

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA
NOTIFICATION**

Shimla, the 27th September, 2017

No. HPERC/438.- WHEREAS the Himachal Pradesh Electricity Regulatory Commission made the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010, published in the Rajpatra, Himachal Pradesh, dated 29th May, 2010;

AND WHEREAS as per the 60th meeting of Forum of Regulators (FoR), there was general consensus of opinion that the SERCs may deploy generic web-tool for monitoring the RPPO compliance on the pattern of the web-tool developed and integrated with the Rajasthan Renewable Energy Corporation Limited (RRECL) website;

AND WHEREAS in the said 60th meeting of Forum of Regulators (FoR), it was proposed to implement the monitoring of RPPO compliance through the generic web-tool and the SERCs are required to provide regulatory support for web-tool implementation;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 62, Section 66, clauses (a), (b) and (e) of sub-regulation (1) of Section 86 and sub-section (1) and clause (zi) of sub-section (2) of Section 181, of the Electricity Act, 2003 (36 of 2003), read with Section 21 of the General Clauses Act, 1897 (10 of 1897), and all other powers enabling it in this behalf, the Commission proposes to amend the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 and as required by sub-section (3) of Section 181 of the said Act and rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the draft amendment regulations are hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft amendment regulations will be taken into consideration, after the expiry of thirty (30) days from the date of publication of the proposed amendment in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The text of the aforesaid draft regulations is also available on the website of the Commission i.e. <http://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block-37, SDA Complex, Kasumpti-171009 (HP).

DRAFT REGULATIONS

- 1. Short title and commencement.** - (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) (Fourth Amendment) Regulations, 2017.

(2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. Amendment of Regulation 4.-

In the sub-regulation (3) of regulation 4 of the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010, (hereinafter referred as “the said regulations”), the following proviso shall be inserted in between the existing second and third provisos, namely:-

“Provided further that the quantum of electricity generated by the consumer through roof-top solar PV system under net metering arrangement in any year, shall qualify towards compliance for solar RPPO of the Distribution Licensee or the consumer, as the case may be, for that year in accordance with the provisions contained in Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive Systems based on Net Metering) Regulations, 2015.”

3. Amendment of Regulation 6.- After the existing sub-regulation (2) of regulation 6 of the said regulations, the following sub-regulation (2 A) shall be added, namely:-

“(2A) (i) The State Agency shall, in consultation with the Commission, develop and maintain RPPO web-portal for registration by the obligated entities and for the compliance, monitoring and reporting etc. of RPPOs and simultaneously also formulate suitable procedures for smooth functioning of web-portal in relation to such activities.

(ii) The State Agency after the RPPO web-portal is developed and procedures are formulated under clause (i), shall, through public notices, declare the web-portal to be operative.”

4. Substitution of Regulation 7.- For existing regulation 7 of the said regulations, the following shall be substituted, namely:-

“7. Registration and reporting by the obligated entities.- (1) The obligated entities, including those already registered off line with the State Agency, shall mandatorily register themselves online on RPPO web-portal within three months from the date on which the RPPO web-portal is declared, under clause (ii) of sub-regulation (2A) of regulation 6 to be operative, or from the date on which the entity qualifies for being an obligated entity under these regulations whichever is later and shall also furnish requisite information, on quarterly and annual basis as per the procedures, formulated by the State Agency under clause (i) of sub-regulation (2 A) of regulation 6.

(2) The obligated entities shall submit, online, necessary details regarding total consumption of electricity and power purchased from Renewable Energy Sources or Renewable Energy Certificate(s) procured, alongwith the reasons for shortfalls, if any, and the plans for fulfillment of RPPO as well as any other information as the State Agency may require, on

quarterly basis before the end of the sixth week of the succeeding quarter and annual consolidated report on or before the 15th May of the succeeding year:

Provided that till such time the RPPO web portal becomes fully operative under clause (ii) of sub-regulations (2A) of regulation 6 such information shall be submitted alongwith its hard copy to the State Agency.

(3) The State Agency shall get the data submitted by the obligated entity, other than the Distribution Licensee, verified from the appropriate authorities viz the Nodal Agency in case of Open Access consumers and the officers designated by the Distribution Licensee in case of the captive consumers:

Provided that the State Agency, if it finds appropriate, may, in consultation with the Commission also appoint the third party verifier, for verification of the data of the obligated entities.

(4) Save as provided in sub-regulations (2) and (3) of this regulation, each distribution licensee shall also indicate, along with sufficient proof thereof, the estimated quantum of purchase from renewable sources for the ensuing year in tariff/annual performance review petition in accordance with regulations made by the Commission. The estimated quantum of purchase shall be in accordance with sub-regulation (1) of regulation 4 of these regulations.”

5. Substitution of Regulation 8.- For the existing regulation 8 of the said regulations, the following shall be substituted, namely:-

“8. Fulfillment of RPPOs.- (1) The quantum of RPPO inclusive of transmission and distribution losses mentioned in sub-regulation (2) of regulation 4 shall be applicable to captive and open access user(s)/consumer(s) from the date made by the Commission in the Official Gazette.

(2) The obligated entities shall meet the RPPOs on quarterly and yearly basis as per provisions specified in regulations 4 and 5 of these regulations.

(3) The shortfall, if any, in the compliance of RPPOs in any year shall, unless such shortfall occurred due to non-availability of Renewable Energy Certificates (RECs) in the year in which such shortfall occurred, not be allowed to be carried forward to, or subsequent yearly adjustment against the surpluses of any subsequent year(s).

(4) Failure on the part of any obligated entity to meet its RPPO in any year shall be dealt in accordance with the provisions contained in regulation 9 of these regulations.”

5. Amendment of Regulation 9.- (i) In sub-regulation (1) of regulation 9 of the said regulation, for the words “ forbearance price”, shall be substituted with words “floor price”.

(ii) In regulation 9 of the said regulations, for sub-regulation (2), the following shall be substituted, namely:-

“(2) Where any obligated entity fails to furnish requisite information, as provided under regulation 7, or fails to comply with the obligation to purchase the required percentage of power from renewable energy sources as provided under these regulations or fails to purchase the renewable energy certificates, it shall also be liable for penalty as may be imposed by the Commission under Section 142 of the Act:

Provided that in case of genuine difficulty in complying with the renewable power purchase obligation because of non-availability of certificates, the obligated entity can approach the Commission to carry forward the compliance requirement to the next year:

Provided further that where the Commission has consented to carry forward of compliance requirement, the provision of sub-regulation (1) or the provision of section 142 of the Act shall not be invoked.”

By order of the Commission

Sd/-

Secretary