

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

Notification

Shimla, the 3rd July, 2021

HPERC-H(1)25/2019.- WHEREAS the Himachal Pradesh Electricity Regulatory Commission notified the HPERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2018 on 16th October, 2018, as published in the Rajpatra, Himachal Pradesh on 26th October, 2018, and the first amendment thereof on 29th June, 2019, as published in Rajpatra, Himachal Pradesh on 3rd July, 2019 (hereinafter jointly referred to as “the said regulations”);

AND WHEREAS the Central Electricity Regulatory Commission notified the DSM Regulations i.e. CERC (Deviation Settlement Mechanism and related Matters) Regulations, 2014 on 6th January, 2014 which were amended from time to time to incorporate several changes relating to Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar / Wind Generation Sources apart from certain other changes;

AND WHEREAS the Commission finds it expedient to amend the said regulations to deal with such matter, so as to broadly harmonize with the practice followed by the Central Commission; and

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) and clause (zp) 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 (Deviation Settlement Mechanism and Related Matters) Regulations, 2018 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 this notification 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 amendment regulations is 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 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 (Deviation Settlement Mechanism and Related Matters) (Second Amendment) Regulations, 2021.

(2) These regulations shall come into force from 00.00 hrs of the first day of the week (i.e. Monday) starting immediately after the date of their publication in the Rajpatra, Himachal Pradesh.

2. Amendment of regulation 2.-

in item (i) of sub-regulation (1), for the sign “;” appearing at the end of the para, the sign “:” shall be substituted and thereafter the following new proviso shall be added, namely:-

“Provided that the deviation in case of the distribution licensee shall always be computed in terms of under drawal or over drawal for each time block by treating it as a buyer even if it exports power, on net basis, to the grid in some time blocks;”

3. Amendment of regulation 5.-

(I) in item (iii) of sub-regulation (C), for the word, sign and figure “of +/- 12%”, the words and figure “as specified in regulation 9” shall be substituted;

(II) in sub-regulation (H), for the sign “.” appearing at the end of the para, the sign “:” shall be substituted and thereafter the following new proviso shall be added, namely:-

“Provided that in case of transactions involving sale or purchase of power from the Solar / Wind generating stations, the provisions of the schedule to these regulations shall be applicable.”;

(III) in sub-regulation (I), for the sign “.” appearing at the end of the para, the sign “:” shall be substituted and thereafter the following new proviso shall be added, namely:-

“Provided that in case of transactions involving sale or purchase of power from the Solar / Wind generating stations, the provisions of the schedule to these regulations shall be applicable.” ;

(IV) in sub-regulation (IA) for the words, “pay the additional charges, in case of violation”, the words, “pay the additional charges, save as provided in the schedule to these regulations in relation to the sale or purchase of power from the Solar / Wind generating stations, in case of violation ” shall be substituted; and

- (V) in sub-regulation (N), the existing para shall be numbered as “(i)” and thereafter the following new para “(ii)” shall be added, namely : –

- “(ii) The state entities shall provide data telemetry to SLDC and shall ensure the correctness of the real time data and undertake the corrective actions, if required. Frequency of real time data updation to be shared with SLDC shall be 10 second or less as per prevailing practice being followed by RLDCs. Further, any other outage plan shall be forwarded to SLDC:

Provided that the state entities shall follow Central Electricity Regulatory Commission (Communication Systems for Inter-state Transmission of Electricity) Regulations, 2017 for Communication infrastructure to be used for data communication, tele-protection of power system at the State level till the Commission notifies separate regulations on Communication systems for state entities :

Provided further that the state entities shall abide by any guidelines, technical standards, protocols for communication system etc. which may be notified by CEA under CERC (Communication Systems for Inter-state Transmission of Electricity) Regulations, 2017, as applicable to them.”

