

**MINUTES OF THE 47th GOVERNING BODY (GB) MEETING
OF FORUM OF INDIAN REGULATORS (FOIR)**

DATE: 26th JUNE, 2020, FRIDAY

(Through Video Conferencing)

The meeting was chaired by Shri R.S. Sharma, Hon. Chairperson, Forum of Indian Regulators (FOIR) and Chairperson, Telecom Regulatory Authority of India (TRAI). He extended a warm welcome to all members of the Governing Body to the first virtual meeting of FOIR. He also welcomed all other Hon. Vice-Chairperson FOIR / other Chairpersons of the Regulatory Bodies and Chairpersons/Members of the SERCs.

Chairperson, CERC, in his remarks appreciated the support and cooperation of all the members of FOIR, which has enabled FOIR to enhance its activities and hoped that the same would continue in future as well.

Chairperson TRAI, further added that during the pandemic, the regulators are performing their functions making best use of innovations and technologies. He suggested that FOIR should have regular experience sharing meetings, especially on new technologies being used by various regulators. Thereafter, Hon. Chairperson, FOIR gave a brief background of the agenda for the meeting. It was also appraised that Chairperson AERA could not attend the meeting as he was travelling. However, he has conveyed his concurrence to the agenda items. Thereafter, the Governing Body took up the agenda items for discussion. List of participants is enclosed at **Annexure-I.**

Agenda 1: Confirmation of the minutes of 46th Governing Body meeting held on 11th June 2019 at New Delhi

After discussion on the action points, the minutes of the 46th Governing Body meeting were confirmed.

Agenda 2: Reconstitution of Governing Body of FOIR

Dy. Chief (RA), CERC informed that the composition of the Governing Body is based on the Rules and Regulations of FOIR as per which the members of FOIR may hold the office as long as they hold the post in their respective institution. The Chairperson or Members of Electricity Regulatory Commissions/Authorities are appointed based on their seniority. Accordingly, the proposed reconstitution of Governing Body was placed for approval of the Governing Body.

Chairperson, TRAI remarked that, in the previous Governing Body meeting, he had proposed Chairperson, CERC to be the Executive Chairperson of FOIR and be delegated with powers to handle administrative and financial functions of FOIR. Chief (RA), CERC clarified that Chairperson, CERC is ex-officio Hon. Vice Chairman of FOIR, and continues to handle the routine administrative and financial functions of FOIR as CERC is handling the secretariat services of FOIR.

Thereafter, the reconstitution of the Governing Body as proposed (**Annexure-II**) was approved by the GB.

Agenda 3: Membership fees:

- a) Pending membership fees**
- b) Request from Tripura ERC for waiver / reduction in membership fees**
- c) Restructuring membership fees of Member organizations of FOIR**

a) Pending membership fees

Dy. Chief (RA), CERC briefed that two FOIR members had not paid the membership fees for past few years. While WDRA had not paid the membership fees for the F.Ys. 2016-17, 2017-18 & 2019-20, Kerala State ERC had not paid the membership fees for the F.Ys. 2017-18 & 2019-20. Reminder letters for payment of outstanding membership fees have been sent regularly, but no response has been received. Attention was also drawn to Rule 5 of the FOIR Rules which provides that “*a person shall cease to be member of the society on failure to pay the prescribed subscription within three months of its becoming due, and the Governing Body of the Society passes a resolution to that effect*”. The GB decided that in accordance with Rule 5, a final letter may be sent to both WDRA and KSERC giving them 1 month time for payment of fees. If the fee is not received during this time period, they would cease to be members of FOIR.

b) Request from Tripura ERC for waiver / reduction in membership fees

c) Restructuring membership fees of Member organizations of FOIR

Both issues being inter-related, the GB took up both the agenda items together

Dy. Chief (RA), CERC briefed regarding the request of Tripura Electricity Regulatory Commission (TERC). TERC has informed that during the period 2017-18 & 2018-19 there was no Chairperson in TERC. Therefore, they are requesting that the membership fees paid by them for FY 2017-18 and FY 2018-2019 be adjusted against the fees payable for the FY 19-20 & FY 20-21. TERC also requested for considering the consumer strength in the State of Tripura for reducing their membership fees.

