

Comments on Draft Central Electricity Regulatory Commission (Terms and Conditions of Tariff) (Third Amendment) Regulations, 2022.

(Draft amendment No. L-1/236/2018/CERC dated 06.09.2022)

- Following are our comments on the draft Regulation, which may kindly be considered while finalizing the Regulation. Tata Power further believes that same will bring more clarity on certain aspects and will be justified for all the stakeholders.

Point wise comments/suggestions to draft Regulations have been provided hereunder for kind consideration of the Hon'ble Commission:

S.N.	Clause No./ Regulation	Amendment	Tata Power's Comments
1	Addition of subclause (iii) under clause 4 under Appendix-II of the principal Regulations	<p><i>“(iii) Shut down availed for shifting of Transmission Line for Project(s) of NHAI, Railways and Border Road Organisation. Member Secretary, RPC may restrict the deemed availability period to that considered reasonable by him for the work involved; Provided that such deemed availability shall be considered only for the period for which DICs are not affected by the shutdown of the such transmission Line.”</i></p>	<p>It is humbly requested to modify the proposed sub clause (iii) as under:</p> <p><i>“(iii) Shut down availed for shifting of Transmission Line for Project(s) of NHAI, Railways and Border Road Organisation or any other Government Authority or Private Company that is executing a project of a public utility or under a mandate from Government Authority/Statute/law etc. Member Secretary, RPC may restrict the deemed availability period to that considered reasonable including period requiring outage during construction of tower, stringing of conductor, execution of project in phases involving longer shutdowns, delay on account of Right of Way/local issues/ extreme weather conditions or any unforeseen situations, etc by him for the work involved;</i></p> <p><i>Provided that such deemed availability shall be considered only for the period for which DICs are not affected by the shutdown of the such transmission Line.</i></p> <p><i>Provided further that for the period of shutdown for which DICs are affected and is necessary for shifting the transmission line, licensee may recover the transmission charges and loss of incentive from the Organization for which shifting is done.</i></p> <p><i>Provided further that Member Secretary, RPC shall decide regarding extent of effect on DICs and its impact on availability both considered and declined and not deemed.”</i></p> <p>The reasons for the above proposals are as follows:</p> <ol style="list-style-type: none"> It is submitted that diversion of Transmission lines as observed in Explanatory Memorandum may arise not only on account of project/construction works taken up by

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			<p>NHAI, Railways, BRO but can also be due to any State Government agencies / Public utilities or any Company/Person requiring to take any construction works under a mandate from Government Authority/Statute/law etc. For example, laying of water pipeline/STP pipeline/Railway Line for Generation Projects.</p> <p>2. Therefore, in order to cover other contingencies as discussed above and in the interest of all stakeholders, it is humbly suggested to include name of 'other Government Authority or Private Company that is executing a project of a public utility or under a mandate'.</p> <p>3. Considering the past experience and to reasonably factor the issues faced by Transmission licensees while taking such diversion work, it is suggested to include some of the prominent factors faced while taking such diversion works. Having such factors incorporated in the Principal Regulation including other unforeseen events shall avoid dispute/differences/litigations on such counts. The same will also be interest to all stake holders. Reasons for having such factors are as follows:</p> <ul style="list-style-type: none"> (a) Generally, numbers of Towers are kept minimum for the purpose of diversion work. As a result in some of the circumstances towers to be constructed come under the existing lines and, hence, to erect them shutdown is needed, so deemed availability should be given for erection work also . (b) Sometime due to ROW issues/local issues work is stopped during shutdown period which ultimately delay the diversion work impacting shutdown period. Therefore, in such a scenario, reference of ROW/local issues is required to avoid differences/disputes. (c) Diversion work also depends on geographical location/local issues/weather conditions or any unforeseen situations and the same may vary from project to project and, therefore, reference of same is also required. (d) In some circumstances work is required to be completed in more than one phase, requiring longer shutdowns, that may affect DIC, hence, such factor is also required to be incorporated. <p>4. In our humble submission, draft is not very clearly covering the aspects when DICs are affected and who shall decide on the period when DIC are affected or vice-versa and how the interest of the Transmission licensee is protected.</p>

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			<p>5. Therefore, in order, to have clarity and to avoid unnecessary disputes/litigations, it is kindly suggested to add 2nd and 3rd Proviso in context to recovery of Transmission Charges and loss of incentive from the company for which diversion work is undertaken. Presently, also any loss of incentive/transmission charges is billed to NHAI/Railway/BRO etc.</p> <p>6. Also, as per the draft Regulation, Member Secretary, RPC has been empowered to carry out the prudence check of the shutdown period for the purpose of granting deemed availability. Hence, in view of above, it is requested that Member Secretary, RPC may also provide to what extent DICs are getting impacted because of such shutdowns and to what extent the impact on Transmission Availability has been considered or declined.</p>
2	Addition of subclause (iii) under clause 5 under Appendix-II of the principal Regulations	<p>“(iii) The outage period which can be excluded for the purpose of sub-clauses (i) and (ii) of this clause shall be declared as under:</p> <p>a) Maximum upto one month by Member Secretary, RPC</p> <p>b) Beyond one month and upto three months after decision at RPC</p> <p>c) Beyond three months by the Commission for which the transmission licensee shall approach the Commission along with reasons, steps taken to mitigate the outage and restoration timeline.” PLF = 10000 x Summation $(SGi/[N \times ICx$</p>	<p>It is humbly requested to modify the proposed sub clause (iii) as under:</p> <p>“(iii) The outage period, which affects DICs, can be excluded for the purpose of sub-clauses (i) and (ii) of this clause shall be declared as under:</p> <p>a) Maximum upto one month by Member Secretary, RPC</p> <p>b) Beyond one month and upto three months after decision at RPC</p> <p>c) Beyond three months by the Commission for which the transmission licensee shall approach the Commission along with reasons, steps taken to mitigate the outage and restoration timeline.”</p> <p>Reason: In our humble submission, the above should only be considered when it affects DIC and as that would be fair and equitable.</p>

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		<p>100-AUX_n-AUX_{en}] for i=1 to n Where, IC = Installed Capacity of the generating station or unit in MW, SG_i= Scheduled Generation in MW for the ith time block of the period, N = Number of time blocks during the period, AUX_n= Normative Auxiliary Energy Consumption as a percentage of gross energy generation; and AUX_{en}= Normative Auxiliary Energy Consumption for emission control system as a percentage of gross energy generation, wherever applicable.”</p>	