

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA**

**NOTIFICATION**

**Shimla, the 11<sup>th</sup> August, 2021**

**No. HPERC/418.-** In exercise of the powers conferred under sub-section (2) of section 181, read with sections 30, 32, 39, 40, 42 and 86, of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after previous publication, hereby makes the following regulations to amend the Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term intra-State Open Access and Related Matters) Regulations, 2010, read with first Amendment thereof as per the notification issued on 07.12.2012 and published in the Rajpatra, Himachal Pradesh on 10.12.2012 (hereinafter jointly referred to as “the said regulations”), namely :-

**REGULATIONS**

**1. Short title and commencement.-** (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term intra-State Open Access and Related Matters) (Second Amendment) Regulations, 2021.

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

**2. Amendment of regulation 2.-**

In regulation 2 of the said regulations -

(i) in item (5) containing the definition of “connectivity”, the word “bulk” shall be omitted;

(ii) for item (10) containing the definition of “intra-State entity”, the following definition shall be substituted, namely:-

“(10) **“intra-State entity” or “State entity”** means such a person who is in the SLDC control area and whose metering and energy accounting is done at the State level and as defined and described in the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related Matters) Regulations, 2018;”;

- (iii) in item (13) containing the definition of “medium-term open access” , for the word and figure “3 years”, the word and figure “5 years” shall be substituted;
- (iv) after item (23), the following new item (23A) “State grid” shall be inserted, namely :-  
“(23A) **“State Grid”** means the intra-State transmission system/ network owned by the State Transmission Utility (STU)/transmission licensee(s) and/or the extra high voltage/high voltage (i.e. 11 kV and above) distribution system/ network owned by the distribution licensee(s) within the State;” and
- (v) in item (26) containing the definition of “time block”, the word and figure “15 minutes” shall be omitted.

### **3. Amendment of regulation 5.-**

In regulation 5 of the said regulations, for the words “to the nodal agency”, the words “online to the nodal agency in accordance with the detailed procedure and upon such submission, an acknowledgment showing the date, time and acknowledgment number shall be automatically generated” shall be substituted.

### **4. Insertion of new regulation.-**

After regulation 5 of the said regulations, the following new regulation “5A” shall be inserted, namely:-

#### **“5A. Processing of Applications.-**

(1) The applications complete in all respects, received online, shall have a date, time and acknowledgement number. Further, such applications received by 24:00 hrs. of the last day of the month shall be deemed to have been received during the month and shall be processed after the end of the month.

(2) After scrutiny, the nodal agency shall intimate the deficiencies in the application, if any, to the applicant within fifteen days of receipt of application. The applicant shall rectify the deficiencies within 30 days from the date on which such deficiencies are communicated through a signed letter sent to him through email, fax or by post etc., failing which the nodal agency shall close the application after giving a notice of 15 days.

Upon such closure, 20% of the application fees shall be forfeited and the balance fee and the Bank Guarantee, if any, shall be refunded / returned within 15 days of closure of the application.

(3) If the rectified application as per sub-regulation(2) of this regulation is received from the applicant after 24:00 hrs (mid night) of the last day of the month in which application is made, the application shall be deemed to have been made in subsequent month and shall be processed accordingly.”

#### **5. Amendment of regulation 6.-**

For the table appearing in regulation 6 of the said regulations, the following table shall be substituted, namely:-

| S.No | Quantum of power to be injected/off taken into/from State Grid | Application fee (Rs. in lakhs) for- |                         |                       |
|------|--|-------------------------------------|-------------------------|-----------------------|
|      |  | Connectivity                        | Medium-term open access | Long-term open access |
| 1.   | Upto 2 MW  | 1                                   | 1                       | 1                     |
| 2.   | More than 2MW but upto 5 MW                                    | 2                                   | 2                       | 2                     |
| 3.   | More than 5 MW but upto 10 MW                                  | 4                                   | 4                       | 5                     |
| 4.   | More than 10 MW  | 6                                   | 6                       | 8                     |

#### **6. Amendment of regulation 8.-**

In regulation 8 of the said Regulations,-

(I) in sub-regulation (1) –

- (i) the word, “bulk” shall be omitted;
- (ii) for the sign “:”, the sign “.” shall be substituted;
- (iii) the existing proviso shall be omitted; and
- (iv) after sub-regulation(1), the following new sub-regulations “(1A) and (1B)” shall be inserted, namely :-

“(1A) Two or more generators may mutually agree to inject their power at a common interconnection point in joint mode :

Provided that in order to optimize the use of Right of Way and/or space at the interconnection sub-station, the nodal agency may require two or more generators to inject their power at a common interconnection point in joint mode:

Provided further that in cases where the power from two or more generating stations is to be injected at a common interconnection point through a dedicated line in joint mode, all such generators shall enter into an agreement for modalities concerning the construction, operation and maintenance of such dedicated line and shall provide a copy of such agreement signed by them alongwith the application for connectivity.