Chairperson CCI, opined that considering the current situation, it may not be possible to have many non-virtual capacity building programs. Hence, FOIR is likely to incur less expenditure this year. Therefore, a minimum lump sum fees may be levied from the members

and in case additional expenditure is incurred in the later part of the year, the same may be charged as per requirement. Chairperson, IBBI suggested that all members could pay a minimum fee of Rs 50,000/- per annum uniformly and thereafter, based on trend of expenditure, additional amount may be collected. Chairperson, CERC observed that it would be cumbersome to seek membership fees twice from all members as it requires follow up multiple times. Chairperson, TRAI also agreed to the views of Chairperson, CERC and suggested that membership fees should be raised only once.

The GB was also informed that there is a separate agenda item with respect to a proposal for restructuring the membership fees. As per calculations made for utilization of the earmarked funds, Dy. Chief (RA), CERC informed that the proposal is to reduce the membership fees from Rs 2.00 Lakh to Rs 50,000 for members from North eastern region and from Rs 4.00 lakh to Rs 1.00 lakh for other members. This would ensure that accumulated funds would be utilized completely during the next three years.

The Members agreed to this proposal as it would not only reduce the tax liability, but also result in full utilization of the earmarked funds. The GB members also agreed to fix the membership fees from this financial year as per the proposal i.e. at Rs. 50,000/- for North Eastern States and Rs. 1 lakh for all other members. The GB also decided that those members, who have already paid the membership fees for the current FY as per old rates, would be refunded the excess amount. This proposal would also be reviewed in the next GB meeting.

Agenda 4: Accounts Related Matters:

- a) **Budget for F.Y. 2020-2021**
- b) **Audited Accounts for F.Y. 2019-2020.**
- c) **Appointment of Auditor for the F.Ys. 2019-2020 and 2020-2021.**
- d) **Appointment of Tax Consultant for filing the Income Tax Return for the F.Ys. 2019-2020 and 2020-2021.**
- e) **Status of ongoing IT cases.**
- f) **Status on re-investment of Deposits**
- g) **Various resolutions**

a) Budget for F.Y. 2020-2021

Dy. Chief (RA), CERC explained the salient features of the proposed budget for FY 2020-21, which was prepared on the basis of existing fee structure. However, since the GB in the instant meeting decided to revise the membership fees (Agenda 3), the revised proposed budget reflecting the reduced income based on the revised fees structure was also placed for consideration of the GB.

After deliberations, the GB approved the revised proposed budget based on the revised fee structure.

b) Audited Accounts for F.Y. 2019-2020.

Dy. Chief (RA), CERC gave a brief overview of the audited accounts for the FY 2019-20. After discussion, the GB approved the Audited Accounts of FOIR.

c) Appointment of Auditor for the F.Ys. 2019-2020 and 2020-2021.

The GB approved the appointment of M/s R.S. Gupta and Co. (empanelled with C&AG) as auditors of FOIR for the FY 2019-20 as the previous auditor had completed a maximum tenure of 5 years.

d) Appointment of Tax Consultant for filing the Income Tax Return for the F.Ys. 2019-2020 and 2020-2021.

Dy. Chief (RA) briefed the GB about the proposal for appointing a tax consultant on retainership basis, for filing the ITR of FOIR. After discussion, the GB, considering that ITR filing is routine in nature, advised the FOIR Secretariat to continue with its present practice of taking quotations and appointing consultants for a specified term.

e) Status of ongoing IT cases.

Dy. Chief (RA), CERC updated the GB about the ongoing IT cases financial year wise and how the FOIR Secretariat was regularly following up on the cases through consultants appointed for this purpose. The GB noted the status with the advice to pursue the cases for early resolution.

f) Status on re-investment of deposits

Dy. Chief (RA), CERC briefed the GB that as per the decision taken by the Sub-Committee of FOIR, FOIR Secretariat is investing the accumulated funds in the nationalized bank which is offering the highest interest rate, after duly calling for quotes from major nationalized banks. The GB was also informed that during the lockdown period, only three banks responded to the request for quotes on interest rates and therefore, the FDs that matured were renewed for 91 days. As the lockdown has been relaxed, it is now proposed to invest the deposit of Rs. 4 Cr for 366 days with any nationalized bank which offers the highest interest rate.

