

Draft CERC (Regulation of Power Supply) (First Amendment) Regulations, 2020 - NTPC Comments

Clause no.	Provision of the Draft CERC Regulation	NTPC comments	Proposed Amendment
6	<p>Upon receipt of the notice under Regulation 4 and within 3 days thereafter, the concerned State Load Despatch Centre/Regional Load Despatch Centre, in whose control area the Defaulting Entity is situated, shall make a plan in writing for implementing the regulation of power supply and shall inform the Regulating Entity, Defaulting Entity, concerned State Load Despatch Centres, Regional Power Committees, and Regional Load Despatch Centres of the said Plan and shall post the implementation plan on its website.</p> <p>Provided that if in the opinion of the concerned Regional Load Despatch Centre or State Load Despatch Centre, as the case may be, the</p>	<p>If the defaulting entity continues to have access to alternate sources of power such as procurement through short term open access and from Power Exchanges; regulation of power supply is rendered ineffective.</p> <p>Further, the Hon’ble Commission in its order dated 2/9/2015 in Pet No.142/MP/2012 has opined as under:</p> <p>“In our view when regulation of power supply under RPS Regulations is resorted to for default in payment of transmission charges, Regulation 25A should be invariably invoked as otherwise the defaulting entity would defeat the regulation of power supply</p>	<p>Provided that it shall be ensured by the concerned Load Despatch Centres that the Defaulting Entity during the period of regulation, has no access to procure power from Power Exchanges, and they shall not be granted Short Term Open Access.</p>

	<p>proposal for regulation of power supply made by the Regulating Entity cannot be carried out under the prevailing system conditions, then it shall inform the Regulating Entity of its decision in writing and the basis for such decision within three (3) days of receipt of the notice under Regulation 4, along with the expected date from which regulation can be implemented.</p>	<p>by scheduling under short term open access.”</p> <p>Therefore, the above provision of denying short term open access to defaulting entity is already available to transmission licensees in case of regulation of power supply. It is therefore submitted that similar provision may be made applicable in case of regulation of power supply done by generating companies also.</p> <p>MOP vide its letter dated 28/06/2020 has directed concerned load despatch centres to ensure that the Defaulting Entity during the period of regulation, has no access to procure power from Power Exchanges, and they shall not be granted Short Term Open Access. Therefore it is submitted that the Regulation of Power Supply may also be aligned with the MOP direction to Load</p>	
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12(1)	<p>.....</p> <p>.....</p> <p>Provided that, unless the Agreement otherwise provides, the liability to pay the capacity charges of the generating station, in respect of which the schedule has been restricted, shall be of the Regulated Entity.</p>	<p>In case of renewable generation projects, single part tariff is applicable and there is no provision of capacity charges. Therefore, in case of Regulation of power supply from Renewable Generating Stations e.g. Solar, Wind power project, liability to pay the energy charges corresponding to agreed CUF as per the PPA should be on the Defaulting Entity to the extent it is not recovered from third party sales, through Power Exchange or any other means. Otherwise the regulation of power supply from RE projects shall not be effective.</p> <p>It is therefore suggested to include a</p>	<p>.....</p> <p>.....</p> <p>Provided that, unless the Agreement otherwise provides, the liability to pay the capacity charges of the generating station, in respect of which the schedule has been restricted, shall be of the Regulated Entity.</p> <p>Also provided that in case of Regulation of power supply from Renewable Generating Stations, liability to pay the energy charges corresponding to agreed CUF as per the PPA shall be of the Defaulting Entity.</p>

17	In case of such reduction of drawl schedule, the liability of payment of capacity charges for its original share in the generating station shall remainwith the Regulated Entity.	provision for RE projects.	<p>In case of such reduction of drawl schedule, the liability of payment of capacity charges for its original share in the generating station shall remainwith the Regulated Entity.</p> <p>Provided that in case of such reduction of drawl schedule from Renewable Generating Stations, the liability of payment of energy charges corresponding to agreed CUF as per the PPA shall remain with the Defaulting Entity.</p>
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