

पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड

(भारत सरकार का उद्यम)

POWER GRID CORPORATION OF INDIA LIMITED

(A Government of India Enterprise)



केन्द्रीय कार्यालय: "सौदामिनी" प्लॉट सं. 2, सैक्टर-29, गुडगाँव-122 001, (हरियाणा) दूरभाष: 0124-2571700-719, फैक्स : 0124-2571762,
"Saudamini" Plot No. 2, Sector-29, Gurgaon-122 001, (Haryana) Tel. : 0124-2571700-719, Fax : 0124-2571762, Web.: www.powergridindia.com

CIN : L40101DL1989GOI038121

Ref.: CC/RC/CERC/ Cross Border Reg.

Date: 19/06/2017

To,

The Secretary
Central Electricity Regulatory Commission
3rd & 4th Floor, Chanderlok Building,
36 Janpath, New Delhi 110 001
Fax: 011 - 23753923

Subject : Draft CERC (Cross Border Trade of Electricity) Regulations, 2017
- Seeking comments/suggestion thereof

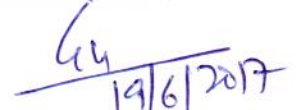
Respected Sir,

Kindly refer to CERC public notice ref. No.13/2/7/2015-PM/CERC dated 16th February 2017 vide which comments/ suggestions were sought on the subject proposed Regulation.

The suggestions and comments of POWERGRID on various issues on the draft Regulation are hereby submitted.

Thanking you.

Yours sincerely,


19/6/2017

(H K Mallick)

GM (Commercial & Reg. Cell)

Comments on CERC (Cross Border Trade of Electricity) Regulations, 2017

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
A.	Chapter 1: Preliminary		
1	2(1)(d)	'Access Bank Guarantee' means the bank guarantee which the CBITA customer shall be required to furnish while seeking Long term Access to inter-State transmission system in India.	'Access Bank Guarantee' means the bank guarantee which the CBITA customer shall be required to furnish while seeking Cross Border Transmission Access for Long Term.
2	2(1)(e)	'Applicant' means: (i) For the purpose of grant of connectivity the following entities (located in a neighbouring Country): a) A Hydro Generating station or generating station using renewable source of energy for installed capacity of 50 MW and above or. b) A generating station (not covered under (a) above) with installed capacity of 250 MW and above, including a captive generating plant of exportable capacity of 250MW and above or; c) Hydro Generating stations or generating stations using renewable source of energy individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW	'Applicant' means a generating entity or a distribution entity who has been recognized as a Participating Entity. <i>Provided that for the purpose of obtaining Cross Border Transmission Access for Short Term, Applicant may also mean a trading entity who has been recognized as a Participating Entity.</i>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
3	2(1)(g)	<p>and above, and acting on behalf of all these generating stations, and seeking connection from CTU at a single connection point at the pooling sub-station under CTU, termed as the lead generator, or;</p> <p>d) A consumer who intends to avail supply of a minimum load of 100 MW through the inter-State Transmission System of India.</p> <p>ii) For the purpose of grant of long-term access, medium-term open access or short-term open access the following entities located in India or a neighboring country:</p> <p>A generating station including a captive generating plant, a consumer, an inter-State trading licensee, a distribution licensee.</p>	<p>'Cross Border Available Transfer Capability' or 'CB-ATC' means the transfer capability, in MW, of the <i>Cross Border Transmission Link</i> in a specific direction, taking into account the network security. Mathematically CB-ATC is the Cross Border Total Transfer Capability less Cross Border Transmission Reliability Margin.</p>
		<p>'Available Transmission Capability' or 'ATC' means the transfer capability, in MW, of the inter-control area transmission system available for scheduling cross-border transactions (through long-term access, medium-term open access and short-term open access) in a specific direction, taking into account the network security. Mathematically ATC is the Total Transfer Capability less Transmission Reliability</p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
4	2(1)(i)	Margin. 'Buying Entity' means the entity which has been granted cross border transmission access and is purchasing electricity through a transaction involving India and a neighbouring country and scheduled in accordance with these regulations under short-term open access, medium-term open access or long-term access.	'Buying Entity' means the entity which has been granted cross border transmission access and is purchasing electricity through a transaction <i>between</i> India and a neighbouring country and scheduled in accordance with these regulations under short-term open access, medium-term open access or long-term access.
5	2(1)(o)	'Connectivity' for a generating station, including a captive generating plant, a bulk consumer or an inter-State Transmission licensee means the state of getting connected to the Inter-State Transmission System of India for the purpose of cross border trade of electricity.	<i>Deleted</i>
6	2(1)(p)	'Connectivity Lines' are transmission lines which connect switchyard of the generating station to pooling station (s) of the inter-State Transmission Licensees including Deemed inter-State Transmission Licensees in India and are used for the purpose of cross border trade of electricity between India and a neighbouring country.	<i>Deleted</i>
7	2(1)(q)	....	Renumbered as 2(i)(o)
8	2(1)(r)	'Cross Border Trade of Electricity' means trade involving import or export of electricity between	'Cross Border Trade of Electricity' means trade <i>between</i> import or export of electricity between India and the

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		India and the neighbouring Countries of India.	neighbouring Countries of India.
9	2(1)(s)	'Cross Border Transmission Access' or CBTAA means the access available to an applicant of a neighbouring country to get connected to and use the Indian Grid, and the access available to an applicant of India to get connected to and use the grid of any neighboring country for cross border trade of electricity under Long term access or medium term open access or short term open access, as the case may be.	Renumbered as 2(i)(g) and modified as: 'Cross Border Transmission Access' or 'CBTA' means the access granted to an Applicant to the Cross Border Transmission Link for Long Term, Medium Term or Short Term as may be specified in the grant intimation by CTU/NLDC, as the case may be.
10		-	Following new Regulation added as 2(1)(r): 'CBTA Application Procedure' means the Procedure notified by CERC in terms of Regulation 8.
11	2(1)(t)	Cross Border Transmission Agreement Customer means a person who has been granted CBTAA in accordance with these regulations.	Renumbered as 2(1)(s) and modified as: 'Cross Border Transmission Access Customer' means a person who has been granted CBTA <i>Provided that a customer for Long Term or Medium Term shall be required to execute CBTAA in accordance with these Regulations.</i>
12	2(1)(u)	Cross Border Transmission Access Agreement'	Renumbered as 2(1)(t) and modified as: 'Cross Border Transmission Access Agreement' or 'CBTAA'

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
13	2(1)(v)	or 'CBTAA' means an agreement relating to cross border trade of electricity entered into by the Cross Border Transmission Access Applicant with the Central Transmission Utility as per Central Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Term Open Access) Regulations, 2009, as amended from time to time.	means an agreement relating to cross border trade of electricity entered into by the <i>Transmission Planning Agencies of the respective countries, the CBTA Customer and CTU.</i>
14	2(1)(w) to 2(x)	.....	Renumbered as 2(1)(v) & 2(1)(w) respectively.
15	2(1)(y)	'Dedicated Transmission Lines' shall have the same meaning as defined in Section 2(16) of the Act.	Deleted
16	2(1)(z) to 2(1)(cc)	.....	Renumbered as 2(1)(x), 2(1)(y), 2(1)(z) & 2(1)(aa) respectively.
17	2(1)(dd)	'Downstream system' for a transmission line means the terminating bays/ transmission lines at same or lower voltage associated with a	Deleted

