

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Notification (Draft)

Dated the 28th October 2016

No.-L-1/(3)/2009-CERC: In exercise of the powers conferred under section 178 of the Electricity Act, 2003 and all other powers enabling in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations to amend Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters Open Access in inter-State Transmission) Regulations, 2009, as amended from time to time (hereinafter referred to as “the Principal Regulations”), namely:-

1. Short Title and Commencement

(1) These regulations may be called the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) (Sixth Amendment) Regulations, 2016.

(2) These regulations shall come into force from the date of their publications notification in the Gazette of India.

2. Amendment to Regulation 2 of the Principal Regulations:

(1) Sub-clause (l) of clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(l) **“long-term Access”** means the right to use the inter-State Transmission system for a period exceeding 7 years but not exceeding 25 years;

(2) Sub Clause (o) of clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(o) **Medium-Term Open Access** means the right to use the inter-State Transmission system for a period equal to or exceeding 1 year but not exceeding 5 years;”

3. Amendment of Regulation 8 of Principal Regulations: Clause (8) of Regulation 8 of the Principal Regulations shall be substituted as under:

"(8) The dedicated transmission line from generating station of the generating company to the pooling station of the transmission licensee (including deemed transmission licensee) shall be developed, owned and operated by the applicant generating Company. The specifications for dedicated transmission lines may be indicated by CTU while granting Connectivity/ Long term Access/Medium term Open Access:

Provided that in case of a thermal generating station of 500 MW and above and a hydro generating station or a generating station using renewable sources of energy of capacity of 250 MW and above, CTU shall plan the system such that maximum length of dedicated transmission line shall not exceed 100 km from switchyard of the generating station till the nearest pooling substation of transmission licensee:

Provided that where the dedicated transmission lines have already been constructed/are under construction by CTU under coordinated transmission planning:

(a) The transmission charges for such dedicated transmission lines shall be payable by the concerned generating company to the transmission licensee (including deemed transmission licensee) from the date of COD of the dedicated line till operationalisation of LTA of the generating station of the generating company:

(b) After operationalisation of the LTA, the dedicated transmission line shall be included in the POC pool and payment of transmission charges for the said dedicated transmission line shall be governed as per the CERC (Sharing of inter-state transmission charges and losses) Regulations, 2010 as amended from time to time.

4. Amendment of Regulation 9 of the Principal Regulations: In Clause (2) of Regulation 9 of the Principal Regulations, the words "or the transmission system under execution" shall be deleted.

5. Insertion of a new Regulation in the Principal Regulations: Regulation 15B shall be inserted after Regulation 15 of the Principal Regulations as under:

"15B. Firming up of Drawl or Injection by LTA Customers:

The Long Term Access Customer who has been granted long term access to a target region shall, after entering into power purchase agreement for supply of power to the same target region for a period of not less than one year, notify the Nodal Agency about the power purchase agreement along with copy of PPA for scheduling of power under LTA:

Provided that scheduling of power shall be contingent upon the availability of last mile transmission links in the target region:

Provided further that on receipt of the copy of the PPA, CTU shall advise concerned RLDC for scheduling of power at the earliest, but not later than a period of one month:

Provided also that if the capacity required for scheduling of power under LTA has already been allocated to any other person under MTOA and/or STOA, then MTOA and/or STOA shall be curtailed in accordance with priority for curtailment in accordance with Regulation 25 of these Regulations corresponding to the quantum and the period of the PPA:

Provided also that when capacity under existing MTOA are curtailed for considering scheduling of power under the PPA of the Long term Access Customer, such MTOA customer shall be permitted to relinquish its MTOA without any relinquishment charges.”

6. Insertion of new Regulation 16 B in the Principal Regulations

A new regulation shall be added below Regulation 16A

“16B. Underutilisation of Long term Access and Medium term Open Access:

In case it is observed by RLDCs that the LTA / MTOA customer’s request for scheduling is consistently (for more than 5 days) lower than the capacity granted by the Nodal Agency (i.e. CTU), RLDC may issue a notice to such LTA/MTOA customer asking the reasons for such under-utilization. The LTA/MTOA customer shall furnish the reasons for such under-utilization and will provide such details like the reduced requirement, likely period, etc. by the following day. The un-utilized transfer capability will then be released for scheduling of Medium term and Short-term open access transaction depending upon the period of such underutilization with a condition that such transaction shall be

curtailed in the event original LTA/MTOA customer seeks to utilize its capacity.

6. Amendment of Regulation 19 of the Principal Regulations: Clause (2) of Regulation 19 of the Principal Regulations shall be substituted as under:

"(2) The start date of the medium-term open access shall not be earlier than 5 months and not later than 2 years from the last day of the month in which application has been made."

7. Insertion of new Regulations: The following new regulations shall be added above Regulation 34 under the heading "Miscellaneous" and shall be numbered as Regulation 33A and 33B:

"33A. Power to Relax:

The Commission, for reasons to be recorded in writing, may relax any of the provisions of these regulations on its own motion or on an application made before it by an affected person to remove the hardship arising out of the operation of Regulation, applicable to a class of persons.

33B. Power to Remove Difficulty:

If any difficulty arises in giving effect to the provisions of these regulations, the Commission may, by order, make such provision not inconsistent with the provisions of the Act or provisions of other regulations specified by the Commission, as may appear to be necessary for removing the difficulty in giving effect to the objectives of these regulations."

(Shubha Sarma)
Secretary

Note: Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 were published in Part III, Section 4, No. 140 of the Gazette of India (Extraordinary) dated 10.08.2009 and amended vide -

(a) Amendment Regulations, 2010 which was published in Part III, Section 4, No. 225 of the Gazette of India (Extraordinary) dated 07.09.2010.

(b) Second Amendment Regulations, 2012 which was published in Part III, Section 4, No. 72 of the Gazette of India (Extraordinary) dated 22.03.2012.

(c) Third Amendment Regulations, 2013 which was published in Part III, Section 4, No. 86 of the Gazette of India (Extraordinary) dated 26.03.2013

(d) Fourth Amendment Regulations, 2014 which was published in Part III, Section 4, No. 245 of the Gazette of India (Extraordinary) dated 21.08.2014.

(e) Fifth Amendment Regulations, 2015 which was published in Part III, Section 4, No. 171 of the Gazette of India (Extraordinary) dated 19.05.2015.