

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA

**CORAM : Sh. Devendra Kumar Sharma, Chairman
Sh. Yashwant Singh Chogal, Member (Law)
Sh. Shashi Kant Joshi, Member**

In the matter of:-

Finalization of the Himachal Pradesh Electricity Regulatory Commission (Transmission Performance Standards) Regulations, 2023.

ORDER

The Section 30 of Electricity Act, 2003 provides that the State Commission shall facilitate and promote transmission, wheeling and inter-connection arrangements within its territorial jurisdiction for the transmission and supply of electricity by economical and efficient utilization of the electricity.

2. The Section 40 (a) of Electricity Act, 2003 further provides that it shall be the duty of a transmission licensee to build, maintain and operate an efficient, co-ordinated and economical Intra-state Transmission System, as the case may be.
3. The National Electricity Policy specify performance parameters like frequency & duration of interruptions, voltage parameters, harmonics, transformer failure rate, faulty lines etc. Further policy empowers the Commission to specify the Standard of Performances in order to regulate utilities based on pre-determined indices on quality of power supply.
4. To operate Intra-state Transmission System for providing an efficient, reliable, coordinated and economical system of electricity supply and and to maintain critical grid parameters within the permissible limits, by the Transmission Licensee, the Transmission Performance Standards need to be fixed.
5. The Sections 57, 58 and 59 of the Electricity Act, 2003 also provide as under :-

“Section 57. (Consumer Protection: Standards of performance of licensee):

(1) The Appropriate Commission may, after consultation with the licensees and persons likely to be affected, specify standards of performance of a licensee or a class of licensees.

(2) If a licensee fails to meet the standards specified under sub-section (1), without

prejudice to any penalty which may be imposed or prosecution be; initiated, he shall be liable to pay such compensation to the person affected as may be determined by the Appropriate Commission:

Provided that before determination of compensation, the concerned licensee shall be given a reasonable opportunity of being heard.

(3) The compensation determined under sub-section (2) shall be paid by the concerned licensee within ninety days of such determination.

Section 58. (Different standards of performance by licensee): *The Appropriate Commission may specify different standards under subsection (1) of section 57 for a class or classes of licensee.*

Section 59. (Information with respect to levels of performance): *--- (1) Every licensee shall, within the period specified by the Appropriate Commission, furnish to the Commission the following information, namely:-*

- (a) the level of performance achieved under sub-section (1) of the section 57;*
 - (b) the number of cases in which compensation was made under subsection (2) of section 57 and the aggregate amount of the compensation.*
- (2) The Appropriate Commission shall at least once in every year arrange for the publication, in such form and manner as it considers appropriate, of such of the information furnished to it under sub-section (1).”; and*

6. The Commission, in light of the above provisions of Electricity Act, 2003, National Electricity Policy and obligation of the Transmission Licensee to provide an efficient, reliable Intra-state Transmission System in the State, proposed the Himachal Pradesh Electricity Regulatory Commission (Transmission Performance Standards) Regulations, 2023 and, in accordance with the Rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, invited public objections and suggestions on the draft Regulations by way of the publication in the Rajpatra, Himachal Pradesh, on 16th January, 2023 and insertion in two News papers i.e. “The Tribune” and “Divya Himachal” on 19th January, 2023. A copy of public notice was also sent to the major stakeholders vide Commission’s letter dated 20th January, 2023. The full text of the draft Regulations was also made available on the Commission’s website www.hperc.org. The last date for submission of suggestions/objection was fixed as 17th February, 2023 and the Public hearing was scheduled for 20th February, 2023.

7. The Commission received suggestions/objections on the draft Regulations from the following stakeholders:-

- (i) The Himachal Pradesh State Electricity Board Limited (HPSEBL)
- (ii) The Himachal Pradesh Power Transmission Corporation Limited (HPPTCL)

8. The Public hearing in the said matter was conducted on scheduled date and time i.e. on 20th February, 2023 at 3:00PM. Only the representatives from HPSEBL and Directorate of Energy have participated in the Public Hearing. The list of participants who attended the public hearing is annexed as **Annexure-“A”**.

9. **Objections and issues raised during the public hearing.-**

During the public hearing, the representative from HPSEBL reiterated the Suggestions / Objections already submitted by it through written submissions. No other Stakeholders expressed the views during the public hearing. However, Directorate of Energy was asked to furnish its comments within two days, but nothing has been submitted till date.