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		transmission line without commissioning of which the transmission line cannot be put to intended or optimal use.	
18	2(1)(ee)	.....	Renumbered as 2(1)(bb)
19	2(1)(ff)	<p>'Implementation Agreement' means the agreement, contract or memorandum of understanding, or any such covenant, entered into between following entities for the execution of project in a coordinated manner:</p> <ul style="list-style-type: none"> (i) between transmission licensee and generating station or (ii) between transmission licensee and developer of the associated transmission system or (iii) between transmission licensee and owner of upstream system or (iv) between transmission licensee and owner of downstream system. 	Deleted
20	2(1)(gg) to 2(1)(ii)	.....	Renumbered as 2(1)(cc), 2(1)(dd) & 2(1)(ee) respectively.
21	2(1)(jj)	'Inter-State transmission system' and intra-State Transmission System shall have the same meaning as assigned to them under section 2(33) and 2(34) of the Act.	Renumbered as 2(1)(ff) and modified as:
22	2(1)(kk)	.....	Renumbered as 2(1)(gg)

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
23	2(1)(ll)	'Lead generator' is a generating station which shall act on behalf of generating stations based on hydro or renewable sources of energy, individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW and above, and seeking connection from CTU at a single connection point at the pooling sub-station under CTU.	Deleted
24	2(1)(mm)	'License' means a license granted under section 14 of the Act.	Deleted
25	2(1)(nn)	'Licensee' means a person who has been granted a license under section 14 of the Act.	Deleted
26	2(1)(oo)	'Long-term Access' means the right to use the inter-state transmission system of India for period of 7 years or more.	Renumbered as 2(1)(hh) and modified as: 'Long Term' means a period of 7 years or more.
27	2(1)(pp)	.....	Renumbered as 2(1)(ii)
28	2(1)(qq)	'Medium-term Open Access' means the right to use the inter-state transmission system of India for a period exceeding 1 year but not exceeding 5 years.	Renumbered as 2(1)(jj) and modified as: 'Medium Term' means a period exceeding 1 year but not exceeding 5 years.
29	2(1)(rr)	'Medium-term Power Purchase Agreement' shall	Renumbered as 2(1)(kk) and modified as: 'Medium-term Power Purchase Agreement' shall mean a

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		mean a Power Purchase Agreement for duration equal to or more than 1 year and less than 7 years.	Power Purchase Agreement for duration equal to or more than 1 year and less than 5 years.
30	2(1)(ss) to 2(1)(uu)	.....	Renumbered as 2(1)(ll), 2(1)(mm) & 2(1)(nn) respectively.
31	2(1)(vv)	'Pooling Station' means the sub-station where pooling of connectivity lines of generators is done for interfacing with the same or next higher voltage level network of CTU or STU or Distribution Licensee.	'Pooling Station' means the sub-station interfacing <i>two or more transmission lines</i> of the same or <i>different</i> voltage level
32	2(1)(ww) to 2(1)(aaa)	.....	Renumbered as 2(1)(pp), 2(1)(qq), 2(1)(rr), 2(1)(ss) & 2(1)(tt) respectively.
33	2(1)(bbb)	'Selling Entity' means the entity which has been granted cross border transmission access and is selling electricity through a transaction in the course of cross border trade of electricity and scheduled in accordance with the regulations applicable for short-term open access, medium-term open access or long-term access.	'Selling Entity' means the entity which has been granted cross border transmission access and is selling electricity <i>through a transaction between India and a neighbouring country</i> and scheduled in accordance with the regulations applicable for short-term open access, medium-term open access or long-term access.
34	2(1)(ccc)	'Settlement Nodal Agency' or 'SNA' means the nodal agency as specified under Regulation 6 (2)	'Settlement Nodal Agency' or 'SNA' means the nodal agency as specified under Regulation 5 (2) (b) of these regulations.

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
35	2(1)(ddd)	(b) of these regulations.	Renumbered as 2(1)(ww) and modified as: 'Short Term' means a period up to one (1) month at one time.
36	2(1)(eee) & 2(1)(ff)	.....	Renumbered as 2(1)(xx) & 2(1)(yy) respectively.
37	2(1)(ggg)	'State Transmission Utility' or 'STU' means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39 of the Act.	Deleted
38	2(1)(hhh) & 2(1)(iii)	.....	Renumbered as 2(1)(zz) & 2(1)(aa) respectively.
39		-	Following new proviso added as 2(1)(bbb): 'Term' in relation to Cross Border Transmission Access may mean Long Term, Medium Term or Short Term as the case may be.
40	2(1)(jjj)	.....	Renumbered as 2(1)(cc)
41	2(1)(kkk)	'Total Transfer Capability' or 'TTC' means the amount of electric power that can be transferred reliably over the inter-control area transmission systems under a given set of operating conditions considering the effect of occurrence of the worst credible contingency.	'Cross Border Total Transfer Capability' or 'CB-TTC' means the amount of electric power that can be transferred reliably over the Cross Border Transmission Link under a given set of operating conditions considering the effect of occurrence of the worst credible contingency.

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
42	2(1)(III) & 2(1)(mmm)	.....	Renumbered as 2(1)(eee) & 2(1)(fff) respectively
43	2(1)(nmn)	'Transmission Reliability Margin' or 'TRM' means the amount of margin kept in the Total Transfer Capability necessary to ensure that the interconnected transmission network is secure under a reasonable range of uncertainties in system conditions.	Renumbered as 2(1)(ggg) and modified as: 'Cross Border Transmission Reliability Margin' or 'CB-TRM' means the amount of margin kept in the Cross Border Total Transfer Capability necessary to ensure that the interconnected transmission network is secure under a reasonable range of uncertainties in system conditions.
44	2(1)(ooo)	'Upstream System' means the end bays or transmission lines at same or higher voltage associated with a transmission line without commissioning of which the transmission line cannot be put to intended or optimal use.	Deleted
45	2(1)(ppp)	'User' means a person such as a Generating Plant including Captive Generating Plant or Transmission Licensee (other than the Central Transmission Utility and State Transmission utility) or Distribution Licensee or Bulk Consumer, whose electrical plant is connected to the ISTS of India at a voltage level 33kV and above.	Renumbered as 2(1)(hhh) and modified as: 'User' for the purpose of these Regulations shall mean the Buying Entity, Selling Entity or any other entity who use the Cross Border Transmission Links or the associated facilities and services of the System Operator of either country.
B. Chapter 2 : General Provisions			
1	3(2)	The CERC (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-	Deleted

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
2	3(3)	State Transmission and related matters) Regulations, 2009 and any amendments thereof shall be applicable to the entities located in India who are seeking connectivity for long term and medium term open access to the inter-State transmission system in India in the course of cross border trade of electricity between India and a neighbouring country.	Renumbered as 3(2)
3	3(4)	Any cross border	Renumbered as 3(3) and modified as: Any cross border
4	3(5)	Notwithstanding anything done or any action taken or purported to have been done or taken for cross border trade of electricity under the Agreements in force, prior to 5th December, 2016 (date of issue of Guidelines on Cross Border Trade of Electricity by Ministry of Power) shall be deemed to have been done or taken under the provisions of these regulations and the guidelines issued by Govt. of India till the expiry of such Agreements. Wherever there	Notwithstanding anything done or any action taken or purported to have been done or taken for cross border trade of electricity under the Agreements in force, prior to 5th December, 2016 (date of issue of Guidelines on Cross Border Trade of Electricity by Ministry of Power) shall be deemed to have been done or taken under the provisions of these regulations and the guidelines issued by Govt. of India till the expiry of such Agreements. To this extent, the Government of India, through such person or authority as it may notify, shall enter into a General Agreement for Cross Border Trade of Electricity with each of its neighbouring countries with the basic purpose of achieving uniformity on the related procedure and methodology. Renumbered as 3(4)