In this regard, some GB members opined that rates may be taken from the website of banks, if banks do not respond to the letters. FOIR Secretariat official clarified that the rates displayed on the website was only for deposits up to Rs. 2 Crores. As FOIR needs to deposit Rs 4 Crores, separate rates were required from banks. After deliberations, the GB advised that FOIR Secretariat may compare the rates given by banks for Rs 4 Cr. with the rates for Rs 2 Cr. already available on the websites of the banks. If the rates for Rs 2 Cr are better than the rates for Rs 4 Crores, the amount may be split into FDs of Rs 2 Cr each. Similarly, if the rates of Rs 4 Crores are better than the rates offered for Rs 2 Crore deposit, investment may be made in one deposit of Rs 4 Crore offered by any nationalized bank.

g) Various resolutions

The GB approved various resolutions as under:

(i) Resolution for authorization of the officials to sign the Audited Annual Accounts and authorization of official for filing various documents with Income Tax Authorities and Registrar of Societies.

(ii) Resolution for utilization of earmarked funds pertaining to the F.Y.2019-20 amounting to Rs. 64,83,058/-, within next five years i.e. by end of the F.Y. 2024-25.

(iii) Resolution for Addition/Withdrawal of Authorized Signatories in the bank account of FOIR.

(iv) Resolution for applying for net banking services, only for the purpose of making income tax related payments, viz. Tax Deducted at Source, Advance Tax and Self-Assessment Tax.

Agenda Item 5: Proposals by IICA for FY 2020-2021 under the MoU signed between IICA and FOIR

a) Strategic Plan for Capacity Building Programs during FY 2020-21

b) Three months Certification Course

c) Proposal for Research/Study

d) Proposal for webinar & newsletters

a) Strategic Plan for Capacity Building Programs during FY 2020-21

Dy. Chief (RA), CERC, after giving a background of the MoU signed between IICA and FOIR, briefed the GB regarding the proposal received from IICA on Strategic Plan for Capacity Building Program for the member organizations in various time lines, in three groups i.e. Group 1: Governing Body members of FOIR, Group 2: Regulatory officials and Group 3: Other Regulatory staff of FOIR members. For FY 20-21, the proposal comprised of 4 capacity programs and 2 Colloquiums. The GB was also been briefed on the budget for these programs.

Thereafter, two issues were placed before the GB for decision:

- a) As FOIR comprises of members from various sectors, the themes of the capacity building programs may have a mix from all sectors.
- b) The issue of the daily duration of the online program and how to spread it over a time period so that it would be feasible for maximum participants to attend.

Dr. Abha Yadav, Director-FOIR Centre at IICA also gave a brief background of the theme and topics and stated that same was being proposed based on the interactions with group of participants and gap analysis.

Chairman, TRAI suggested topics such as Benchmark for Regulators, Data-driven Regulation, and Regulatory Impact Assessment. He also suggested that while designing the programs, there is a need to mix of themes depending on the type of participants.

Chairman, CERC suggested that IICA should consult the concerned sectoral regulators for fine tuning of themes and build in flexibility of time. With these suggestions, the proposal was approved by the Governing Body for a budget of Rs. 29.20 lakh as proposed by FOIR Centre, IICA.

b) Three months Certificate Course

The Three months certificate course of FOIR with proposed topics of “Regulatory governance”, “Regulatory Impact Assessment” and “Regulatory Transparency and Accountability” was placed before the Governing Body for consideration.

The GB while agreeing to the topics proposed by IICA suggested that IICA should indicate the course content/topics and faculty upfront in the proposal. Chairperson, CERC suggested that FOIR Secretariat at CERC may collect feedback from participants and analyze it. Hon. Chairman, FOIR/Chairperson, TRAI added that lectures become interesting and important, if delivered by a specialist faculty. Dr. Abha agreed to share the names of the likely resource persons and faculty for such courses. With above suggestions, the Governing Body approved the proposal of IICA for conducting two batches of the certificate course, each batch comprising of 50 participants, at the proposed total budget of Rs 40 lakhs. The GB also decided that detailed content of the course would be finalized by IICA only after discussion with Chairperson, IBBI.

c) Proposal for Research/ Study

Dy. Chief (RA), CERC placed the two research/study proposals received from IICA before the Governing Body i.e. a 6 months research proposal on any one of the subjects suggested by IICA at a budget of Rs7.90 lakhs (excluding taxes) and a 3 months study proposal on “Impact of Covid 19 Pandemic on the working of Regulators” at a budget of Rs. 3.00 lakh (excluding taxes).

Chairperson TRAI, while appreciating the study proposal of “Impact of Covid 19 Pandemic on the working of Regulators” observed that the study should be qualitative. Chairman, IBBI

suggested that members of FOIR should be consulted for deciding on the subject for the 6 months research proposal.

