

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

NOTIFICATION(DRAFT)

No.L-7/105(121)/2007-CERC

Dated the, 2009

In exercise of powers conferred by Section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf and after previous publication, the Central Electricity Regulatory Commission, hereby makes the following regulations, namely:-

Short Title, Commencement and Application

1. (1) These regulations may be called the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations, 2009.
- (2) These regulations shall come into force on and from 1.4.2009.

Amendment of regulation 2

2. (1) Clause (b) of regulation 2 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 (hereinafter referred to as “the principal regulations”) shall be substituted as under, namely-

“(b) “bilateral transaction” means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or discovered at power exchange through anonymous bidding, from a specified point of injection to a specified point of drawal for a fixed or varying quantum of power (MW) for any time period during a month; “

(2) Clause (f) of regulation 2 of the principal regulations shall be substituted as under, namely

“ (f) “detailed procedure” means the procedure issued under these regulations by the Central Transmission Utility, until a Government company or authority or corporation referred to in sub-section (2) of Section 27 of the Act is notified by the Central Government, and thereafter such Government company or authority or corporation as notified by the Central Government ; “

(3) Clause (i) of regulation 2 of the principal regulations shall be substituted as under, namely

“(i) “long-term customer” means a person having a long-term contractual right to use an inter-State transmission system on payment of the transmission charges;”

Amendment of regulation 4

3. Regulation 4 of the principal regulations shall be substituted as under, namely-

“Subject to provisions of these regulations, the Central Transmission Utility, until a Government company or authority or corporation referred to in sub-section (2) of Section 27 of the Act is notified by the Central Government, and thereafter such Government company or authority or corporation as may be notified by the Central Government shall after obtaining prior approval of the Commission issue the detailed procedure in respect of any of the matters not specified in these regulations.”

Amendment of regulation 8

4. (1) Clause (3) of regulation 8 of the principal regulations shall be substituted as under, namely-

“(3) (a) While processing the application for concurrence or ‘no objection’ or standing clearance, as the case may be, the State Load Despatch Centre shall verify the following, namely-

- (i) existence of infrastructure necessary for time-block-wise energy metering and accounting, and
- (ii) availability of surplus transmission capacity in the State network.

(b) Where existence of necessary infrastructure and availability of surplus transmission capacity in the State network has been established, the State Load Despatch Centre shall convey its concurrence or ‘no objection’ or standing clearance, as the case may be, to the applicant by e-mail or fax, in addition to normal means of communication, within three (3) working days of receipt of the application:

:

Provided that when open access has been applied for the first time by any person, the buyer or the seller, the State Load Despatch Centre shall convey to the applicant its concurrence or ‘no objection’ or standing clearance, as the case may be, within seven (7) working days of receipt of the application by e-mail or fax, in addition to normal means of communication, in case

existence of necessary infrastructure and availability of surplus transmission capacity in the State network has been established.

(2) After clause (3) of regulation 8 of the principal regulations clause (3A) shall be inserted as under, namely-

“(3A) In case the State Load Despatch Centre finds an application for concurrence or ‘no objection’ or standing clearance, as the case may be, is incomplete or defective in any particular respect, it shall communicate the defect to the applicant by e-mail or fax within two (2) working days of receipt of the application.”

(3) Clause (4) of regulation 8 of the principal regulations shall be substituted as under, namely-

“(4) In case the application has been found to be in order but the State Load Despatch Centre refuses to give concurrence or “no objection” or standing clearance as the case may be, on the grounds of non-existence of necessary infrastructure or unavailability of surplus transmission capacity in State network, refusal shall be communicated to the applicant by e-mail or fax, within the period of three (3) working days or seven (7) working days, as the case may be, of receipt of the application, specified under clause (3), giving reasons for such refusal:

Provided that where the State Load Despatch Centre has not refused concurrence or ‘no objection’ or standing clearance, as the case may be, within

the specified period of three (3) working days or seven (7) working days, as the case may be, of receipt of the application, concurrence or 'no objection' or standing clearance, as the case may be, shall be deemed to have been granted."

Amendment of regulation 14

5. Regulation 14 of the principal regulations shall be substituted as under, namely-

“Revision of Schedule

14. (1) The open access schedules accepted by the nodal agency in advance or on first-come-first-served basis may be cancelled or curtailed on an application made by the person granted or deemed to have been granted open access under regulation 8 by giving at least two (2) days' notice the nodal agency:

Provided that the day on which notice for cancellation or curtailment is served on the nodal agency and the day from which such cancellation or curtailment is to be implemented, shall be excluded for computing the notice period of two (2) days.

(2) The person seeking cancellation or curtailment of open access shall pay the transmission charges for the notice period of two (2) days in accordance with the schedule originally approved by the nodal agency.

(3) If the period of cancellation or curtailment exceeds two (2) days, the transmission charges for the period beyond the notice period of two (2) days shall be payable in accordance with the revised schedule prepared by the nodal agency.”

Insertion of new regulation 14A

6. After regulation 14 of the principal regulations, regulation 14A shall be inserted as under, namely-

“Revision of Daily Schedule

14A. (1) In case of bilateral transactions, cancellation or curtailment of the schedules for a day may be revised either on the day on which the transaction is scheduled or on the day-ahead basis by giving advance notice to the Regional Load Despatch Centre concerned:

Provided that that in case of transactions other than those involving wind generation power plants as the identified source of supply of electricity, the schedules for a day may be curtailed only once.

(2) If the schedule for a day is sought to be cancelled or curtailed on the same day, the cancellation or curtailment, as the case may be, shall become effective from the 6th time-block, taking the time-block in which notice for revision is received by the Regional Load Despatch Centre as the first time-block.