(1B) Once an application has been submitted and thereafter there has been any material change in the location of the applicant or change in the quantum of power to be interchanged

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- (i) in case of the intra-State transmission system, is by more than 5 MW; or
- (ii) in case of the distribution system, is by more than 1 MW;

the applicant shall make a fresh application, along with requisite fees as specified in the Table under regulation 6, which shall be considered afresh in accordance with these regulations and the fees already deposited shall not be refunded.”;

- (II) for sub-regulation (3), the following sub-regulation (3), shall be substituted, namely :-

“(3) While granting connectivity, the nodal agency shall identify the name of the sub-station where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the nodal agency shall identify the point of connection and name of the line at which connectivity is to be granted. The nodal agency, apart from stipulating the conditions to be met by the applicant for availing the connectivity, shall also indicate the broad design features, as well as timeframe for completion, of –

- (i) the dedicated line, including any other evacuation infrastructure, to be provided, operated and maintained by the applicant;
  - (ii) the interconnection facilities to be executed, operated and maintained by the licensee owning the interconnection substation or electric line, at the cost of the applicant ; and
  - (iii) other related activities to be undertaken by the applicant, concerned licensee and any other person.”;
- (III) for sub-regulation (5), the following sub-regulation (5), shall be substituted, namely :-

“(5) The applicant or the intra-State transmission licensee or a distribution licensee, as the case may be, shall, within 30 days of the grant of connectivity, sign a connection agreement with the State Transmission Utility or the intra-State transmission/ distribution licensee owning the sub-station or the electric line, as identified by the nodal agency where connectivity is being granted. Such agreement shall also incorporate the detailed provisions relating to, but not limited to, the following, namely-

- (a) the interconnection point where the power shall be injected;
- (b) broad design features of the dedicated line to be provided, operated and maintained by the applicant and timelines for the execution of the same;
- (c) timelines for depositing the estimated cost of the interconnection facilities by the applicant;
- (d) completion of the interconnection facilities, after receipt of the estimated cost thereof, by the licensee owning the substation/line where the dedicated line is to be connected;
- (e) the time period within which the applicant shall apply for Open Access to the concerned nodal agency which shall not be more than 3 months from the date of grant of connectivity;
- (f) the works to be executed for grant of connectivity shall conform to the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and subsequent amendments thereof;

- (g) consequences of delay in meeting the timelines by the respective parties of the agreement;
- (h) conditions to be met by the applicant before actually availing the connectivity ; and
- (i) situations in which the grant of connectivity shall be liable to be cancelled :

Provided that in case connectivity is granted to a generator at sub-station of State Transmission Utility/ Transmission Licensee and such generator has to sell power to the distribution licensee at the interconnection point itself, a tripartite agreement shall be signed among the Transmission Licensee owning the sub-station / line where the connection is to be provided, the applicant generating company and the distribution licensee:

Provided further that if the applicant, or applicants in case of joint mode, fail to sign the agreement within 60 days from the grant of connectivity, the nodal agency may cancel the connectivity granted to the applicant (s) after giving a notice of 30 days.”;

- (IV) for sub-regulation (6), the following sub-regulation (6), shall be substituted, namely :-

“(6) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term open access or medium-term open access or short-term open access and also meets various conditions for availing the connectivity as per the connection agreement :

Provided that the applicant shall not be required to obtain open access in case it signs the Power Purchase Agreement, within 3 months from the grant of connectivity, with the distribution licensee of the State for the sale of entire power at the interconnection point and in that case the distribution licensee shall enter into suitable Transmission Service Agreement, within 3 months from the date of signing the Power Purchase

Agreement, after finalizing the evacuation arrangements through mutual discussion, with the State Transmission Utility and any other concerned licensee (s), including the licensee owning the sub-station or line at which such connectivity has been granted.”;

(V) for existing sub-regulation (7), the following sub-regulation (7) shall be substituted, namely:-

“(7) Notwithstanding anything contained in sub-regulation (6) of this regulation and any provision with regard to sale of infirm power in the Power Purchase Agreement signed by it, a generation project, which has been granted connectivity and has signed the connection agreement and also establishes the compliance of various conditions stated in the connection agreement, shall be allowed to inter-change infirm power with the State Grid during the commissioning period, including testing and full load testing before the commissioning, after obtaining prior permission of the SLDC for the periods mentioned as under:-

(i) drawal of start-up power shall not exceed 6 months prior to the expected date of first synchronization and 6 months after the date of first synchronization; and

(ii) the injection of infirm power shall not be continued beyond a period of six months from the date of first synchronization:

Provided that drawl of start-up power shall be subject to payment of transmission and / or wheeling charges to the concerned licensee(s) and the generator shall, prior to drawl of start-up power, also have to open a Revolving and Irrevocable Letter of Credit issued by a Scheduled Bank equivalent to 2 months transmission and / or wheeling charges :

Provided further that the start-up power shall not be used by the generating station for the construction activities:

Provided further that SLDC shall stop the drawl of the start-up Power in the following events:-

(a) in case it is established that the start-up power has been used by the Generating Station for construction activity; and

- (b) on the receipt of request from any of the concerned licensee(s), in case of default by the Generating Station in making payment of monthly transmission and /or wheeling charges to the concerned licensee(s) for the drawl of Start-up power :

Provided further that the Commission may, in exceptional circumstances, on an application made by the generator, at least two months in advance, relax aforesaid timelines for commencement and stoppage of the inter-change of power beyond the period as specified in this sub-regulation:

Provided further that the SLDC shall, while granting such permission, keep the grid security in view:

Provided further that the onus of providing the interchange of infirm power from the unit(s) of the generating station for the purpose of testing and commissioning shall lie with the generator(s) and the SLDC which shall seek such information on each occasion of interchange of power before the commissioning. For this, the generating station shall provide SLDC sufficient details of the specific commissioning activity, testing and full load testing, its duration and intended period of interchange etc:

Provided further that the infirm power so interchanged by the unit(s) of the generating plant shall, notwithstanding anything contained in the Power Purchase Agreement executed by the generator, be treated as deviation, which shall be accounted and paid/charged in accordance with the provisions of the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2018.”; and

- (VI) for existing sub-regulation (8), following sub-regulations (8), (8A) and 8(B) shall be substituted, namely :-

“(8) The dedicated line, along with any other evacuation infrastructure, from generating station of the applicant to the interconnection point of the transmission licensee/



distribution licensee, shall be provided, operated and maintained by the applicant. The specifications of such line and other infrastructure may be indicated by State Transmission Utility / distribution licensee while granting Connectivity or long term/medium term open access.

**(8A) Transfer of Connectivity and Long-Term Access.-** A person shall not transfer, assign or pledge, either in full or parts, its connectivity or open access and the associated rights and obligations to any other person.

**(8B)** A person who has been granted connectivity shall adhere to the time lines, including the same for applying for open access and for signing of open access agreement after its grant by the nodal agency, for completing various activities, as stipulated while granting connectivity and / or open access and / or in the connection agreement and / or open access agreement and /or any other documents signed by it, failing which grant of connectivity and the connection agreement shall stand terminated subject to specific provisions, if any, in the connection agreement and / or open access agreement and / or any other documents. In such eventuality, the nodal agency shall be at liberty to allot connectivity to any other applicant.”

## **7. Amendment of regulation 9.-**

In regulation 9 of the said regulations,-

- (i) in sub-regulation (1), for the word “awarding”, the word “granting” shall be substituted; and
- (ii) in sub-regulation (2), for sign “:” appearing at the end of the para, the words, figure and sign “expected to be commissioned within next six months as per the status reported to CEA/ State Government/ Nodal Agency/Distribution licensee, as the case may be:” shall be substituted.

## **8. Amendment of regulation 14.-**

In regulation 14 of the said regulations,-

- (i) for the words “The applicant shall sign”, the words “The applicant shall, within 30 days from the date of grant of long term open access, sign” shall be substituted; and
- (ii) for the sign “.” appearing at the end of para, the sign “:.” shall be substituted and thereafter the following proviso shall be added, namely :-

“Provided that the person who has been granted long term open access shall adhere to the timelines for completing various activities, including signing of open access agreement, required to be undertaken by it, failing which the nodal agency shall cancel such grant after giving a notice of 30 days in writing and upon such cancellation, the nodal agency shall be at liberty to allot the open access to any other applicant :

Provided further that in case the nodal agency failed to adhere the timelines for executing the long term open access agreement, the open access customer may approach the Commission as per the provision of regulation 37.”

**9. Amendment of regulation 15.-**

In regulation 15 of the said regulations, the words “Terms and Conditions for” shall be omitted.

**10. Insertion of new regulations.-**

After regulation 15 of the said regulations, following new regulations “15A” and “15B” shall be inserted, namely:-

“15A. On receiving the intimation regarding termination of Power Purchase Agreement, or surrender of long term access in accordance with the provisions of regulation 17 of these regulations and after considering the applications for long-term access and medium-term open access, if any, as mentioned therein, the nodal agency shall inform SLDC to consider the remaining capacity for processing the request for short term open access in accordance with the Himachal Pradesh Electricity Regulatory Commission (Short Term Open

Access) Regulations, 2010, till long term access or medium term open access is granted to some other applicant.