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
5	4	<p>Tariff Determination</p> <p>(1) Cross border trade of electricity through Government to Government negotiations:</p> <p>Where import/ export of electricity is agreed between the Government of India and the Government of any neighboring country involving the participating entities of the two countries, the tariff for such transactions shall be determined through Government to Government negotiations, which shall be adopted by the Appropriate Commission.</p> <p>Provided that in Agreements referred to in Clause 3(4) of the Regulations, the tariff so determined shall be deemed to have been adopted by the Appropriate Commission.</p> <p>(2) Cross border trade of electricity through arrangements other than through Government to Government negotiations:</p> <p>(a) Tariff for import of electricity by Indian entities (directly or through trading licensees) from the generating stations located outside India shall be</p>	<p>Wherever there</p> <p>Modified and shifted as Regulation 15. Refer sl. No. C14</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>determined under long term/ medium term/ short term agreement, through a process of competitive bidding, which shall be adopted by the Appropriate Commission under Section 63 of the Electricity Act, 2003.</p> <p>Provided that in case of hydro generation projects, the tariff shall be determined by the Central Commission as per the Tariff Regulations notified from time to time, if approached by the generator through the Government of the neighbouring country and agreed by the Indian entities, including Public Utilities/ Discom(s).</p> <p>(b) Tariff for export of electricity to entities of a neighboring country by Indian entities through long term/ medium term/ short term agreements may be as mutually agreed or discovered through competitive bidding, subject to payment of the charges as applicable for transmission/wheeling of electricity through the Indian grid.</p> <p>(3) The tariff for the cross border transmission</p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		link from pooling station within India till the Indian border shall be determined as per CERC (Tariff Regulations), 2014 as amended from time to time. (4) The tariff for transmission system within India shall be as per the prevailing laws under Section 62 or Section 63 of the Act.	
6	5 Compliance of Laws and Regulations 		Renumbered as 4 Compliance of Laws and Regulations
7	6 Institutional Framework 		Renumbered as 5 Institutional Framework
8	6(2) There shall be the following Agencies for performing the designated functions under these regulations:		There shall be the following Agencies for performing the <i>prescribed functions</i> under these regulations:
9	6(2)(c) National Load Dispatch Centre (NLDc) shall be responsible for granting and facilitating short-term open access with respect to cross border trade of electricity between India and its neighbouring country. It shall also be responsible for billing, collection and disbursement of the transmission charges for short term open access transactions in accordance with the Central Electricity Regulatory Commission (Sharing of		National Load Dispatch Centre (NLDc) shall be the System Operator and shall be responsible for granting and facilitating Cross Border Transmission Access for Short Term for cross border trade of electricity between India and its neighbouring country. It shall also be responsible for billing and collection of the transmission charges for the Indian portion of Cross Border Transmission Links for Short Term transactions.

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
10	6(2)(d)	<p>Inter State Transmission Charges and Losses) Regulations, 2010 or any other Regulations in force in that regard.</p> <p>Central Transmission Utility (CTU) shall be responsible for granting and facilitating long-term access and medium-term open access with respect to cross border trade of electricity between India and its neighboring countries. It shall also be responsible for billing, collection and disbursement of the transmission charges in accordance with the Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 or any other Regulations in force in that regard.</p>	<p>Central Transmission Utility (CTU) shall be responsible for granting and facilitating <i>Cross Border Transmission Access for Long Term and Medium Term</i> for cross border trade of electricity between India and its neighboring countries. It shall also be responsible for billing, collection and disbursement of transmission charges <i>for the Indian portion of Cross Border Transmission Links.</i></p>
11	7	<p>Eligibility criteria for participating Applicant</p> <p>(1) Considering that cross border trade of electricity shall involve issues of strategic, economic and national importance, only the participating entities of India and the neighboring countries who comply with the following conditions shall be eligible to participate in cross border trade of electricity after obtaining one-time approval from the Designated Authority:</p> <p>(a) Import of electricity by Indian entities</p>	<p>Deleted</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>from Generation projects located in a neighboring country and owned or funded by Government of India or by Indian Public Sector Undertakings or by private companies with ownership of 51% or more by Indian entity (ies);</p> <p>(b) Import of electricity by Indian entities from projects located in a neighboring country having 100% equity participation by an Indian entity or the Government of a neighboring country or companies owned and controlled by the Government of the neighboring country or Joint Venture Company of Indian entity, Government of neighboring country or company owned or controlled by the Govt. of neighboring country.</p> <p>(c) Import of electricity by Indian entities from approved licensed traders of neighboring countries having ownership of more than 51% by Indian entity (ies), from the sources as indicated in Para (a) and (b) above.</p> <p>(d) Export of electricity by the distribution licensees / Public Sector Undertakings</p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>(PSUs) in India, if surplus capacity is available and certified by the concerned distribution licensee or the PSU, as the case may be.</p> <p>(2) Any other participating entity shall be eligible to participate in cross border trade of electricity after obtaining approval of the Designated Authority on case to case basis.</p> <p>(3) Any change in the equity pattern of the participating entities after the date of approval shall be duly intimated to the Designated Authority and fresh approval shall be obtained by the participating entities under Clauses (1) and (2) above.</p> <p>(4) Any coal based thermal power projects in India other than those owned and operated by Public Sector Undertakings shall be eligible for export of electricity to any of the neighboring countries only if surplus capacity is certified by the Designated Authority.</p> <p>(5) Ministry of Power, Govt. of India may also identify the sources from which power can be exported to any of the neighboring</p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
12	8	<p>countries of India.</p> <p>Trade Through Indian Power Exchanges:</p> <p>(1) A Participating entity as specified in Regulation 7(1), with approval of the Designated Authority, after complying with the relevant regulations of the Commission, shall be eligible for cross border trade of electricity through Indian Power Exchange(s) under the categories of Term Ahead Contracts, Intra Day Contracts and Contingency Contracts as defined in the CERC (Power Market) Regulations, 2010.</p> <p>(2) Any other Participating Entity as specified in Regulation 7(2) shall be eligible to participate in the Indian Power Exchange(s) through the trading licensees in accordance with the CERC (Power Market) Regulations, 2010.</p> <p>(3) The quantum of electricity that can be traded under cross border trade of electricity in Indian Power Exchange(s) shall be as prescribed from time to time by the Designated Authority.</p>	<p>Renumbered as 6 and modified as under:</p> <p>Trade Through Indian Power Exchanges:</p> <p>(1) A Participating Entity which has obtained an approval of the Designated Authority under Para 5.2.1 under the Guidelines on Cross Border Trade of Electricity shall be eligible for cross border trade of electricity through Indian Power Exchange(s) under the categories of Term Ahead Contracts, Intra Day Contracts and Contingency Contracts as defined in the CERC (Power Market) Regulations, 2010.</p> <p><i>Provided that any other Participating Entity shall be eligible to participate in the Indian Power Exchange(s) through the trading licensees in accordance with the CERC (Power Market) Regulations, 2010.</i></p> <p><i>Provided further that cross border trade of electricity can be extended to other categories of contracts based on notification of Ministry of Power from time to time.</i></p> <p>(2) The quantum of electricity that can be traded under cross border trade of electricity in Indian Power Exchange(s) shall be as prescribed for a given neighbouring country from time to time by the Designated Authority.</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
C.	Chapter 3 : Transmission Planning, Connectivity and Access		Chapter 3 : Transmission Planning and Access
1	9		Renumbered as 7
		Transmission Planning	Transmission Planning
2	9(3)	The mode of interconnection between a neighbouring country and India will preferably be through DC links.	Deleted
3	9(3)	-	Following new proviso added as 7(3): The Cross Border Total Transfer Capability (CB-TTC), Cross Border Available Transfer Capability (CB-ATC) and Cross Border Transmission Reliability Margin (CB-TRM) for the cross border trade of electricity between Indian and a neighboring country shall be declared by the Designated Authority for purposes of grant of CBTA for Long Term, Medium Term or Short Term.
4	9(4)	Generating Stations located in India and supplying electricity exclusively to neighbouring countries may be allowed to build independent transmission systems for connecting to the neighboring country's transmission systems keeping the technical and strategic considerations in view and with the approval of the Government of India at the cost inbuilt in the agreement signed between Indian entity and the entity of the neighboring	Deleted