After discussions, the GB approved the 3 months study proposal and the 6 months research proposal at the proposed budget. The topic for the 6 months research would be finalized by IICA in consultation with IBBI Chairperson, after seeking inputs from other regulators.

d) Proposal for webinars and newsletters

Dy. Chief (RA) CERC, informed the GB about the proposal of quarterly webinars received from IICA. IICA has sought suggestions from the Governing Body for topics of webinars. Further, FOIR Secretariat and IICA suggest that members of FOIR may be invited as experts to the webinar, as there are a number of subject specialists in each member organization.

Chairperson, CERC suggested that IICA should be in regular contact with FOIR members and seek inputs for the topics for the webinars. Chairperson, TRAI suggested that IICA should focus on practical topics rather than theoretical ones.

After discussion, the Governing Body approved the proposal for conducting quarterly webinars, subject to the condition that IICA should regularly consult with all FOIR members and take inputs for the topics for the webinars. The budget as proposed of Rs. 30,000/= (plus taxes) per webinar was also approved.

Thereafter, Dy. Chief (RA), CERC updated the Governing Body on the proposal for issuing Newsletters of FOIR, which shall currently be published on bi-monthly basis, instead of monthly basis as was initially proposed by IICA. The Governing Body approved the proposal for issuing

newsletters on bi-monthly basis at the proposed budget of Rs 11,500/- (plus taxes) per newsletter.

Agenda Item 6: Cross Sector Collaborative Regulation between Telecom Regulators (TRAI) and Electricity Regulators – Reference From TRAI

Advisor (TRAI), gave an overview of the concept of Collaborative Regulation. He informed that until the 4G mobile services were introduced, most of the services were vertical in nature and limited to cater to the need of communication services. However, after the introduction of 5G technology, it requires coordination among various sectors. In US and Europe, there exists many collaborations between power sector regulators and telecom sector regulators, primarily to optimally utilize the infrastructures of distribution and transmission of electricity sector for rolling out the 5G network. He also informed that in many States, electricity network infrastructure is being used for laying the overhead and aerial optical fiber cable for providing the broadband and cable services. Chairperson, CERC informed that CERC has recently given a decision permitting PGCIL to use their towers to host the telecom BTS as per the provisions of the Electricity Act 2003.

After discussions, the GB agreed on formation of a working group, comprising of senior officials from CERC, TRAI, two Chairpersons of the State Electricity Regulatory Commission(s), representative from Central Transmission Utility, one telecom licensee and one distribution licensee. The GB noted that Chairperson, Gujarat ERC offered to be a member of the working group. The working group could co-opt experts from other organizations such as NHAI and would submit its final report in 3 months.

At the end, Chairperson, FOIR/TRAI thanked FOIR for taking initiatives for bringing coordination amongst various sectoral regulators. He appreciated the leadership and efforts of Chairperson CERC for initiating activities of FOIR, which has helped FOIR get a new lease of life and vibrancy.

The meeting concluded with a vote of thanks to Chairperson, FOIR /TRAI

FORUM OF INDIAN REGULATORS (FOIR)

LIST OF PARTICIPANTS ATTENDED THE
47TH GOVERNING BODY MEETING OF "FOIR"
HELD ON 26TH JUNE, 2020
{ THROUGH VIDEO CONFERENCING }

S. No.	Name & Designation	Organization
01.	Mr. R.S. Sharma Chairperson	TRAI
02.	Dr. M.S. Sahoo Chairperson	IBBI
03.	Mr. D.K. Sarraf Chairperson	PNGRB
04.	Mr. P.K. Pujari Chairperson	CERC
05.	Mr. Ashok Kumar Gupta Chairperson	CCI
06.	Mr. Anand Kumar Chairperson	GERC
07.	Mr. S.K.B.S. Negi Chairperson	HPERC

08.	Mr. S.K. Negi Chairperson	BERC
09.	Mr. InduShekharJha Member	CERC
10.	Mr. ArunGoyal Member	CERC
11.	Mr. T.S. Balasubramanian Member (Fin.)	TAMP
12.	Mr. P.J. Thakkar Member	GERC
13.	Mr. Rabindra Narayan Singh Member	JSERC
14.	Mr. Santokh Singh Sarna Member	PSERC
15.	Mr. Sanoj Kumar Jha Secretary	CERC
16.	Dr. Sushanta K. Chatterjee Chief (RA)	CERC
17.	Ms. Rashmi Nair Deputy Chief (RA)	CERC
18	MrArun Kumar Executive Treasurer, FOIR	CERC