10. **Consideration of the written submissions and the viewpoints expressed during the public hearing by the stakeholders and Commission’s views.-**

After having gone through all the written submissions made and the viewpoints expressed by the representatives from HPSEBL during the public hearing, the Commission now proceeds further to conclude its views on the various suggestions relevant to the proposed provisions in the draft Regulations, as follows.-

10.1 **Applicability of the Provisions of the draft Regulations.**

Comments of HPPTCL

- (i) “The Regulation has been studied, the same has been framed by the HPERC as per the provision of Section 30 of the Indian Electricity Act, 2003. As per the Clause-I of the Short Title and Commencement, these Regulations are applicable to all licenses in the transmission of electricity in Himachal Pradesh, and under Definition State Transmission System has been defined as the system of an EHV Network (means the voltage, which exceeds 33,000 volts; under normal conditions) and electrical equipment operated and/or maintained by the Transmission Licensee for the purpose of the transmission

of electricity among generating stations, external interconnections, the distribution system and any other user connected to it. At present, HPPTCL is the Transmission Licensee in the State. From this, It is concluded that these regulations are only applicable to the EHV network of the Transmission Licensee i.e. HPPTCL, and do not apply to the EHV network which is under the control of the Distribution Licensee i.e. HPSEBL and in my view, the statement is wrong at present.”

- (ii) “As the Regulations are applicable only to Transmission licensee (Granted license under Section-14) of IEA 2003 which is HPPTCL as of now. Since around 80 % of Transmission system is under control of HPSEBL i.e. Discom as part of their distribution system, these Regulations shall keep majority Intrastate Transmission system out of its purview, the same needs to be considered by Hon'ble HPERC so that suitable provisions are kept in the Regulations.”

Commission's View

The provision of Sub-regulation (2) of Regulation 1 of the draft Regulations is quite clear and are applicable to all the licensees to whom the transmission license under Section-14 of Electricity Act, 2003 has been granted by the Commission and are engaged in the Transmission of electricity in the State of Himachal.

The Commission, in the Himachal Pradesh Electricity Regulatory Commission (Distribution Performance Standards) Regulations, 2010, has already specified the distribution performance standards (including reliability indices and quality of supply parameters) with the provisions for payment of compensation / penalty for non compliance of these specified standards by the Distribution Licensees. The said Regulations are specifically applicable to all the licensees engaged in the distribution business in the State of Himachal Pradesh and do not overlap with the transmission performance standards. Therefore, the Distribution Licenses of the State do not fall within the ambit of these Regulations.

Hence, the Commission declines to accept the objections made by the HPPTCL in this regard and decides to retain the proposed provisions without any change in the final Regulations.

10.2 Timelines for restoration of various elements of the Transmission System.

Comments of HPSEBL

(i) Tower after collapse

For erection of new tower in place of collapse towers, the award is to be placed for the work for supply and erection of tower, for which at least 4-5 months are required.

(ii) Phase Conductor Broken

Shooting stones:- Breaking of conductor in tribal/remote areas during winter/snowfall season may take longer time due to remote location of towers for repairs/rectification of fault. Hence, time required is to be enhanced from 5 to 7 days as more time is require to reach at peaks of hills for re-sagging in snowfall seasons

(iii) Restoration of failure of power transformer/interconnecting transformer (Single/Three Phase)

If the transformer is damaged due to damage of windings, then the award is to be placed for the repairs of the transformers on the Original Equipment Manufacturers (OEM). The OEM is to take the transformer to their works and back to the site after repairs for re-energisation may take 5-6 months.

(iv) The N-1 contingencies are required to be created.

Comments of HPPTCL

(v) "O&M of transmission System. The Chapter-2 i.e.Objective. Norms and Methodology SI. No. 4 (III) Restoration Time for different type of failures of T-Line and X-Mer and Reactor have been defined for plain and hilly terrains. These timelines if not followed shall have financial implications therefore needs to be examined in detail w.r geographical condition of the state and the past experiences. provide comments, HPPTCL needs a

minimum of One-month time. Therefore, the HPERC is humbly requested to grant one-month time beyond 17.02.2023 i.e. up to 17-03-2023.”