(3) The cancellation or curtailment of schedule of a day shall be implemented so that quantum of cancellation or curtailment shall not be less than 10% of the schedule applicable when cancellation or curtailment is to be implemented:

Provided that in case of transactions involving wind generation power plants as the identified source of supply of electricity, curtailment or enhancement of schedule of a day shall be implemented so that curtailment or enhancement of schedule shall not be less than 10% of the schedule applicable when curtailment or enhancement is to be implemented.

Amendment of regulation 15

7. Clause (1) of regulation 15 of the principal regulations shall be substituted as under, namely-

“(1) The Regional Load Despatch Centre may curtail power flow on any transmission corridor, by cancelling or re-scheduling any transaction, if in its opinion cancellation or curtailment of any such transaction is likely to relieve the transmission constraint or improve grid security:

Provided that while cancelling or curtailing any such transaction, as far as possible, bilateral transactions shall be cancelled or curtailed first followed by collective transactions.”

Amendment of regulation 16

8. Regulation 16 of the principal regulations shall be substituted as under, namely-

“Transmission Charges

16. (1) In case of bilateral transactions, the transmission charges at the rate specified hereunder shall be payable by the applicant for the electricity approved for transmission at the point or points of injection:

<u>Type of Transaction</u>	<u>Transmission charges(Total)</u> <u>(Rs./MWh)</u>
(a) Bilateral, intra-regional	80
(b) Bilateral, between adjacent regions	160
(c) Bilateral, wheeling through one or more intervening regions	240

(2) In case of the collective transaction, the transmission charges at the rate of Rs. 100/MWh for energy approved for transmission separately for each point of injection and for each point of drawal shall be payable.

(3) The intra-State entities shall pay the transmission charges for use of the State network as fixed by the respective State Commission in addition to the charges specified under clauses (1) and (2)

Provided that in case the State Commission has not determined the transmission charges, these charges for use of respective State network shall be payable at the rate of Rs.80/MWh for the electricity transmitted:

Provided further that non-fixation of the transmission charges by the State Commission for use of the State network shall not be a ground for refusal of open access:

Provided also that the transmission charges payable for use of the State network shall be conveyed to the Regional Load Despatch Centre concerned who shall display these rates on its web site:

Provided also that the transmission charges shall not be revised with retrospective effect.”

Amendment of regulation 17

9. After proviso to clause (4) of regulation 17 of the principal regulations, clauses (5) and (6) shall be inserted as under, namely-

“(5) An additional fee equal to the operating charges specified under clause (1) shall be payable for each revision in schedule sought under regulation 14A:

(6) The fee for revision of schedule shall be deposited within 3 (three) days of the day on which revision was sought.”

Amendment of regulation 20

10. Clause (6) of regulation 20 of the principal regulations shall be substituted as under, namely-

“(6) No charges, other than those specified under regulation 16 and regulation 17 shall be payable by any person granted open access under these regulations.”

Insertion of new regulation 25A

11. After regulation 25 of the principal regulations, regulation 25A shall be inserted as under, namely-

“When Open Access Be Not Granted

25A. The National Load Despatch Centre or a Regional Load Despatch Centre, as the case may be, shall not grant open access for sale of electricity from entities and associates of such entities, defaulting in payment of Unscheduled Interchange charges, transmission charges, reactive energy charges, congestion charges and fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the Unified Load Despatch and Communication Schemes, when so advised by the Commission,.”

Insertion of new regulation 25B

12. After regulation 25A proposed to be inserted in the principal regulations, regulation 25B shall be inserted as under, namely-

“Monitoring

25B. (1) The quantum of power to be scheduled shall be declared according to the best assessment.

(2) Misuse of the transmission corridor booked for open access or repeated non-utilization of opportunities available to revise the schedules to bring them at realistic level or any other deliberate attempt to generate over or under the schedules for undue financial gains shall be considered as gaming which may disqualify a person for seeking open access in future under the directions of the Commission.

(3) The Regional Load Despatch Centre in case of regional entity and the State Load Despatch Centre in case of intra-State entity shall monitor any deviations from the schedules to verify the possibility of gaming by any person and on suspecting any gaming it shall report to the Commission.

(4) The Commission may after consideration of the report may pass such order as considered appropriate.”

Amendment of regulation 26

13. Regulation 26 of the principal regulations shall be substituted as under, namely-

“Redressal Mechanism

26. All disputes arising under these regulations shall be decided by the Commission based on an application made by the person aggrieved.”

Amendment of regulation 27

14. Title of regulation 27 of the principal regulations shall be substituted as under, namely-

“Information System – Regional Load Despatch Centres”

Insertion of new regulation 27A

15. After regulation 27 of the principal regulations, regulation 27A shall be inserted as under, namely

“Information System – State Load Despatch Centres

27A. Each State Load Despatch Centre, shall within 60 days of coming into force of these regulations, develop its website and post the following information on separate web-page titled “information on Inter-State Open Access”:

- (a) List of bilateral transactions for which concurrence has been granted and list of entities to whom concurrence or “no objection” or standing clearance, as the case may be, has been granted up to the day of each month in which transactions are scheduled, indicating:
- (i) Name of customer;
 - (ii) *Period of concurrence* or “no objection” or standing clearance, as the case may be, (start date and end date);
 - (iii) Point or points of injection and drawal,; and
 - (iv) Accepted schedule (MW).

Note

The status report shall be updated daily.

- (b) Average transmission losses for the State network for the immediately preceding 52 weeks;

- (c) Applicable transmission charges and transmission losses for the State network;
- (d) List of applications where concurrence or “no objection” or standing clearance, as the case may be, was not granted, along with reasons for refusal, to be displayed till one month after the scheduling period given in the application; and
- (e) A list of applications pending for decision.”

(Alok Kumar)
Secretary