

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Dated: 14th December, 2017

NOTIFICATION

No.L-1/44/2010-CERC : In exercise of the powers conferred under section 178 read with Part V of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission makes the following regulations to amend Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges & Losses) Regulations, 2010 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 (Sharing of Inter State Transmission Charges and Losses) (Fifth Amendment) Regulations, 2017.
- (2) These regulations shall come into force from the date of publication of notification in the Gazette of India except in case of sub-clauses (y) and (z) of Clause (1) of Regulation 7 which shall come into effect from 1.7.2017 and 30.9.2016 respectively.

2. Amendment to Regulation 7 of the Principal Regulations:

- (1) A New Sub clause (y) to Clause (1) to Regulation 7 of Principal Regulations shall be added as under:

"(y) No transmission charges and losses for the use of ISTS network shall be payable for the capacity of the generation projects based on solar resources for a period of 25 years from the date of commercial operation of the such generation projects if they fulfill the following conditions:

- (i) Such generation capacity has been awarded through competitive bidding; and
- (ii) Such generation capacity has been declared under commercial operation between 1.7.2017 and 31.12.2019; and
- (iii) Power Purchase Agreement(s) have been executed for sale of power from such generation capacity to the Distribution Companies for compliance of their renewable purchase obligation.

- (2) A New Sub clause (z) to Clause (1) to Regulation 7 of Principal Regulations shall

be added as under:

"(z) No transmission charges and losses for the use of ISTS network shall be payable for the generation based on wind power resources for a period of 25 years from the date of commercial operation of such generation if they fulfill the following conditions:

- (i) Such generation capacity has been awarded through competitive bidding; and
- (ii) Such generation capacity has been declared under commercial operation between 30.9.2016 till 31.3.2019; and
- (iii) Power Purchase Agreement(s) have been executed for sale of such generation capacity to the Distribution Companies for compliance of their renewable purchase obligations.

3. Amendment to Regulation 8 of the Principal Regulations:

(1) Fourth proviso to Clause (5) to Regulation 8 of Principal Regulations shall be substituted as under:

"Provided also that a generating station drawing start-up power or injecting infirm power before commencement of LTA shall be liable to pay the withdrawal or injection charges corresponding to the actual injection of infirm power or withdrawal start-up power during a month (concerned month) and the amount received on account of such payments shall be reimbursed to the DICs in the month following the month of billing, in proportion to the billing of the DICs during the concerned month."

(2) A new Clause (7) shall be added after Clause (6) to Regulation 8 of Principal Regulations:

"(7) DIC with LTA to target region whose POC rate has not been determined for the quarter, shall be billed at Average PoC rate of the target region."

4. Amendment to Clause (5) to Regulation 11 of the Principal Regulations:

Second proviso to clause (5) of Regulation 11 of the Principal Regulations shall be substituted as under:

"Provided further that the quantum of Medium Term Open Access to any region availed during a month by a DIC having Long Term Access to a target region without identified beneficiaries shall be adjusted against the Long-term Access of such DIC limited to the granted quantum of Long Term Access:"

5. Amendment to Clause (6) to Regulation 11 of the Principal Regulations:

Clause (6) of Regulation 11 of the Principal Regulations shall be substituted as under:

"The third part of the bill shall be used to adjust any variations in FERV, Incentive, rescheduling of commissioning of transmission assets, arrears due to any revision Order etc. as allowed by the Commission for any ISTS Transmission Licensee. Total amount to be recovered or reimbursed on account of such under-recovery or over-recovery shall be billed by the CTU to each DIC in proportion of its average Approved Injection or Approved Withdrawal Charges over the relevant PoC application period. This part of the bill shall be raised on first working day of September, December, March and June for the previous PoC application period."

6. Amendment to Clause (9) and addition of Clause (10) to Regulation 11 of the Principal Regulations:

Provisos under Clause (9) of Regulation 11 of the Principal Regulations shall be substituted with new Clause (10) as under:

"(10) The offset for STOA for a DIC paying charges under LTA shall be as follows:

(a) If a DIC, having LTA to a target region without identified beneficiaries and paying injection charges for Long Term Access, avails Short Term Open Access to any region:

(i) The charges for the quantum of Short Term Open Access shall be adjusted in the following month against the charges for Long Term Access of such DIC limited to the granted quantum of Long Term Access.

(ii) This offset shall be limited to the extent of the quantum for which DIC has paid transmission charges towards long term access.

(b) The quantum of power for which a DIC is granted STOA shall be offset against the Approved withdrawal for which Withdrawal PoC charges are paid by the concerned DIC. This offset shall be limited to difference between Approved Withdrawal and Net withdrawal (load minus own injection) considered in base case, if Approved withdrawal is less than the Net Withdrawal:

- (c) For Withdrawal DIC, this adjustment shall be given only for STOA transaction by DIC, and shall not be applicable to intra-State entities embedded in State network and availing STOA:
- (d) The adjustment for STOA availed by a DIC having LTA to target region without identified beneficiaries shall also be applicable in case of collective transactions undertaken by concerned DIC. In such cases, Injection DICs shall be given adjustment corresponding to injection charges and withdrawal DICs shall be given adjustment corresponding to withdrawal charges:
- (e) The adjustment of STOA against LTA shall not be applicable for collective transactions and bilateral transactions undertaken by a trading licensee, who has a portfolio of generators in a State for which LTA was obtained by the trading licensee to a target region."

Sd/-
(Sanoj Kumar Jha)
Secretary

Note: The Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2010 were notified in Part III, Section 4, No. 162 of the Gazette of India (Extraordinary) dated 16.6.2010 and amended vide –

- (a) First Amendment Regulations, 2011 published in Part III, Section 4 No. 229 of the Gazette of India (Extraordinary) dated 25.11.2011.
- (b) Second Amendment Regulations, 2012 published in Part III, Section 4, No. 76 of the Gazette of India (Extraordinary) dated 29.3.2012.
- (c) Third Amendment Regulations, 2015 published in Part III, Section 4, No. 118 of the Gazette of India (Extraordinary) dated 7.04.2015.
- (d) Fourth Amendment Regulations, 2015 published in Part III, Section 4, No. 239 of the Gazette of India (Extraordinary) dated 8.07.2015.