

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

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

Dated, the 28th of May 2012

NOTIFICATION (DRAFT)

In exercise of powers conferred under 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, to amend Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, 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 (Open Access in inter-State Transmission) (Second Amendment) Regulations, 2012.
- (2) These regulations shall come into effect from such date as may be notified by the Commission separately.

2. Amendment of Regulation 2 of Principal Regulations:

- (1) A new sub-clause shall be inserted after sub-clause (g) of clause (1) of Regulation 2 of Principal Regulations as under, namely:

“(g-a) “Intra-day transaction/contingency transaction” means the transaction which occurs on day (T) after the closure of day ahead transaction window and the delivery of power is on the same day (T) or

next day (T+1) and which are scheduled by Regional Load Despatch Centre or National Load Despatch Centre.”

(2) The sub-clause (h) of clause 1 of Regulation 2 of the Principal Regulations shall be substituted as under, namely-

"(h) "Intra-State entity" means a person whose metering is done by the State Transmission Utility or the distribution licensee as the case may be and the accounting is done by State Load Despatch Centre or any other authorized State Agency. "

(3) The words "a State Transmission Utility, or" appearing in sub-clause (q) of clause 1 of Regulation 2 of the Principal Regulations shall be deleted.

(4) In lines 2 and 3 of clause (2) of Regulation 2 of the Principal Regulations, the words "the Grid Code" shall be substituted with the words "any other regulations made by the Commission".

3. Amendment of Regulation 8 of the Principal Regulations:

(1) Clause (2) of Regulation 8 of the Principal Regulations shall be substituted as under, namely:

"(2) When a State utility or an intra-State entity proposes to participate in trading through power exchange(s), it shall obtain No Objection or Prior Standing Clearance from the concerned State Load Despatch Centre in such form as may be prescribed in the Detailed Procedure, specifying the aggregate MW up to which the State utility or intra-State entity may submit buy or sell bid(s) in the power exchange(s) taken together."

(2) A new clause shall be inserted after clause (2) of Regulation 8 of Principal Regulations as under, namely:

“(2A) No Objection or Prior Standing Clearance obtained by the State utility or intra-State entity from the State Load Despatch Centre can be used for collective transaction for day ahead on Power Exchange and/or for bilateral intra-day transaction/contingency transaction in OTC market or on the Power Exchange market.

Provided further that while making application to SLDC for obtaining No Objection or Prior Standing Clearance for collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction, the applicant shall certify that he agrees to ensure that aggregate quantum in each time block of 15 minutes for all the bid(s) in collective transactions (day ahead contracts on Power Exchange(s)) and/or for intra-day / contingency transactions (in OTC market and/or Power Exchange Market) shall not exceed the quantum for which No Objection or Prior Standing Clearance has been granted.”

- (3) Two provisos shall be added after the first proviso to sub-clause (a) of clause (3) of Regulation 8 of the Principal Regulations as under, namely:

“Provided further that while making application to the SLDC for obtaining Concurrence for bilateral transactions (except for intra-day transaction/contingency transactions), an affidavit in the format prescribed in the Detailed Procedure, duly notarized, shall be submitted, along with the application, declaring that:

- (i) There is a valid contract with the concerned persons for the sale of the power under the proposed transaction for which concurrence is applied and;
- (ii) There is no other contract for sale of the same power as mentioned in (i) above.”

Provided further that while making application to the SLDC for obtaining no objection or prior standing clearance incase of collective transactions, the affidavit shall include the declaration

(i) There is no other contract for sale of the same power for which no objection or prior standing clearance s applied.

(4) The following proviso shall be added at the end of sub-clause (b) of clause (3) of Regulation 8 of the Principal Regulations, namely:

“Provided that in case of application for obtaining concurrence for bilateral transactions (except for intraday transaction/contingency transaction), the State Load Despatch Centre shall also consider the affidavit submitted regarding existence of valid contract for the transaction as per last proviso to sub-clause (a) of clause (3) of this regulation.”