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
5	10	<p>country. Such approval will be under applicable section(s) of the Electricity Act, 2003, subject to complying with the technical and safety standards notified under various section of the Electricity Act, 2003.</p> <p>General provisions for Connectivity, Long term Access, medium term open access and short term open access</p> <p>(1) Any entity eligible to participate in cross border trade of electricity shall be required to seek connectivity and/or long term access or medium term open access or short term open access, as the case may be.</p> <p>(2) Applications for grant of connectivity and/or long-term access or medium-term open access shall be made to CTU as per CERC (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009 as amended from time to time.</p> <p>(3) Applications for grant of short term open access shall be made to NLDL as per CERC (Open Access in inter-state Transmission)</p>	<p>Renumbered as 8 and modified as under:</p> <p>Cross Border Transmission Access for Long Term, Medium Term or Short Term and through Indian Grid</p> <p>(1) An Applicant may seek Cross Border Transmission Access for Long Term, Medium Term by making an application to CTU or for Short Term by making an application to NLDL, as the case may be, in the manner prescribed in the CBTA Application Procedure.</p> <p>Provided that such an Applicant shall be required to make a corresponding and simultaneous application for Long Term Access, Medium Term Open Access or Short Term Open Access, as the case may be, for transmission of power through Indian Grid as per the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009 in case of Long Term Access and Medium Term Open Access and as per the Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008 in case of Short</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>Regulations, 2008 as amended from time to time.</p> <p>(4) Except where specifically provided in these Regulations, the provisions contained in the Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008, Central Electricity Regulatory Commission (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009 shall apply mutatis mutandis to the entities eligible to participate in cross border trade of electricity.</p>	<p>Term Open Access or any other enactment therefor.</p> <p>Provided that Applications received during a month for CBTA of any particular Term shall be construed to have arrived concurrently and shall be processed on first-come-first served basis separately for each of the aforesaid Term.</p> <p>Provided further that among Applications received in a month for Long Term, Medium Term and Short Term, the highest priority in terms of grant shall be that of an application for Long Term and the lowest priority shall be that of Short Term.</p> <p>Provided further that amongst the applications for Medium Term received during a month, the application seeking CBTA for a longer period shall have higher priority.</p> <p>(2) The Cross Border Transmission Access Application for Long Term shall include eligibility certificate issued by Designated Authority, no-objection certificate issued by the TPA of neighbouring country and other details such as location of the Applicant (i.e. Injection/Drawl point); connectivity to the grid; quantum to be transacted & period thereof; date from which CBTA is sought; PPA details (if any); Drawl/Injection point in the neighbouring country; commissioning schedule (in case of generating</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
			<p>entity) etc.</p> <p>Provided that if the quantum of electricity has not been firm up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the Applicant shall indicate the quantum of electricity along with name of the Target Region(s) in which this electricity is proposed to be interchanged using the inter-State transmission system.</p> <p>Provided further that in case such an application is made by an Indian entity, then the neighbouring country as a whole may be treated as a target region for the purposes of Cross Border Transmission Access.</p> <p>(3) Applicant for Cross Border Transmission Access for Long Term shall be required to furnish an Access Bank Guarantee along with the application, for an amount of Indian Rupees one crore per Mega Watt corresponding to the quantum of CBT A for long-term. The Access Bank Guarantee shall be in favour of CTU, in the manner laid down under the CBT A Application Procedure.</p> <p>(4) Cross Border Transmission Access for Medium Term or Short Term shall be granted if the resultant power flow can be accommodated in the transfer capability available in the existing Cross Border Transmission Link(s) and the corresponding path for power transfer in the Indian Grid.</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision																
6	11	<p>Application fee</p> <p>(1) The applications referred to in Regulation 10 for connectivity, long-term access and medium-term open access shall be accompanied by a non-refundable application fee in Indian Rupees as provided below, payable in the name and in the manner to be laid down by the CTU in the Detailed Procedure notified under these Regulations.</p>	<p>Beyond the Cross Border Transmission Link(s), adequacy of transmission network for transfer of power for which access has been sought shall be examined by TPA of the neighbouring country and intimated to DA.</p> <p>Provided that no new Cross Border Transmission Link shall be implemented for the purpose of granting CBTA for Medium Term or Short Term.</p> <p>Renumbered as 9 and modified as under:</p> <p>Application Fee for Cross Border Transmission Access</p> <p>The applications for Cross Border Transmission Access shall be accompanied by a non-refundable application fee in Indian Rupees as provided below, payable in the name and in the manner prescribed in the CBTA Application Procedure:</p>																
<table border="1"> <thead> <tr> <th data-bbox="384 465 459 786">S. NO.</th> <th data-bbox="384 786 459 1144">Quantum of Power to be injected/off taken into/from ISTS</th> <th data-bbox="231 786 384 1144">Application Fee (Rs. in Lakh)</th> <th data-bbox="231 987 384 1144">Medium-term open access</th> </tr> </thead> <tbody> <tr> <td data-bbox="231 465 384 786"></td> <td data-bbox="231 539 384 786"></td> <td data-bbox="231 786 384 987">For Connectivity / Long term Access</td> <td data-bbox="231 987 384 1144"></td> </tr> </tbody> </table>	S. NO.	Quantum of Power to be injected/off taken into/from ISTS	Application Fee (Rs. in Lakh)	Medium-term open access			For Connectivity / Long term Access		<table border="1"> <thead> <tr> <th data-bbox="368 1182 480 1570">S. No.</th> <th data-bbox="368 1570 480 1982">Quantum of Power</th> <th colspan="3" data-bbox="231 1570 368 1982">Application Fee (Indian Rupees in Lakhs)</th> </tr> </thead> <tbody> <tr> <td data-bbox="231 1182 368 1570"></td> <td data-bbox="231 1570 368 1704">CBTA - Long Term</td> <td data-bbox="231 1704 368 1839">CBTA - Medium Term</td> <td data-bbox="231 1839 368 1982">CBTA - Short Term</td> <td data-bbox="231 1982 368 2060"></td> </tr> </tbody> </table>	S. No.	Quantum of Power	Application Fee (Indian Rupees in Lakhs)				CBTA - Long Term	CBTA - Medium Term	CBTA - Short Term	
S. NO.	Quantum of Power to be injected/off taken into/from ISTS	Application Fee (Rs. in Lakh)	Medium-term open access																
		For Connectivity / Long term Access																	
S. No.	Quantum of Power	Application Fee (Indian Rupees in Lakhs)																	
	CBTA - Long Term	CBTA - Medium Term	CBTA - Short Term																

