

West Bengal Electricity Regulatory Commission
Explanatory Memorandum

to

West Bengal Electricity Regulatory Commission
(Open Access) (First Amendment) Regulations, 2024

2024

Explanatory Memorandum

1. Under section 176(1) of the Electricity Act, 2003 ("Act"), the Central Government is so empowered that it may, by notification, make rules for carrying out the provisions of this Act.
2. Under this empowerment, the Ministry of Power (MoP), Government of India (GoI), has promulgated the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 ("Rules").
3. Under clause (e) of subsection (1) of Section 86 of the Act, it is mandated that State Commissions promote the generation of electricity from renewable sources.
4. Under Section 180(1) of the Act, State Commissions are empowered to specify regulations consistent with the Act and its rules.
5. Keeping consistency, the West Bengal Electricity Regulatory Commission ("the Commission") has incorporated the relevant provisions of the Rules into the

WBERC (Open Access) Regulations, 2022, to facilitate Green Energy Open Access for consumers having sanctioned load one hundred kW or more.

6. After the initial notification, the MoP issued amendments to the Rules on 27 January 2023 and 23 May 2023. These amendments introduce new provisions regarding the eligibility of Green Energy Open Access consumers where consumers with aggregated sanctioned load of one hundred kW or more in an electricity division of a licensee for allowing Green Energy Open Access.

7. Key features and benefits for consumers under the 'Green Energy Open Access' initiative, as stipulated by the Central Government, include:

(a) Promotion of the generation, purchase, and consumption of green energy, including energy derived from Waste-to-Energy plants.

(b) Extension of Green Open Access to all consumers who have aggregate contracted demand or sanctioned load of hundred kW or more either through a single connection or through multiple connections in the same electricity division of a distribution licensee except for captive consumers exempted from load restriction.

(c) Stipulation of energy banking with connected distribution licensee allows Green Energy Open Access consumers to inject surplus green energy into the grid and later withdraw it, with applicable charges.

9. According to sub-rule (1) of Rule 5 of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, as amended, Appropriate Commissions may amend their regulations as necessary to ensure the provision of Green Energy Open Access to consumers, consistent with the Rules.

10. Under sub-rule (2) of Rule 5 of the Rules, a one-window receiving and registration of applications for open access to green energy is prescribed. It is also prescribed to allow Open Access within fifteen days by the nodal agency. The provision is incorporated for intra-State Green Energy Open Access whereas for inter-State the provisions of CERC regulations shall prevail.

11. Keeping consistency, the relevant rules and amendments from the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, as amended through 23 May 2023, have been incorporated into the draft West Bengal Electricity Regulatory Commission (Open Access) (First Amendment) Regulations, 2024.

12. The draft Regulation proposes a banking charge of 8% of the energy banked following the methodology outlined in the model Regulation for the determination of Open Access Charges and Banking Charges for Green Energy Open Access by the forum of regulators, a methodology adopted by both APERC and TSERC in their respective regulations.

13. The draft amendment also addressed the scheduling charges for daily final implemented schedule of SLDC and ALDC.

By order of the Commission

Place : Kolkata
Date :

Sd/-
(Secretary of the Commission)