**15B. Underutilization of Long term Access and Medium term Open Access.-** In case it is observed by SLDC that the long term access or medium term open access customer's request for scheduling is consistently (for more than 5 days) lower than the quantum of long term access or medium term open access granted by the Nodal Agency, SLDC may issue a notice to such long term access or medium term open access customer asking the reasons for such under-utilization. The long term access or medium term open access customer shall furnish the reasons for such under-utilization and will provide such details like the reduced requirement, likely period, etc. by the following day. The un-utilized transfer capability will then be released for scheduling of medium term and short-term open access transaction depending upon the period of such underutilization with a condition that such transaction shall be curtailed in the event original long term access or medium term open access customer seeks to utilize its capacity:

Provided that where the capacity tied up under long term access is released under medium term open access, the concerned generator shall not be liable to pay the long term access charges for such reallocated capacity.”

**11. Amendment of regulation 18.-**

In sub-regulation (1) of regulation 18 of the said regulations, for the word and figure “1 year”, the word and figure “2 years” shall be substituted.

**12. Amendment of regulations 20.-**

In sub-regulation (1) of regulation 20 of the said Regulations,-

- (i) in second proviso, for the words “the applicant shall sign”, the words “the applicant shall, within 30 days from the date of grant of medium term open access, sign” shall be substituted; and
- (ii) for the sign “.” appearing at the end of second proviso, the sign “:” shall be substituted and thereafter the following proviso shall be added, namely :-

“Provided that the person who has been granted medium term open access shall adhere to the timelines for completing various activities, including signing of open access agreement, required to be undertaken by it, failing which the nodal agency shall cancel such grant after giving a notice of 30 days in writing and upon such cancellation, the nodal agency shall be at liberty to allot the open access to any other applicant :

Provided further that in case the nodal agency failed to adhere the timelines for executing the long term open access agreement, the open access customer may approach the Commission as per the provision of regulation 37.”

### **13. Amendment of regulation 27.-**

In regulation 27 of the said regulations,-

- (I) in sub-regulation (1), for the words and sign “unscheduled interchange charges”, the words “deviation charges” shall be substituted;
- (II) in sub-regulation (2), for the figure “2007”, the figure “2011”, shall be substituted; and
- (III) in sub-regulation (3) –
  - (i) for the words, brackets and sign “Unscheduled Inter-Change (UI) Charges” appearing in main heading, the words “Deviation Charges” shall be substituted ;
  - (ii) for item (b), the following shall be substituted, namely :-

“(b) Based on metering at various points including the periphery of respective entities and at the State periphery, composite accounts shall be prepared and issued by the State Load Despatch Centre for each State entity on a weekly basis in accordance with Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related Matters) Regulations, 2018.”;
  - (iii) for item (c), the following shall be substituted, namely :-

“(c) Any mismatch between the scheduled and the actual drawl at drawl points / scheduled and the actual injection at injection points for the State entities shall be determined by the State Load Despatch Centre and accounted for by SLDC in accordance with the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related Matters) Regulations, 2018.”; and

(iv) for item (d), the following shall be substituted, namely :-

“(d) The charges for deviations and other mismatches, as determined by SLDC in accordance with item (c) above, shall be payable by the concerned State entities as per the provisions of the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related Matters) Regulations, 2018.”

#### **14. Amendment of regulation 28.-**

In regulation 28 of the said regulations,-

(I) in sub-regulation (1), for the words and sign “unscheduled inter-change charges ”, the words “deviation charges” shall be substituted; and

(II) in sub-regulation (5) –

(i) for the words, bracket and sign “Unscheduled Inter-Change (UI) Charges” appearing in main heading, the words “Deviation Charges” shall be substituted;

(ii) for item (b), the following shall be substituted, namely :-

“(b) Based on metering at various points including the periphery of respective entities and at the State periphery, composite accounts shall be prepared and issued by the State Load Despatch Centre for each State entity on a weekly basis in accordance with Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related Matters) Regulations, 2018.”;

- (iii) for item (c ), the following shall be substituted, namely :-
- “(c) Any mismatch between the scheduled and the actual drawl at drawl points / scheduled and the actual injection at injection points for the State entities shall be determined by the State Load Despatch Centre and accounted for by SLDC in accordance with Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related Matters) Regulations, 2018.” ; and
- (iv) for item (d), the following shall be substituted, namely :-
- “(d) The charges for deviations and other mismatches, as determined by SLDC in accordance with item (c) above, shall be payable by the concerned State entities as per the provisions of the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and related Matters) Regulations, 2018.”

**By order of the Commission**

Sd/-

(Neelam Dulta), HPAS  
**Secretary**