

# HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION SHIMLA

## NOTIFICATION

Shimla, the 7<sup>th</sup> December, 2012

**No. HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION/418:** - In exercise of the powers conferred by section 181, read with sections 39, 40, and 42 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:-

### REGULATIONS

**1. Short title and commencement-** (1) These Regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term intra-State Open Access and Related Matters) (First Amendment) Regulations, 2012.

(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 Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term intra-State Open Access and Related Matters) Regulations, 2010 (hereinafter called “the said Regulations”)-

(i) in clause (5) the word “State” shall be substituted by the word “state”; and

(ii) the following clause (5-A) shall be added; namely : -

“(5-A)” **consumer**” means any person who is supplied with the electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public in the State of Himachal Pradesh under the Act or any other law for the time being in force and includes any person whose premises are connected for the purpose of receiving electricity with the works of licensee, the Government or any such other person, as the case may be;

**3. Amendment of Regulation 3.** - In the first proviso to regulation 3 of the said Regulations after the words “distribution system”, the signs comma and the words “unless already connected,” shall be inserted.

**4. Insertion of Regulation 3-A.**- After regulation 3 of the said Regulations, the following regulation 3-A shall be inserted, namely:-

**“3- A. Eligibility for Open Access.**- (1) Subject to the provisions of these regulations and of sub-sections (2), (3) and (4) of section 42 of the Act, the open access to the distribution system of the distribution licensee is permitted to all the consumers who either -

(i) require a supply of electricity, for their own use, with the contract demand exceeding one MVA; or

(ii) have installed captive generating plants and require open access to the distribution system for conveyance of power to the destination of use at the consumer premises:

Provided that the Commission may, by order, permit open access in the distribution system to other consumers, subject to such terms and conditions and at such time, as it may consider feasible:

Provided further that the Commission may, after considering the operational constraints and the merits of each case before it, permit open access to the distribution system

to such consumers, who have contract demand of 1 MVA or less and require power for their own use from the renewable energy generating sources located in Himachal Pradesh.

(2) Subject to sub-regulation (1) and other provisions of these regulations, the licensees, generating companies, captive generating plants and such consumers who have been permitted open access under sub-regulation (1) are eligible for open access to the intra-State transmission system of the State Transmission Utility or of any transmission licensee and the same shall accordingly be so granted on payment of transmission and other charges as applicable.

(3) Subject to sub-regulation (1) and other provisions of these regulations, the licensees, generating companies, captive generating plants and such consumers who have been permitted open access under sub-regulation (1) are eligible for open access to the distribution system of the distribution licensee and the same shall accordingly be so granted on payment of wheeling and other charges as applicable.

(4) A person having been declared insolvent or bankrupt or having outstanding dues, of more than two months' billing, to the distribution/transmission licensee at the time of application shall not be eligible for open access:

Provided that where the dispute regarding outstanding dues is pending before any Forum or Court of law and the stay is granted, in that case the person shall be eligible for seeking open access.”

5. **Amendment of Regulation 4.-** In regulation 4 of the said Regulations for the words “State Load Despatch Centre”, the words “distribution licensee” shall be substituted.

6. **Amendment of Regulation 6.-** In regulation 6 of the said Regulations-

(a) for the opening words “The application”, the words, figure, alphabet and sign “Subject to regulation 33-B, the application” shall be substituted; and

(b) at the end the following “Note” shall be added, namely:-

“**Note.-** In cases where two or more intra State systems are involved, the application fee shall be equally apportioned between them by the nodal agency”.

7. **Amendment of Regulation 11.-** In regulation 11 of the said Regulations, the sub-regulations (3), (4), (5) and (6) shall be omitted.

8. **Amendment of regulation 26.-** In regulation 26 of the said Regulations, the following sub-regulation(3) shall be added, namely:-

“(3)The Commission may, suo moto or on suggestions from the nodal agency, modify the detailed procedure approved under sub-regulation (1) so as to facilitate smooth implementation of these regulations.”

9. **Amendment of Regulation 29.-** In the regulation 29 of the said Regulations for the words “HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2007”, the words “Himachal Pradesh Electricity Regulatory Commission (Levy and Collection of Fees and Charges by State Load Despatch Centre) Regulations, 2011”, shall be substituted.

10. **Amendment of regulation 31.-** In regulation 31 of the said Regulations,-

(i) in sub-regulation (1), the words “as estimated by the State Load Despatch Centre and applied” shall be omitted; and

(ii) in sub-regulation (3), after the word “declared”, the words “by the respective licensees” shall be inserted.

11. **Amendment of Regulation-32.-** In sub regulation (1) of regulation 32 of the said Regulations, after the words “open access in transmission” and before the words “by the distribution licensee” the word “and” shall be inserted.
12. **Insertion of Chapter-7-A.-** After existing Chapter-7 of the said Regulations, a new Chapter-7-A shall be inserted, namely:-

#### **“CHAPTER-7-A**

#### **SPECIAL PROVISIONS FOR OPEN ACCESS IN DISTRIBUTION SYSTEM FOR THE CONSUMERS**

- 33-A. **General.-** In case of the consumers the provisions contained in this Chapter shall be applicable for connectivity and long/medium term open access to the distribution system.
- 33- B. **Open access to existing consumers.-**The existing consumers, who are getting supply of electricity for their own use from the distribution licensee under the standard supply agreements and are eligible for open access to the distribution system as per regulation 3A, shall be provided connectivity and open access to the distribution system to the extent of their sanctioned contract demand:

Provided that such consumers shall arrange their electricity requirements (power and energy) for their consumption, including the corresponding energy losses for the various power systems involved in the open access which shall be borne in kind, with the concerned supplier(s) and shall so inform all the concerned agencies well in advance:

Provided further that where inter–state transmission system is involved in conveyance of power from the source of power to the consumer premises, the requisite permissions shall be obtained in accordance with the procedures laid down by the Central Electricity Regulatory Commission in their open access Regulations:

Provided further that such existing consumers shall enter into suitable separate agreements with licensee (s) for availing such open access well before the intended date of availing open access:

Provided further that, if there is no increase in contract demand-

- (i) such existing consumers shall not be required to pay any application fee for connectivity,
- (ii) such consumers shall pay the application fee for medium term and long-term open access at rate equivalent to 25% of the rate specified in regulation 6:

Provided further that such existing consumers shall also clear their dues against their existing electricity supply connections before availing such open access.