Commission’s View

Items (i) & (ii) of para 10.2-

The Commission feels that the important role of any service provider is to provide reliable, smooth and quality services to its Customers for which advance planning for design of a robust system, proper maintenance of the system and emergency restoration system especially for the Hilly areas are required. The timelines have been proposed in the draft Regulations by keeping in view the interest of Users / Customers using the Intra-State Transmission System. Further, the Users / Customers should not be penalized on account of the inefficiencies on the part of the licensees to meet its obligation. The Transmission Licensee shall not be discharged from its liability on account of its failure to maintain the Standards of Performance specified in the draft Regulations, if such failure are attributed to the negligence or deficiency or lack of preventive maintenance of the transmission system or failure to take reasonable precaution which has resulted in loss to the affected person. Moreover, the Commission has proposed the provisions for failure of transmission system under Force Majeure conditions.

The Commission, however, feels to specify timelines for restoration of collapsed Tower in Tribal Areas of the State where the restoration works may be affected in winter seasons. The Commission also finds it appropriate to marginally increase the timelines for restoration of collapse Tower in Hilly Areas of the State and, therefore, decides to increase the restoration time from proposed “50 days” to “60 days”. The Commission further decides to provide separate timelines for restoration of collapsed Tower, broken of phase conductor, insulator failure and earth wire failure for Tribal Areas during summer and winter months. Accordingly, the changes are made in ‘Table-2’ appearing under item (III) of Regulation 4 of the proposed Regulations as under:-

Table

Type of Failures	Restoration Time from the date of occurrence of failure (Days)	
Insulator failure		
Tribal Areas	Summer Months (April to October)	Winter Months (November to March)
	3	4
Tower after collapse		
Hilly Terrain	60	
Tribal Areas	Summer Months (April to October)	Winter Months (November to March)
	90	130
Phase Conductor Broken	Summer Months (April to October)	Winter Months (November to March)
Tribal Areas	3	7
Phase Conductor Broken	Summer Months (April to October)	Winter Months (November to March)
Tribal Areas	4	6

- (iii) The Commission feels that the proposed timelines of 120 days, provided for restoration time in case of failure of Power Transformers, are quite fair and reasonable. Therefore, the Commission finds no merit in the suggestion made by the HPSEBL and decides to retain the proposed timelines without any change in the final Regulations.
- (iv) One of the important role of Transmission Licensee is to provide reliable and quality power supply to its Customers / Users for which advance and proper planning of the system is required. Moreover, the concept of N-1 contingencies is not possible in case Towers are collapsed and most of the time is involved in restoration of such collapsed Towers. The Commission also observes that the suggestions made by HPSEBL in this regard are not based on the facts and proper justification. Therefore, the Commission declines to accept the suggestions of HPSEBL in this regard and decides to retain the proposed timelines without any change in the final Regulations.
- (v) The Commission also feels that the Transmission System is generally designed by keeping in view the various geographical factors. The maintenance of the system or emergency restoration system should also

be well known to the Licensee(s) based on the past survey / experience and weather conditions of such areas where the services are being provided. The Commission is also of firm view that sufficient time of one month has been provided for objections / suggestions and demand for more time for filing the objections / suggestions was not justified.

In view of the above, the Commission, after taking into consideration the objections and suggestions received on the draft Regulations and the deliberations in the public hearing conducted thereon, decides to finalize the Himachal Pradesh Electricity Regulatory Commission (Transmission Performance Standards) Regulations, 2023 by incorporating the changes on the above lines and other minor clarificatory changes as considered necessary.

Place : Shimla

Dated : 02.03.2023

-sd
(Shashi Kant Joshi)
Member

-sd
(Yashwant Singh Chogal)
Member(Law)

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(Devendra Kumar Sharma)
Chairman

Annexure –A

List of participants who have attended the public Hearing on 20.02.2023

Sr. No.	Name/ Designation	Organization
1.	Sh. Lukesh Thakur	Chief Engineer (System Planning), HPSEBL
2.	Sh. Rakesh Kapoor	Superintending Engineer (Commercial), HPSEBL
3.	Sh. Kamlesh Saklani	Law Officer, HPSEBL
4.	Sh. Shanti Swaroop Bhatti	DoE