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision																																	
		<table border="1"> <tr> <td>1.</td> <td>Up to 100MW</td> <td>4</td> <td>2</td> </tr> <tr> <td>2.</td> <td>More than 100 MW and up to 500 MW</td> <td>6</td> <td>4</td> </tr> <tr> <td>3.</td> <td>More than 500 MW and up to 1000 MW</td> <td>12</td> <td>6</td> </tr> <tr> <td>4.</td> <td>More than 1000 MW</td> <td>18</td> <td>8</td> </tr> </table>	1.	Up to 100MW	4	2	2.	More than 100 MW and up to 500 MW	6	4	3.	More than 500 MW and up to 1000 MW	12	6	4.	More than 1000 MW	18	8	<table border="1"> <tr> <td>1.</td> <td>Up to 100 MW</td> <td>8</td> <td>4</td> <td rowspan="4">0.10</td> </tr> <tr> <td>2.</td> <td>More than 100 MW and up to 500 MW</td> <td>16</td> <td>8</td> </tr> <tr> <td>3.</td> <td>More than 500 MW and up to 1000 MW</td> <td>24</td> <td>12</td> </tr> <tr> <td>4.</td> <td>More than 1000 MW</td> <td>36</td> <td>16</td> </tr> </table>	1.	Up to 100 MW	8	4	0.10	2.	More than 100 MW and up to 500 MW	16	8	3.	More than 500 MW and up to 1000 MW	24	12	4.	More than 1000 MW	36	16
1.	Up to 100MW	4	2																																	
2.	More than 100 MW and up to 500 MW	6	4																																	
3.	More than 500 MW and up to 1000 MW	12	6																																	
4.	More than 1000 MW	18	8																																	
1.	Up to 100 MW	8	4	0.10																																
2.	More than 100 MW and up to 500 MW	16	8																																	
3.	More than 500 MW and up to 1000 MW	24	12																																	
4.	More than 1000 MW	36	16																																	
	<p>(2) Notwithstanding anything contained in CERC (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009, no application bank guarantee shall be required to be submitted along with the application for Connectivity or medium term open access. Only one bank guarantee, i.e. Access Bank Guarantee shall be deposited along with the application for long term access.</p> <p>(3) The fee for short-term open access applications referred to in Regulation 10 shall be as per the Procedure for scheduling for Bilateral Transactions specified in CERC (Open Access in inter-State Transmission) Regulations, 2008 and amendments thereof</p>																																			

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
7	-	-	<p>Following new Regulation added as 10:</p> <p>Processing of Cross Border Transmission Access Application</p> <p>(1) All complete applications received by CTU in a particular calendar month shall be forwarded to the Designated Authority by the 15th day of the subsequent month in case of CBTA Application for Long Term and by the 7th day of the subsequent month in case of CBTA Application for Medium Term for further processing by the Designated Authority. An application incomplete in any respect shall be summarily rejected and intimation to that effect be given to the applicants.</p> <p>(2) The Designated Authority shall further process the application in consultation and coordination with the Transmission Planning Agency of the neighboring country and CTU in terms of the Detailed Procedure notified by the Designated Authority under Guidelines on Cross Border Trade of Electricity issued by Ministry of Power.</p> <p>(3) The Designated Authority shall recommend the grant of Cross Border Transmission Access to an Applicant and communicate the same to CTU for intimation to such an Applicant. The recommendation of Designated Authority shall inter alia specify if implementation of a</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision																
8	12	<p>Time Frame for Processing</p> <p>(1) CTU shall process the Long-term access applications made under these Regulations requiring augmentation of transmission system in the Indian Grid in not later than ninety (90) days. Long-term access applications where augmentation of transmission system is not required shall be processed in not later than sixty (60) days.</p> <p>(2) CTU shall process the medium-term open access applications made under these Regulations in not later than thirty (30) days.</p>	<p>new Cross Border Transmission Link is required for grant of CBTA.</p> <p>Renumbered as 11 and modified as under:</p> <p>Time Frame for Processing of Applications</p> <p>The Applications received under these Regulations shall be processed by the Designated Authority within the time frame specified hereunder –</p> <table border="1" data-bbox="300 1176 938 2051"> <thead> <tr> <th>Type of Access</th> <th>Time limit for forwarding of applications by CTU to DA</th> <th>Time limit for processing beginning the day from which the application was forwarded by CTU</th> <th>Time limit for communication of intimation to the Applicant</th> </tr> </thead> <tbody> <tr> <td>CBTA for Long Term</td> <td>15 days</td> <td>150 days</td> <td>15 days</td> </tr> <tr> <td>CBTA for Long Term</td> <td>15 days</td> <td>90 days</td> <td>15 days</td> </tr> <tr> <td>CBTA for Medium Term</td> <td>7 days</td> <td>25 days</td> <td>8 days</td> </tr> </tbody> </table> <p>CBTA Applications for Short Term shall be processed by</p>	Type of Access	Time limit for forwarding of applications by CTU to DA	Time limit for processing beginning the day from which the application was forwarded by CTU	Time limit for communication of intimation to the Applicant	CBTA for Long Term	15 days	150 days	15 days	CBTA for Long Term	15 days	90 days	15 days	CBTA for Medium Term	7 days	25 days	8 days
Type of Access	Time limit for forwarding of applications by CTU to DA	Time limit for processing beginning the day from which the application was forwarded by CTU	Time limit for communication of intimation to the Applicant																
CBTA for Long Term	15 days	150 days	15 days																
CBTA for Long Term	15 days	90 days	15 days																
CBTA for Medium Term	7 days	25 days	8 days																

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
9	-	-	<p>NLDC within the time frame specified in the CBTA Application Procedure.</p> <p>Following new Regulation added as 12:</p> <p>Execution of Cross Border Transmission Access Agreement</p> <p>Upon grant of Cross Border Transmission Access, the CBTA Customers for Long Term or Medium Term shall be required to execute Cross Border Transmission Access Agreement with CTU and TPAs of India and the neighbouring country respectively within ninety days or thirty days from the date of grant of CBTA.</p>
10	13	<p>Application for Grant of Connectivity</p> <p>(1) On receipt of the application, the CTU shall, in consultation and coordination with other Transmission Planning Agencies process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.</p> <p>(2) The Generator or a bulk consumer already connected to inter-state transmission network of India or transmission network of the neighbouring country or for which Connectivity is already granted or planned, shall not be allowed to apply for additional</p>	<p>Deleted</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>connectivity for the same capacity. However, in case of expansion of capacity of generator or load of the bulk consumer, it shall be required to make application for Connectivity as per the provisions of the Regulations.</p> <p>(3) The grant of Connectivity alone shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium-term open access or short-term open access.</p> <p>(4) The grant of connectivity shall be considered as provisional till the cross border long term access application for a minimum of 50% of Installed capacity (minus auxiliary consumption) is filed by the Applicant. Under no circumstances, applicant shall be allowed physical connection with the grid before filing the application for cross border long term access and furnishing Access Bank Guarantee thereof.</p> <p>(5) Such application seeking long term access has to be filed within 2 years of date of grant of Connectivity failing which Connectivity granted shall be withdrawn and application fees shall be forfeited.</p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
11	14	<p>Application for Long-Term Cross-border Transmission Access</p> <p>(1) The application shall be made as per the provisions contained in CERC (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009, as amended from time to time.</p> <p>Provided that if the quantum of electricity has not been firmed up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the applicant shall indicate the quantum of electricity along with name of the Target Region(s) in which this electricity is proposed to be interchanged using the inter-State transmission system.</p> <p>Provided that in case such an application is made by an Indian entity, then the neighbouring country as a whole may be treated as a target region for the purposes of Cross Border Transmission Access.</p> <p>Provided that the implementation of the transmission system augmentation, if any, for grant of Cross Border Transmission Access</p>	Deleted