SPECIAL INVITEES

1	Dr Abha Yadav, Director	FOIR Centre, IICA
2	Mr Sunil Singhal, Advisor	TRAI

PROPOSED GOVERNING BODY OF "FOIR"

FOR THE YEAR 2020 - 21

Name & Designation	Date of Appointment in Regulatory Commission / Authority	Date of Retirement in Regulatory Commission / Authority
Hony. Chairman		
Dr. R.S. Sharma Chairperson, TRAI	10.08.2015	30.09.2020*
Hony. Vice-Chairman		
Dr. M.S. Sahoo Chairperson, IBBI	01.10.2016	30.09.2021
Mr. D.K. Sarraf Chairperson, PNGRB	04.12.2017	03.12.2020****
Mr. P.K. Pujari Chairperson, CERC	01.02.2018	31.01.2021*****
Mr. Ashok Kumar Gupta Chairperson, CCI	12.11.2018	25.10.2022
Mr. Balwinder Singh Bhullar Chairperson, AERA	08.07.2019	07.07.2022
Mr. Anand Kumar Chairperson, GERC	02.08.2011	04.04.2021
Mr. S.K.B.S. Negi Chairperson, HPERC	01.10.2015	10.09.2020**
Mr. S.K. Negi Chairperson, BERC	01.10.2015	30.09.2020***
Chairperson, TAMP		
Chairperson, WDRA		
Hony. Members		
Mr. Rajeev Amit Member, BERC	24.08.2015	23.08.2020#
Mr. P.J. Thakkar Member, GERC	13.10.2015	12.10.2020###

Mr. Rabindra Narayan Singh Member, JSERC	05.02.2016	09.01.2021####
Mr. Santokh Singh Sarna Member, PSERC	15.02.2016	18.09.2020##
Vacant, Central Infrastructure Sector		
Vacant, Financial Sector		
Hony. Secretary		
Mr. Indu Shekhar Jha Member, CERC	21.01.2019	20.01.2022
Hony. Treasurer		
Mr. Arun Goyal Member, CERC	07.04.2020	06.04.2023

***Dr. M.S. Sahoo, Chairperson, IBBI will replace Dr. R.S. Sharma, Chairperson, TRAI (on completion of his tenure) and will serve as Hony. Chairman, FOIR (from 01.10.2020 to 30.09.2021).**

****Mr. U.N. Behera, Chairperson, OERC will replace Mr. S.K.B.S. Negi, Chairperson, HPERC and will serve as Hony. Vice-Chairman (from 11.09.2020 to 15.01.2022).**

*****Mr. M.K. Goel, Chairperson, JERC for UTs will replace Mr. S.K. Negi, Chairperson, BERC and will serve as Hony. Vice-Chairman (from 01.10.2020 to 16.09.2021).**

******New Chairperson, PNGRB will replace Mr. D.K. Sarraf, Chairperson, PNGRB (on completion of his tenure) and will serve as Hony. Vice-Chairman (from the date of joining PNGRB).**

*******New Chairperson, CERC will replace Mr. P.K. Pujari, Chairperson, CERC (on completion of his tenure) and will serve as Hony. Vice-Chairman (from the date of joining CERC).**

#Mr. Ramesh Kumar Choudhary, Member, BERC will replace Mr. Rajeev Amit, Member, BERC and will serve as Hony. Member (from 24.08.2020 – 07.08.2021).

##Air Vice Marshal Sauri Kant Parhi, Member, OERC will replace Mr. Santokh Singh Sarna, Member, PSERC and will serve as Hony. Member (from 19.09.2020 – 03.11.2021).

###Mr. Arun Kumar Sharma, Member, CSERC will replace Mr. P.J. Thakkar, Member, GERC and will serve as Hony. Member (from 13.10.2020 – 22.06.2021).

####Mr. Suresh Chandra Dinkar, Member, RERC will replace Mr. Rabindra Narayan Singh, Member, JSERC and will serve as Hony. Member (from 10.01.2021 – 16.07.2022).

Further, on completion of tenure of Dr. R.S. Sharma, Chairperson, TRAI, the name of new Chairperson, TRAI (from the date of assumption of charge) will be included in the Governing Body of FOIR as Hony. Vice-Chairman.