(5) Sub-clause (c) of clause (3) of Regulation 8 of the Principal Regulation (excluding the proviso) shall be substituted as under, namely:

“Where existence of necessary infrastructure, availability of surplus transmission capacity in the State network and submission of existence of valid contract as per second proviso to sub-clause (a) of clause (3) of this regulation has been established, the State Load Despatch Centre shall convey its concurrence or ‘no objection’ or prior standing clearance, as the case may be, to the applicant by e-mail or fax, in addition to any other usually recognised mode of communication, within three (3) working days of receipt of the application:”

(6) In clause (4) of Regulation 8 of Principal Regulations, the following shall be added after the words "unavailability of surplus transmission capacity in the State network", namely,

"or non-submission of the affidavit in accordance with second proviso to sub-clause (a) of clause (3) of this regulation".

(7) Second Proviso to clause (4) of Regulation 8 of Principal Regulations shall be substituted and two new provisos shall be added after the second proviso as under, namely:

“Provided further that where concurrence or ‘no objection’ or prior standing clearance, as the case may be, is deemed to have been granted by the State Load Despatch Centre, the applicant such as the State utility or the intra-State entity or short term customer as the case may be, shall submit to the nodal agency (concerned Regional Load Despatch Centre) in case of bilateral transactions and the power exchange in case of collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange, the following on affidavit in the format provided in the detailed procedure at least three days in advance:

(a) Declaring that the State Load Despatch Centre has failed to convey any deficiency or defect in the application or its refusal or concurrence or ‘no objection’ or ‘prior standing clearance’, as the case may be, within the specified time,

(b) Declaring that necessary infrastructure for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, is in place; and

(c) enclosing the following documents –

(i) a copy of the complete application made to the State Load Despatch Centre for seeking ‘concurrence’ or ‘no objection’ or ‘prior standing clearance’, as the case may be

- (ii) Deficiency or defect in the application, if any, communicated by the State Load Despatch Centre and the action taken to remove or rectify the defect or deficiency; and
- (iii) a copy of the acknowledgement, if any, given by the State Load Despatch Centre, or any other evidence in support of delivery of the application to the State Load Despatch Centre.

Provided further that the Power Exchange shall forward the copy of the affidavit alongwith the documents received from the State utility or the intra-State entity or short term customer as the case may be, to the nodal agency (National Load Despatch Centre) at least two days before the delivery:

Provided further that the concerned Regional Load Despatch Centre in case of bilateral transactions and concerned power exchange in case of collective transaction for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange shall forward the copy of the affidavit alongwith the documents to the concerned SLDC on the same day it is received.”

4. Amendment of Regulation 14 of Principal Regulations:

- (1) A new clause shall be inserted after clause (1) of Regulation 14 as under, namely:

“(1A) Notwithstanding anything contained in clause (1) of this regulation, in case of forced outage of a unit of the generating station, the scheduling of power under Short Term bilateral transaction shall be regulated in accordance with Regulation 6.5 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 as amended from time to time.”

- (2) Clause 3 of Regulation 14 of Principal Regulations shall be substituted as under:

“(3) Any person seeking downward revision of short term open access schedule (including revision to zero schedule) shall pay the operating charges specified under Regulation 17 of these regulations corresponding to the number of days for which power has been scheduled and in case of cancellation, operating charges shall be payable for two (2) days or the period of cancellation in days whichever is less.”

5. **Amendment in Regulation 16:** Regulation 16 of the Principal Regulations shall be substituted as under, namely-

“16. Transmission Charges

(1) In case of bilateral and collective transactions, transmission charges for the energy approved for transmission separately for each point of injection and for each point of drawal, shall be payable in accordance with the provisions of Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations,2010 and as amended from time to time,

(2) 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) of this regulation:

Provided that where the State Commission has not determined the transmission charges, the charges for use of respective State network shall be payable at the rate of Rs.80/MWh for the energy approved.

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 by State Load Despatch Centre to the

concerned Regional Load Despatch Centre. These charges shall be displayed by the concerned State Load Despatch Centre and Regional Load Despatch Centre on their web sites:

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

6. Amendment of Regulation 20 of Principal Regulations:

(1) The words "State utility" occurring in clause (3) of Regulation 20 of Principal Regulations shall be replaced by the words "State agency".