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
12	15	<p>shall be undertaken only after the signing of the Long Term PPA for at least fifty(50) percent of the installed capacity of the generating station by the applicant for the sale of electricity.</p>	<p>Renumbered as 13 and modified as under: Implementation of Cross Border Transmission Link</p>
	<p>Implementation of Cross Border Transmission Link</p> <p>(1) The cross border transmission link shall consist of transmission line and associated system from the pooling station within India till the Indian border and transmission line from Indian border till the pooling station of the neighbouring country.</p> <p>(2) The CTU shall be responsible for the implementation of cross border transmission link between the pooling station within India till the Indian border. Beyond the Indian border the responsibility of the implementation shall be that of the Applicant(s) or the TPA of the neighbouring country.</p> <p>(3) The tariff for the cross border transmission link from the pooling station within India</p>	<p>Implementation of Cross Border Transmission Link</p> <p>(1) <i>The CTU shall be responsible for the implementation of cross border transmission link between the pooling station within India till the Indian border. Beyond the Indian border the responsibility of the implementation shall be that of the TPA of the neighbouring country who in turn may entrust this task to the Applicant(s) on mutually agreed terms and conditions.</i></p> <p>(2) <i>The Cross Border Transmission Link shall consist of transmission lines and associated system from the pooling station within India till the Indian border and transmission line from Indian border till the pooling station of the neighbouring country.</i></p> <p>(3) <i>The implementation of Cross Border Transmission Link within India shall be undertaken by CTU after fulfilment of all of the following conditions</i></p> <p>(a) <i>Execution of the Cross Border Transmission Access</i></p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>to the Indian border shall be payable by the Applicant(s). The tariff shall be charged even in case of non availability of the matching transmission line from the Indian border till the pooling station of neighboring country or non availability of generating station(s). The detailed modalities for the same shall be specified by the DA in the separate procedure to be notified by DA.</p> <p>(4) The TPAs of India and neighboring country shall regularly monitor the progress of implementation of cross border transmission link and shall endeavor that the line from the pooling station within India till the Indian border and line from Indian border till the pooling station of the neighboring country</p>	<p><i>Agreement.</i></p> <p>(b) <i>Furnishing of additional Access Bank Guarantee (if applicable) in terms of Regulation 14(1);</i></p> <p>(c) <i>Signing of the Long Term PPA for at least fifty(50) percent of the installed capacity of the generating station (minus auxiliary consumption) by the Applicant for the sale of electricity; and</i></p> <p>(d) <i>The generating company has already made the advance payment for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil work packages or the EPC contract in case of hydro generating stations, subject to a minimum of 10% of the sum of such contract values.</i></p> <p><i>Provided that the Cross Border Transmission Links to be implemented for trade of electricity under Para 6.1 of the Guidelines on Cross Border Trade of Electricity issued by the Ministry of Power, shall be undertaken by CTU on the formal recommendation of Designated Authority.</i></p> <p>(4) The TPAs of India and neighboring country shall regularly monitor the progress of implementation of cross border transmission link and shall endeavour that the line from the pooling station within India till the Indian border and line from Indian border till the pooling station of the neighboring country are constructed in a matching time frame.</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>are constructed in matching time frame.</p> <p>(5) Construction and maintenance of the transmission line shall be in accordance with the Indian technical standards specified by CEA from time to time.</p>	<p>(5) Construction and maintenance of the transmission line shall be in accordance with the Indian technical standards specified by CEA from time to time.</p>
13	16	<p>Treatment of delay in Transmission system /Generation projects</p> <p>(1) In order to review the progress of generating units along with its direct evacuation lines and the common transmission system, CTU shall convene a Joint co-ordination meeting with each developer, and TPA of neighbouring country at regular interval at least once in a quarter.</p> <p>(2) The generating company and owner of the transmission system shall endeavour to commission the generating station and the transmission system simultaneously as far as practicable and shall ensure the same through appropriate Implementation Agreement. A</p>	<p>Deleted</p> <p>(6) Prior to physical interconnection of the Cross Border Transmission Link with the Indian Grid, the Cross Border Connection Agreement with details of technical parameters of the links shall be executed.</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>copy of same shall be furnished by the Applicant to CTU.</p> <p>(3) In case of expected delay of individual generating unit(s) as per the timelines agreed in the CBTAA, as assessed during joint coordination meetings or the generator seeks deferment of start of long term access, CTU shall endeavor to replan the system to the extent possible. In case the augmentation of the transmission system has already been awarded, the generator shall be liable to pay full transmission charges from the date of operationalisation of long term access.</p> <p>(4) In the event of delay in commissioning of concerned transmission system from its scheduled date, CTU shall endeavor to make alternate arrangement for dispatch of power at the cost of the transmission licensee.</p> <p>(5) In case such alternative arrangement cannot be provided by the CTU while the generator is ready, the transmission licensee shall pay transmission charges to concerned Long Term Open Access Customer(s) proportionate to its commissioned capacity (which otherwise would have been paid by</p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
14	17	<p>the concerned Long Term Open Access Customer (s) to CTU provided generation is ready. Such payment from the transmission licensee may be recovered from the Contract Performance Guarantee furnished by the transmission licensee.</p> <p>Access Bank Guarantee</p> <p>(1) The CBTA applicant applying for long term access shall be required to furnish to the CTU, an Access Bank Guarantee, along with application, for an amount of INR 1 Crore/ per Mega Watt corresponding to the quantum of long-term CBTA sought.</p>	<p>Renumbered as 14 and modified as under:</p> <p>Treatment and Discharge of Access Bank Guarantee</p> <p>(1) The Access Bank Guarantee shall be kept valid for a period upto three month beyond the period for which the CBTA for Long Term has been granted after the operationalization of CBTA for Long Term.</p> <p>(2) The Access Bank Guarantee submitted by the Applicant shall be adjustable in accordance with the DPR Cost approved by the Designated Authority for the CBT Link with which the CBTA for Long Term has been granted.</p> <p>Provided that in case where LTA is granted with implementation of CBT Link, CTU shall specify the Detailed Project Report (DPR) cost of the portion of CBT Link within India after due approval of the Designated Authority within a period of ninety days from the grant of CBTA.</p> <p>Provided further that if the value of the Access Bank</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>(2) The CBT A customer may approach CTU and seek permission to exit prior to the award of contract for execution of Transmission</p>	<p>Guarantee falls short of the DPR cost of the portion of CBT Link within India, the Applicant shall be required to furnish within thirty days of the notice in that regard from CTU, an additional Access Bank Guarantee of the balance amount with validity for a period upto three month beyond the period for which the CBT A for Long Term has been granted after the operationalization of CBT A for Long Term.</p> <p>Provided further that if the value of the Access Bank Guarantee exceeds the DPR cost of the portion of CBT Link within India, the excess value of the Access Bank Guarantee shall be accordingly reducible.</p> <p>(3) The aggregate amount of Access Bank Guarantees to be maintained for the portion of CBT Link within India shall not be lesser than the total DPR cost required for the implementation of the said CBT Link.</p> <p>Provided that CERC may notify an addendum to the present Regulations prescribing the modalities for sharing of amount of Access Bank Guarantees in case of multiple grant of CBT A for Long Term on a particular Cross Border Transmission Link.</p> <p>(4) The CBT A customer may approach CTU and seek permission to exit prior to the award of contract for execution of Transmission System by the transmission</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>System by the transmission licensee. All such requests shall be considered and decision communicated to the CBTA customer not later than thirty (30) days.</p> <p>(3) In case, such permission for exit is accorded by the CTU, the CTU may encash Rs. 20 lakhs from the Access Bank Guarantee and return the balance amount to the CBTA customer.</p> <p>(4) In case, any of the developers fails to construct the generating station /dedicated transmission system by the timelines agreed in the CBTAA, CTU shall have the right to encash the Access Bank Guarantee in accordance with Regulation 29 of these regulations</p> <p>(5) If CBTA Customer makes an exit from Cross Border Transmission Access under these Regulations, or relinquishes Cross Border Transmission Access at any stage after the augmentation of the transmission system has been awarded, the Access Bank Guarantee shall be encashed.</p> <p>(6) The quantum of Access Bank Guarantee shall be progressively reduced each year after</p>	<p>licensee. All such requests shall be considered and decision communicated to the CBTA customer not later than thirty (30) days. In case, such permission for exit is accorded by the CTU, the CTU shall encash Indian Rupees 20 lakhs from the Access Bank Guarantee <i>as processing charge</i> and return the balance amount to the CBTA customer.</p> <p>(5) In case, any of the developers fails to construct the generating station /dedicated transmission system by the timelines agreed in the CBTAA, CTU shall have the right to encash the Access Bank Guarantee in accordance with Regulation 29 of these regulations</p> <p>(6) If CBTA Customer makes an exit from Cross Border Transmission Access under these Regulations, or relinquishes Cross Border Transmission Access at any stage after the augmentation of the transmission system has been awarded, the Access Bank Guarantee shall be encashed.</p> <p>(7) The quantum of Access Bank Guarantee shall be progressively reduced each year after operationalisation</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
15	-	<p>operationalisation of Long term Access corresponding to one fifth of its total value. Each year, one fifth of the value of Access bank guarantee shall be returned to the Applicant such that the entire access bank guarantee shall be discharged in 5 years from date of operationalisation of long term access.</p> <p>(Existing Proviso 4)</p> <p>Tariff Determination</p> <p>(1) Cross border trade of electricity through Government to Government negotiations:</p> <p>Where import/ export of electricity is agreed between the Government of India and the Government of any neighboring country involving the participating entities of the two countries, the tariff for such transactions shall be determined through Government to Government negotiations, which shall be adopted by the Appropriate Commission.</p> <p>Provided that in Agreements referred to in Clause 3(4) of the Regulations, the tariff so determined shall be deemed to have been</p>	<p>of CBTA for Long Term corresponding to the proportion of capital cost recovered during the year such that 100% reduction is permitted over the period 90% of the capital cost is recovered through tariff.</p> <p>Existing Proviso shifted, renumbered as 15 and modified as under:</p> <p>Tariff Determination & Payment of Transmission Charges</p> <p>(1) <i>The tariff for import/export of electricity shall be in accordance with the principles laid down in the Para 6.1 and 6.2 of Guidelines on Cross Border Trade of Electricity issued by Ministry of Power.</i></p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>adopted by the Appropriate Commission.</p> <p>(2) Cross border trade of electricity through arrangements other than through Government to Government negotiations:</p> <p>(a) Tariff for import of electricity by Indian entities (directly or through trading licensees) from the generating stations located outside India shall be determined under long term/ medium term/ short term agreement, through a process of competitive bidding, which shall be adopted by the Appropriate Commission under Section 63 of the Electricity Act, 2003.</p> <p>Provided that in case of hydro generation projects, the tariff shall be determined by the Central Commission as per the Tariff Regulations notified from time to time, if approached by the generator through the Government of the neighbouring country and agreed by the Indian entities, including Public Utilities/ Discom(s).</p> <p>(b) Tariff for export of electricity to entities</p>	

