

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

NOTIFICATION

Shimla, the 14th March, 2018

No. HPERC/418.- WHEREAS the Himachal Pradesh Regulatory Commission (hereinafter referred as “the Commission”) notified the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010, on 2nd June, 2010;

AND WHEREAS the distribution licensee i.e. Himachal Pradesh State Electricity Board Limited (HPSEBL) in petition No. 28/2017 related to determination of Additional Surcharge for Short Term Open Access consumers for FY 2017-18 has submitted that the Commission may consider to make it mandatory for short term open access consumers to schedule power for at least 24 hours whenever they seek Open Access. The HPSEBL has referred the consultation paper of Ministry of Power, GoI pertaining to Open Access, wherein it has proposed that Open Access customers should be required to schedule power at least 24 hours whenever they seek Open Access to avoid frequent switching by Open Access consumers;

AND WHEREAS the HPSEBL vide letter dated 29.11.2017 and 08.01.2018 has made a request to consider their proposal to make a provisions for scheduling of power for at least 24 hours to seek the Open Access to prevent frequent shifting alongwith other issues likely to arise due to change in load;

AND WHEREAS the working group constituted by the Forum of Regulators (FoR) on the issues related to Open Access have also recommended that measure like scheduling of power for certain slot of time i.e. for at least 24 hours, may be strictly followed, to prevent frequent shifting. This has necessitated the amendment of Regulation 23 of the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010;

NOW, THEREFORE, in exercise of the powers conferred under Section 181, read with Section 39, 40, 42 and 86 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 (Short Term Open Access) 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 twenty one (21) days from the date of notification 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 (Short Term Open Access) (First Amendment) Regulations, 2018.

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

2. Amendment of Regulation 23.- At the end of the existing Regulation 23 of Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010, the following proviso shall be inserted, namely.-

“Provided that in case of consumer of the distribution licensee, the following additional conditions shall be applicable for the Short Term Open Access in a day-

- (i) the consumers shall be eligible to seek Short Term Open Access only for a uniform quantum of power for a continuous period of 8 hours or more in a day; and
- (ii) the consumers shall not be eligible to seek Short Term Open Access for broken period or for varying quantum of power, in a day.

Provided further that in cases where the day ahead schedule approved by the competent authority allows the drawal of power by the open access consumer in a manner which does not fully meet the conditions specified in the first proviso to this regulation, such consumers shall be liable to pay the additional surcharge at a rate higher than that applicable in normal cases, and/or such other charges, in a manner as may be determined by the Commission from time to time for such situations:

Provided further that the conditions as per the preceding two proviso to this regulation shall not be applicable in respect of the days for which the distribution licensee is otherwise not in a position to meet the requirements of the concerned consumers due to constraints like power shortage and the distribution licensee has specifically expressed, in advance, its inability to do so for certain days or part thereof through press notice or otherwise.”

By order of the Commission

**Sd/-
Secretary**