent of the installation charge per installation of Micro/Small Cell.

In case of exigencies, the ULB reserves the right to direct the operator to remove the Micro/Small Cell equipments without assigning any reason thereof.

Dispute:

Any dispute between the ULB and the operator shall be referred to an Appellate Authority designated by the Housing & Urban Development Department whose decision shall be final and binding on the parties.

This Notification will come into force from the date of publication in the Gazette.

[No. 4818-HUD-DIR-POLICY-03-2016/HUD.]

By Order of the Governor

G. MATHI VATHANAN

Commissioner-*cum*-Secretary to Government