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>of a neighboring country by Indian entities through long term/ medium term/ short term agreements may be as mutually agreed or discovered through competitive bidding, subject to payment of the charges as applicable for transmission/wheeling of electricity through the Indian grid.</p> <p>(3) The tariff for the cross border transmission link from pooling station within India till the Indian border shall be determined as per CERC (Tariff Regulations), 2014 as amended from time to time.</p>	<p>(2) <i>In case of cross border trade of electricity through Government to Government negotiations, the tariff for the portion of the Cross Border Transmission Links within India shall be determined through Government to Government negotiations, which shall be adopted by the Appropriate Commission.</i></p> <p><i>Provided that in Agreements referred to in Clause 3(4) of the Regulations, the tariff so determined shall be deemed to have been adopted by the Appropriate Commission.</i></p> <p><i>Provided further that the transmission tariff determination shall be such that the total capital cost of the Indian portion of the cross border transmission link is made recoverable in the time frame for which the cross border trade in electricity has been agreed for under the Government to Government negotiation.</i></p> <p>(3) <i>In case of cross border trade of electricity through</i></p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
			<p>arrangements other than Government to Government negotiations, the transmission tariff for the portion of the Cross Border Transmission Links within India shall be determined by CERC as per the principles of CERC (Tariff Regulations), 2014 as amended from time to time or any subsequent enactment thereof and shall be payable by the CBTA Customer.</p> <p>Provided that the transmission tariff determination shall be such that recovery of the total capital cost of the Indian portion of the cross border transmission link is made over the period for which CBTA for Long Term has been granted.</p> <p>Provided further that the transmission tariff shall be charged even in case of non availability of the matching transmission line from the Indian border till the pooling station of neighboring country or non availability of generating station(s). The detailed modalities for the same shall be specified in the Detailed Procedure to be notified by the Designated Authority.</p> <p>(4) The CBTA Customer shall be required to pay –</p> <p>(a) Transmission charges for the Cross Border Transmission Link;</p> <p>(b) PoC charges for accessing the Indian ISTS in terms of the Central Electricity Regulatory Commission</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
16	18	<p>(4) The tariff for transmission system within India shall be as per the prevailing laws under Section 62 or Section 63 of the Act.</p>	<p>(5) The tariff for transmission system within India shall be as per the prevailing laws under Section 61, Section 62 or Section 63 of the Act.</p> <p>Renumbered as 16 and modified as under:</p>
		<p>Operationalisation of Long Term Cross Border Access</p> <p>(1) The operationalisation of long-term Cross Border Transmission Access shall start from the date indicated in the CBTA.</p>	<p>Operationalisation of Long Term Cross Border Access</p> <p>(1) The operationalisation of Cross Border Transmission Access for Long Term shall start from the date indicated in the CBTA subject to establishment of payment security in terms of the mechanism provided in these Regulations. Failure to establish payment security mechanism shall be construed as violation of the Regulations.</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>Provided that the inability to generate/supply electricity shall not absolve a Cross Border Transmission Access Customer from liability to pay transmission charges.</p> <p>(2) Where the operationalisation of Cross Border Transmission Access is contingent upon commissioning of several transmission lines or systems and only some of the transmission lines or elements have been declared under commercial operations, then CBT A to the extent which can be operationalized without affecting the security and reliability of the Indian Grid may be permitted for which the Cross Border Transmission Access customer shall pay the transmission charges for the quantum of Cross Border Transmission Access operationalized.</p> <p>(3) The CBT A Customer shall submit certificate regarding Commercial Operation declaration of the generating station or transmission system as required under Grid Code.</p>	<p>Provided that the inability to generate/supply electricity shall not absolve a Cross Border Transmission Access Customer from liability to pay transmission charges.</p> <p>(2) Where the operationalisation of Cross Border Transmission Access is contingent upon commissioning of several transmission lines or systems and only some of the transmission lines or elements have been declared under commercial operations, then CBT A to the extent which can be operationalized without affecting the security and reliability of the Indian Grid may be permitted for which the Cross Border Transmission Access customer shall pay the transmission charges for the quantum of Cross Border Transmission Access operationalized.</p> <p>(3) The CBT A Customer shall submit certificate regarding Commercial Operation declaration of the generating station or transmission system as required under Grid Code.</p>