4. Amendment of regulation 7.-

In sub-regulation (1) –

- (i) for the words “The charges for the Deviations” appearing in the beginning of para, the words “Save as provided in the schedule to these regulations in relation to the sale or purchase of power from the Solar / Wind generating stations, the charges for the Deviations” shall be substituted ; and
- (ii) in the proviso –
- (a) in item (i), for the words “the receivables”, the words “in case of the state entities other than the distribution licensee, the receivables” shall be substituted ; and
- (b) after item (ii), the following new item “(iii)” shall be added, namely :-
- “(iii) in case of distribution licensee, the receivables against the charges for the Deviation for the under drawal in excess of

36 MW or 12% of the absolute value of the scheduled drawal, whichever is higher, shall be zero.”

5. Amendment of regulation 8.-

- (i) in sub-regulation (1), for the words “The over-drawal/under-drawal of electricity by any buyer”, the words, brackets and figure “Save as provided in sub-regulation (3) of this regulation, the over-drawal/under-drawal of electricity by a state entity other than the distribution licensee” shall be substituted; and
- (ii) after sub-regulation (2), the following new sub-regulation (3) shall be added, namely :-

“(3) The over-drawal/under-drawal of electricity by distribution licensee during any time block shall not exceed 36 MW or 12% of the absolute value of the scheduled drawal, whichever is higher, when grid frequency is “49.85 Hz and above” but “below 50.05 Hz”.”

6. Amendment of regulation 9.-

In sub-regulation (1) -

- (i) for the words “In addition to charges” appearing in the beginning of para, the words “Save as provided in the schedule to these regulations in relation to the sale or purchase of power from the Solar / Wind generating stations, in addition to charges” shall be substituted ; and
- (ii) for the existing proviso, the following provisos shall be substituted, namely:-

“Provided that in case of distribution licensee, when the absolute value of the schedule is less than or equal to 300 MW, the additional charges for the deviation payable by the distribution licensee shall be based on the percentage of deviation worked out with reference to the schedule of 300 MW :

Provided further that any drawal of power by a generating station prior to COD of a unit for the start up activities shall be exempted from the levy of additional charges of Deviation.”

7. Amendment of regulation 9A.-

In the first proviso to clause (b), for the words “Provided that”, the words “Provided that, save as provided in the schedule to these regulations in relation to the sale or purchase of power from the Solar / Wind generating stations,” shall be substituted.

8. Addition of Schedule to the said regulations.-

The following “**SCHEDULE**” shall be added to the said regulations, namely:-

“SCHEDULE

Special provisions in relation to the sale / purchase / captive consumption of power from Solar/Wind generating stations.

(1) **Applicability :-**

This schedule shall be applicable for the transactions involving:-

- (i) Sale of power by the Solar / Wind generators, which are state entities, to the buyers, which are also the state entities;
- (ii) Sale of power by the Solar / Wind generators, which are state entities, to the buyers outside the State;
- (iii) Sale of power by the Solar / Wind generators to the buyers within the State by availing Inter State Open Access;
- (iv) Captive consumption by the Solar/Wind generators by availing Intra State Open Access; and
- (v) Captive consumption by the Solar/Wind generators by availing Inter State Open Access.

(2) **Definitions :-**

In this schedule, unless the context otherwise requires,.-

- (i) 'Absolute Error' shall mean the absolute value of the error in the actual generation of Solar/Wind generators with reference to the scheduled generation and the 'Available Capacity' (AvC), as calculated using the following formula for each 15 minute time block:

$$\text{Error (\%)} = 100 \times \text{No. of time blocks in an hour} \times \frac{[\text{Actual Generation} - \text{Scheduled Generation}]}{(\text{AvC})}$$

Note :- Actual generation and Scheduled generation shall be taken in MWH and the AvC shall be taken in MW.

- (ii) 'Available Capacity (AvC)' for Solar/ Wind generators which are state entities shall mean the cumulative capacity rating of the solar inverters /wind turbines that are capable of generating power in a given time-block;

(3) **Deviation Charges :-**

The deviation charges for under or over-injection and the other related charges i.e. additional deviation charges and the sustained deviation charges shall be applicable for these types of transactions as per the following provisions:-

(I) Intra-State Transactions:-

Sale of power by the Solar/Wind generators, which are state entities to the buyers, which are also state entities; and Captive consumption by the Solar/Wind generators by availing Intra State Open Access:-