(2) The following proviso shall be added to clause (5) of Regulation 20 of the Principal Regulations, namely

“Provided that all payments on account of Unscheduled Interchange charges including Additional Unscheduled Interchange charges and interest, if any, shall be regulated in accordance with the provisions of Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009, as amended from time to time.”

7. Amendment of Regulation 21 of Principal Regulations:

(1) The words "State utility" occurring in proviso to clause (1) of Regulation 21 of Principal Regulations shall be replaced by the words "State agency".

8. Amendment of Regulation 22 of the Principal Regulations:

The clause (1) of Regulation 22 of the principal regulations shall be substituted as under, namely-

“(1) Special Energy Meters shall be installed by the Central Transmission Utility for and at the cost of the regional entities and by the State Transmission Utility or the distribution licensee as the case may be, for and at the cost of the intra-State entities.”

9. Amendment of Regulation 23 of the Principal Regulations:

The Regulation 23 of the principal regulations shall be substituted as under, namely-

”23. Transmission Losses

(1) The buyers and sellers of the electricity shall absorb energy losses in the transmission system as may be determined in accordance with Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time and applied in accordance with the Detailed Procedure issued under the said regulations.

(2) The energy losses shall be accounted for by providing a differential between schedules at the points of supply and drawal of electricity.

(3) The applicable transmission losses shall be declared in advance and shall not be revised retrospectively.”

10. Amendment of Regulation 25 of the Principal Regulations:

The Regulation 25 of the principal regulations shall be substituted as under, namely-

“25. Collection and disbursement of Transmission Charges:

(1) The Transmission charges and the operating charges payable by the persons allowed short-term open access shall be indicated by nodal agency while approving the Open Access. The Transmission charges payable for Inter-State Transmission system and Transmission Charges for State network shall be indicated separately. The Transmission Charges and the Operating Charges shall be collected by the nodal agency except for transmission charges for State network in the case of collective transaction.

- (2) The transmission charges collected by the nodal agency for use of the transmission system other than State network, for a bilateral or collective transaction for each point of injection and each point of drawl shall be given to Central Transmission Utility (CTU) for disbursement. The CTU shall disburse these transmission charges to the long-term customers of the synchronously connected grid where the point of injection or point of drawal is situated, as the case may be, in proportion to the monthly transmission charges payable by them after making adjustments against Long-term Access to target region in accordance with the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time. The transmission charges for use of State network shall be disbursed to the State Transmission Utility concerned.
- (3) The operating charges payable by the persons allowed short-term open access shall be collected and disbursed by the nodal agency, except for operating charges for State Load Despatch Centre in the case of collective transaction.
- (4) In case a State utility is the short-term customer, the operating charges and the transmission charges collected by the nodal agency shall not include the charges for use of the State network and the operating charges for the State Load Despatch Centre.”

11. Amendment of Regulation 25A of the Principal Regulations:

The Regulation 25(A) of the Principal Regulations shall be substituted as under, namely-

“Short Term Access Not to be granted:

25A. When so directed by the Commission, the National Load Despatch Centre or the Regional Load Despatch Centre, as the case may be, shall not grant short-term open access (including transactions through Power

Exchange) to the entities and associates of such entities, who consistently and willfully default in payment of Unscheduled Interchange charges, transmission charges, reactive energy charges, congestion charges, fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the charges for the Unified Load Despatch and Communication Scheme and Unscheduled Interchange charges to SLDC by an intra-State entity for a short term inter-State transaction ”

12. Amendment of Regulation 27 of Principal Regulations:

(2) The words "State utility" occurring in clause (f) of Regulation 27 of Principal Regulations shall be replaced by the words "State Transmission Utility".

(Rajiv Bansal)
Secretary

Note: The Central Electricity Regulatory Commission(Open Access in inter-State Transmission) Regulations, 2008 were published in Part III, Section 4, Ser No.10 of the Gazette of India Extraordinary dated 7.2.2008 and amended vide Central Electricity Regulatory Commission(Open Access in inter-State Transmission) (Amendment) Regulations, 2009 published in Part III, Section 4, Ser No.10 of the Gazette of India Extraordinary dated 29.5.2009 and Corrigendum was issued on 10.6.2009 in Gazette of India Extraordinary Part III, Section 4, Ser No.10.