Provided that such certificate shall be

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
17	19	<p>submitted for Cross border transmission link including for the dedicated transmission line, wherever applicable.</p> <p>Firming up of Drawl or Injection by LTA Customers</p>	<p>Renumbered as 17 and modified as under:</p> <p>Firming up of Drawl or Injection by LTA Customers</p>
18	20	<p>(1) The CBTA customers who have signed the Long Term Access Agreement and have submitted the Access Bank Guarantee, but were granted cross border long term access for target drawl or injection, shall upon firming up through signing of long term PPA(s), be required to notify the CTU and TPA of neighbouring country within one month from the date of signing of the PPA along with a copy of PPA. The scheduling under such PPA shall start only after 1 month of furnishing the copy of PPA to CTU subject to availability of end links.</p> <p>.....</p>	<p>(1) The CBTA customers who have signed the Long Term Access Agreement and have submitted the Access Bank Guarantee, but were granted cross border long term access for target drawl or injection, shall upon firming up through signing of long term PPA(s), be required to notify the CTU and <i>concerned TPAs</i> within one month from the date of signing of the PPA along with a copy of PPA. The scheduling under such PPA shall start only after 1 month of furnishing the copy of PPA to CTU subject to availability of end links.</p> <p>.....</p>
18	20	<p>Metering Arrangements</p> <p>(2) Meters shall be installed at Generating</p>	<p>Renumbered as 18 and modified as under:</p> <p>Metering Arrangements</p> <p>Deleted</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>stations located outside India as per Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 and amendments thereof.</p> <p>(3) Before flow of electricity on the transmission line, TPAs of both the countries shall confirm the availability of Main Meter, Check Meter and Standby Meter to System Operator of respective country.</p> <p>(4) Special Energy Meters shall be open for inspection by any person authorized by the TPAs or System Operators of the respective countries.</p>	<p>(2) Before flow of electricity on the transmission line, TPAs of both the countries shall confirm the availability of Main Meter, Check Meter and Standby Meter to System Operator of respective country.</p> <p>(3) Special Energy Meters shall be open for inspection by any person authorized by the TPAs or System Operators of the respective countries.</p>
19	21	<p>Data and Communication Facilities</p> <p>.....</p> <p>All Users and CTU shall install data and communication facilities to telemeter power system parameter such as flow, voltage and status of switches/ transformer taps etc. in line with interface requirements as per the applicable Regulations of CERC. The associated communication system to facilitate data flow up</p>	<p>Renumbered as 19 and modified as under:</p> <p>Data and Communication Facilities</p> <p>.....</p> <p>All Users and CTU shall install data and communication facilities to telemeter power system parameter such as flow, voltage and status of switches/ transformer taps etc. in line with interface requirements as per the applicable Regulations of CERC. The associated communication system to facilitate data flow up to appropriate data collection point on CTU's system shall be established by the concerned User as specified</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
20	22	to appropriate data collection point on CTU's system shall be established by the concerned User as specified by CTU in the Connection Agreement.	by CTU in the <i>Cross Border</i> Connection Agreement. Renumbered as 20
21	23	Reactive Power Compensation (1) Reactive Power compensation and/or other facilities shall be provided by Users connected to ISTS as far as possible in the low voltage systems close to the load points thereby avoiding the need for exchange of Reactive Power to/from ISTS and to maintain ISTS voltage within the specified range.	Renumbered as 21 and modified as under: Reactive Power Compensation (1) <i>Adequate</i> Reactive Power compensation and/or other facilities, <i>as specified by respective TPA</i> , shall be provided by Users connected to ISTS thereby avoiding the need for exchange of Reactive Power to/from ISTS and to maintain ISTS voltage within the specified range.
220	24 and 25	.....	Renumbered as 22 and 23 respectively
D. Chapter - 4 : System Operation			
1	26 to 28	....	Renumbered as 24 to 26 respectively
2	29	Declaration of Transfer Capability	Renumbered as 27 and modified as under: Declaration of Transfer Capability

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
3	30 to 36	<p>The Total Transfer Capability (TTC), Transmission Reliability Margins and Available Transfer Capability (ATC) for the cross border trade of electricity transactions shall be assessed in advance by System Operators in India and the neighboring country and lower of the two values of ATC assessed by the two countries shall be considered for allowing cross border trade of electricity transactions. In India, TTC/ATC will be assessed 3 months in advance for Short Term Transactions by System Operator (NLDC) and for long term transactions for 4 years period by CTU which may be revised by CTU due to change in anticipated network topology or change of anticipated generation or load at any of nodes giving reason for such changes.</p>	<p>The Total Transfer Capability (TTC), Transmission Reliability Margins and Available Transfer Capability (ATC) for the cross border trade of electricity transactions shall be assessed in advance by System Operators in India and the neighboring country and lower of the two values of ATC assessed by the two countries shall be considered for allowing cross border trade of electricity transactions. In India, TTC/ATC will be assessed 3 months in advance for Short Term Transactions by System Operator (NLDC) and for Long Term and Medium Term transactions by DA which may be revised by DA due to change in anticipated network topology or change of anticipated generation or load at any of nodes giving reason for such changes.</p> <p>Renumbered as 28 to 34 respectively</p>
E.	Chapter-5 : Payment Of Charges And Payment Security Mechanism		Renumbered as 35 and modified as under:
1	37	<p>Payment of Transmission charges and other charges</p> <p>(1) Point of Connection (PoC) charges for delivery of electricity at the pooling station within India shall be governed as per provisions of Central Electricity Regulatory</p>	<p>Payment of Transmission charges and other charges</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>Commission (Sharing of ISTS Charges & Losses) Regulations, 2010.</p> <p>(2) PoC Injection and Withdrawal charges shall be governed as per Central Electricity Regulatory Commission (Sharing of ISTS Charges & Losses) Regulations, 2010.</p> <p>(3) Settlement Nodal Agency shall ensure the payment of applicable charges for communication system of CTU.</p> <p>(4) A suitable payment security mechanism for charges to be collected by Settlement Nodal Agency shall be put in place by the settlement nodal agency.</p> <p>(5) Taxes, cess, statutory duties and levies shall be payable by the applicants as per the applicable laws of India and the neighboring country.</p>	<p>(1) PoC Injection and Withdrawal charges shall be governed as per Central Electricity Regulatory Commission (Sharing of ISTS Charges & Losses) Regulations, 2010.</p> <p>(2) Settlement Nodal Agency shall ensure the payment of applicable charges for communication system of CTU.</p> <p>(3) A suitable payment security mechanism for charges to be collected by Settlement Nodal Agency shall be put in place by the settlement nodal agency.</p> <p>(4) Taxes, cess, statutory duties and levies shall be payable by the applicants as per the applicable laws of India and the neighboring country.</p>
2	38 and 39	....	Renumbered as 36 and 37 respectively
3	40	<p>Payment Security Mechanism</p> <p>(1) The Cross Border Transmission Access</p>	<p>Renumbered as 38 and modified as under:</p> <p>Payment Security Mechanism</p> <p>(1) The Cross Border Transmission Access Customer shall be</p>

Sl. No.	Regulation	Existing Provision in Draft Regulation	Suggested Provision
		<p>Customer shall be liable to establish payment security mechanism for payment of transmission charges and various grid related charges.</p> <p>(2) Cross Border Transmission Access Customer shall establish payment security towards transmission charges at least ninety (90) days prior to the intimated date of commencement of Cross Border Transmission Access which inter-alia shall include the following for availing Long term access and medium term open access:</p> <p>.....</p> <p>(3) In case of default of payment of Transmission Charges and other Grid related charges, the applicant shall be disqualified from accessing the Indian Grid till discharge of its dues as specified in a separate procedure to be notified by DA.</p>	<p>liable to establish payment security mechanism for payment of transmission charges and various grid related charges.</p> <p>(2) Cross Border Transmission Access Customer shall establish payment security towards transmission charges at least ninety (90) days prior to the intimated date of commencement of Cross Border Transmission Access which inter-alia shall include the following for availing Long Term and Medium Term:</p> <p>.....</p> <p>(3) The bills shall be realizable on site from the negotiating bank in India.</p> <p>(4) In case of default of payment of Transmission Charges and other Grid related charges, the applicant shall be disqualified from accessing the Indian Grid till discharge of its dues as specified in a separate procedure to be notified by DA.</p>
F. 1	Chapter - 6 : Miscellaneous 41 to 46		Renumbered as 39 to 44 respectively

xx-xx-xx