- (i) the generators shall be paid on the basis of actual generation, subject, however, to adjustment of losses etc;
- (ii) the generation schedule as well as the corresponding drawal schedule shall be treated as revised based on actual generation for the billing purposes;
- (iii) for the deviations in the generation, being less or more than the scheduled generation, the deviation charges for shortfall or excess generation shall be payable by the Solar /Wind generator or the QCA on its behalf, as the case may be, to the State Deviation Pool Account, at the following rates :-

Table – 5
Deviation Charges in case of over/ under injection

Sr. No.	Absolute error in the 15-minute time block	Deviation Charges payable
1.	<= 15%	None
2.	>15% but <= 25%	(At the Rs 0.50 per unit for shortfall or excess energy for beyond 15% and upto 25%)
3.	>25% but <=35%	(At the Rs 0.50 per unit for shortfall or excess energy for beyond 15% and upto 25%) + (At the Rs 1.00 per unit for balance energy beyond 25% and up to 35%)
4	> 35%	(At the Rs 0.50 per unit for shortfall or excess energy for beyond 15% and upto 25%) + (At the Rs 1.00 per unit for balance energy beyond 25% and up to 35%)

Note :-

- (a) The charges payable for deviation from schedule by the Solar/Wind generators which are state entities, shall be delinked from frequency.
- (b) The charges under regulations 7, 8, 9 and 9A of these regulations shall not be applicable in such cases.
- (c) the deviations, if any, in the drawals by the buyer based on the revised schedule as per clause (ii) above, shall be accounted for in accordance with the main regulations i.e. Regulation 1 to 20 of these regulations; and

(II) Inter -State Transactions:-

(a) Sale of power by the Solar / Wind generators, which are state entities, to the buyers outside the State; (b) Sale of power by the Solar / Wind generators to the buyers within the State by availing Inter State Open Access ; and (c) Captive consumption by the Solar/Wind generators by availing Inter State Open Access:-

- (i) If NRLDC gives a separate treatment to such transactions as per sub-clauses (v)(vi) and (vii) of clause (1) under regulation 5 of Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) (Second Amendment) Regulations, 2015, the SLDC shall also give the similar treatment, for the purposes of deviation and other related charges under these regulations as well as for accountal of RPOs, to the inter-state transactions involving sale of power or captive consumption by the Solar/Wind power generators as well as for the purchase of power by the state entities from such generators. The SLDC shall keep separate account of such transactions and shall reflect the same suitably in weekly bills etc. The amount to be billed (recoverable/ payable) on the concerned state entity shall be at par with those billed by NRLDC for such transactions except for adjustment of losses, transmission and wheeling charges etc.; and
- (ii) If NRLDC does not give special treatment for such transactions as per item (i) above, the SLDC shall also not give special treatment to such transactions and shall charge the concerned state entities for such transactions at the normal rates as per regulations 7, 8, 9 and 9A of these regulations and no special rates for deviation etc. shall be applicable. In such cases the

SLDC shall not require to maintain separate account for such transactions.

(4) Dedicated Sale/Purchase of power by distribution licensee from Solar / Wind Sources :-

The distribution licensee shall be treated as separate state entity(ies) for the transactions involving –

- (i) dedicated sale of power by the distribution licensee from its Solar / Wind sources, whether from its own projects or out of the dedicated purchases made by it from such sources, to the buyers within the State which are state entities;
- (ii) dedicated sale of power by the distribution licensee from its Solar / Wind sources, whether from its own projects or out of the dedicated purchases made by it from such sources, to the buyers outside the State ;
- (iii) dedicated purchase of power from the Solar / Wind generating stations which are state entities; and
- (iv) dedicated purchase of power from Solar / Wind generating stations by availing Inter State Open Access.

Transactions involving dedicated sale / purchase of energy by the distribution licensee under such scenarios will be given the treatment at par with the respective provisions, as applicable for Intra State Transactions or Inter State Transactions as the case may be of this schedule.

(5) Other Provisions :-

Except for the special provisions made in the schedule, all other provisions of the main regulation 1 to 20 of these regulations, including those for payment etc., shall be applicable.

By order of the Commission

Sd/-
Secretary