- 33-C. **Connectivity and Open Access to the prospective consumers.-** In case of prospective consumers seeking connectivity and long/medium term open access from the distribution licensee for receiving electricity for their own use or the existing consumers seeking increase in the existing sanctioned contract demand, the terms and conditions as applicable to the prospective consumers or the existing consumers, as the case may be, under the Supply Code, the Himachal Pradesh Electricity Regulatory Commission (Recovery of Expenditure of Supply of Electricity) Regulations, 2012 and the Himachal Pradesh Electricity Regulatory Commission (Licensee’s Duty for Supply of Electricity on Request) Regulations, 2004 shall be applicable.

- 33-D. **Restrictions on delivery of power.**-In case of any operational constraints in the transmission system and/or distribution system, the distribution licensee may restrict/stagger the delivery of the electricity to the open access consumers in the same manner as applicable to other HT consumers in the area and such consumers shall restrict their drawl of electricity accordingly:

Provided that a distribution licensee shall not restrict the delivery of electricity due to the reasons of energy shortage in cases where the open access consumer-

- (i) is connected to the distribution system through a dedicated feeder emanating from the control sub-station of the licensee; and
- (ii) the day ahead scheduling is being done for drawl of electricity by the consumer in accordance with the regulation 33-G and the required quantum of electricity is being injected to the distribution system in the relevant time blocks for delivery to the consumer for his own use.

- 33-E. **Arrangements for standby power.**- The consumers availing open access shall also tie up the supply of standby power under various eventualities such as non-scheduling of power from the generation source due to any reasons, including outages at the generation source which may be of planned, forced or emergent nature, and constraints in transmission system(s):

Provided that such open access consumers may get such standby power from the distribution licensee at mutually agreed terms and conditions:

Provided further that in case of supply of the standby power by the distribution licensee, the rate (inclusive of wheeling charges, cross subsidy surcharge, additional surcharge and energy losses) for supply of such power at consumer's premises shall not exceed 125% of the overall average rate, worked out by adopting load factor of 60%, under temporary supply tariff approved by the Commission for supply of power to the other HT consumers in the area.

- 33-F. **Violation in sanctioned contract demand.**- The consumer availing open access shall not exceed the contract demand sanctioned in his favour at any time and in case of any violations in any time block the distribution licensee shall be entitled to recover the violation charges as may be fixed by the distribution licensee without prejudice to its rights to disconnect electricity of such consumers.

- 33-G. **Scheduling.**-(1) Subject to the provisions of sub-regulations (2), scheduling on day ahead basis shall be done by the State Load Despatch Centre in accordance with the applicable Grid Code for the consumers availing open access.

(2) In case the inter-state transmission system is not involved in providing open access to a consumer and the sanctioned contract demand of the consumer does not exceed 5.5 MVA or such other limit as may be fixed by the Commission, day ahead scheduling shall not be done for such consumers and in such cases the distribution licensee and the open access consumer shall mutually agree on terms and conditions as well as the procedures for settlement of time differentiated energy accounts on the basis of weekly data:

Provided that the distribution licensee shall adopt uniform principles for the purpose of evolving such terms and conditions and procedures and shall include the same in the detailed procedure as per Regulation 26:

Provided further that the generating station from which such open access consumer has contracted power shall be subjected to scheduling requirements as per the applicable Grid Code.

(3) In cases where day ahead scheduling is not done in accordance with sub-regulations(2), the concerned parties shall also mutually agree about the procedures for accounting of applicable energy losses and reactive energy.

- 33-H. **Renewable power purchase obligations.-** Each consumer availing open access shall fulfill its Renewable Power Purchase Obligation (RPPO) as per the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010.
- 33-I. **Metering.-** (1) In cases where day ahead scheduling is to be done for any of the time block(s) in accordance with regulation 33-G, the metering arrangements shall be compatible to the requirements of such scheduling and also have the features of the special energy meters as per Annexure-II of the Grid Code.
- (2) In cases where the day ahead scheduling is not to be done for any of the time block(s) in accordance of regulation 33-G, the metering arrangements shall be compatible with the requirements as per the arrangements tied up by the consumers for purchase of power and for delivery of power to them.
- 33-J. **Applicability of Codes.-** The consumers availing open access shall also be governed by the provisions applicable to the consumers under the Supply Code, Grid Code and Distribution Code.
- 33-K. **Multiple source of Power.-** In case the consumer ties up his power requirement from more than one sources, the energy accounting etc. and other adjustments shall be done in accordance with the principles to be incorporated in the detailed procedure.
- 33-L. **Overriding effect.-** In case of any conflict of provisions contained in this Chapter with the general provisions contained in other Chapters of these regulations, the special provisions contained in this Chapter shall have overriding effect in the matters relating to connectivity and open access to the consumers in the distribution system”.

By the order of the Commission

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Secretary