



# WEST BENGAL ELECTRICITY REGULATORY COMMISSION



Ref No. WBERC/Regu-54 (Open Access)/

Dated, Kolkata, the 10<sup>th</sup> May, 2022

## PUBLIC NOTICE

Sub : **Draft West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022 and in short will be referred as "Open Access Regulation"**

In exercise of the powers conferred by section 181 read with clause (d) of sub-section (2) of section 39, clause (c) of section 40 sub Section (2), (3) and (4) of section 42 and section 66 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of notifications No 35/WBERC dated 12<sup>th</sup> April 2007 published in the Kolkata Gazette, Extraordinary on 12<sup>th</sup> April 2007 along with all amendments, the West Bengal Electricity Regulatory Commission is pleased to notify the draft West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022 and in short will be referred as "Open Access Regulations.

All stakeholders/interested persons may submit suggestions/objections/comments on the draft to West Bengal Electricity Commission at Plot No : AH/5 (2<sup>nd</sup> and 4<sup>th</sup> Floor), Premises No : MAR 16-1111, Action Area-1A, New Town, Kolkata-700163) by **2<sup>nd</sup> June 2022 (3 P.M.)**.

A copy of draft Regulation and also the existing Regulation proposed to be amended may be obtained from the office of the Commission between **11.00 hrs to 15.00 hrs** on any working day on payment of usual fees. Interested persons may visit the website of the Commission at [www.wberc.gov.in](http://www.wberc.gov.in) for obtaining the copy of the said draft regulation.

By Order of the Commission

Sd/-

Secretary

Place : Kolkata

Dated : 10<sup>th</sup> May 2022

# **DRAFT OF WEST BENGAL ELECTRICITY REGULATORY COMMISSION (OPEN ACCESS) REGULATIONS, 2022**

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**WEST BENGAL ELECTRICITY REGULATORY COMMISSION  
NOTIFICATION**

No. xx/WBERC

Dated xx.xx.2022

In exercise of the powers conferred by section 181 read with clause (d) of sub-section (2) of section 39, clause (c) of section 40, sub-sections (2), (3) and (4) of section 42 and section 66 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of notifications No. 35/WBERC dated 12<sup>th</sup> April 2007 published in the Kolkata Gazette, Extraordinary on 12<sup>th</sup> April 2007 along with all amendments, the West Bengal Electricity Regulatory Commission hereby makes the following regulations.

**1. Short title and commencement.**

- 1.1 These regulations may be called the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022 and in short will be referred as “Open Access Regulations”.
- 1.2 They shall come into force on the date of their publication in the Official Gazette. This date will be the Effective Date of these Open Access Regulations.
- 1.3 The Open Access Regulations shall apply to Open Access Customers and Applicants for Open Access embedded in the State Grid to the extent applicable on them depending on their connectivity with inter-state transmission system or intra-state transmission system as applicable or with distribution system as specified in the Open Access Regulations.

**2. Definitions**

- 2.1 In these regulations, unless the context otherwise requires:

- a) “Act” means the Electricity Act, 2003;
- b) “ABT” means the Availability Based Tariff as specified in the State Electricity Grid Code and Balancing and Settlement Code specified by the Commission;
- c) “Additional Transmission Asset Creation Agreement “or “ATACA” means the agreement under regulation 15.4 between the Open Access Customer and the Transmission Licensee;



- d) "Additional Wheeling Asset Creation Agreement" or "AWACA" means the Open Access agreement under regulation 15.4 between the Open Access Customer and the Distribution Licensee;
- e) "Applicant" means a person who has applied for seeking Open Access;
- f) "Area Load Despatch Centre" or "ALDC" has the same meaning as assigned to it in the State Grid Code.
- g) "Backup Power" means any standby arrangement of power supply to an Open Access Customer when power from an Open Access source is not available to the Open Access Customer, in accordance with the Open Access Agreement;
- h) "Balancing and Settlement Code" means the West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2008 including any amendment, modification or re-notification thereof under any name whatsoever;
- i) "Capacity Charges" means the capacity charges as specified in the Tariff Regulations;
- j) "Captive Generating Plant" means the Captive Generating Plant in accordance with the Electricity Rules 2005 including any amendment, modification or re-notification thereof under any name whatsoever;
- k) "CEA Meter Regulation" means Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended including any amendment, modification or re-notification thereof under any name whatsoever;
- l) "CERC LT&MT Regulations" means the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-state Transmission and related matters) Regulations, 2009 including any amendment, modification or re-notification thereof under any name whatsoever;
- m) "CERC ST Regulations" means the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 including any

amendment, modification or re-notification thereof under any name whatsoever;

- n) "Chief Grievance Redressal Officer" means the same as mentioned in "Grievance Redressal Regulations";
- o) "Commission" means the West Bengal Electricity Regulatory Commission;
- p) "Connected Licensee" means a Licensee or any person who is engaged in the business of supplying electricity under the Act and whose works are connected with the premises of any person including an Open Access Customer;
- q) 'critical loads' means the load for which supply is to be maintained continuously and disruption of supply may result in law & order problems.
- r) "Distribution Licensee" means the same as defined in the DSM Regulations;
- s) "Distribution System Network" or "Distribution System" means the distribution system of a Distribution Licensee in his area of supply;
- t) "Deviation Settlement Charges" or "DS Charges" means the same as provided in DSM Regulations;
- u) "DSM Regulations" means the DSM Regulations framed by the Commission, including amendment from time to time and in force at the concerned time of applicability of DSM Regulations;
- v) "Emergency Power" means the requirement of supply of Start-up Power or survival power for generating stations in case of total power failure;
- w) "Energy Charge" means the energy charge as specified in the Tariff Regulations;
- x) "Final Implemented Schedule" means the same as defined in the State Grid Code.
- y) "Force Majeure Event" means the Force Majeure Event as defined in the Tariff Regulations;
- z) "Grid Code" means the same as defined in the Act.



- aa) "Grievance Redressal Regulations" means the West Bengal Electricity Regulatory Commission (Guidelines for Establishment of Forum for Redressal of Grievances of Consumers and Time and Manner of Dealing with such Grievances by the Ombudsman ) Regulations, 2013 including any amendment, modification or re-notification thereof under any name whatsoever;
- bb) "Intending Distribution System User" means the person who, being eligible for Open Access in distribution system, has applied for allocation of or increase in allocated capacity rights for the purpose of wheeling and has agreed to the carrying out of works on obtaining such access;
- cc) "Intending Transmission System User" means the person who, being eligible for Open Access in transmission, has applied for allocation of or increase in allocated capacity rights for the purpose of transmission and has agreed to the carrying out of works for obtaining such access;
- dd) "inter-State transmission system" or "ISTS" means the same as defined in the Act;
- ee) "intra-State transmission system" or "InSTS" means any system for transmission of electricity within the State excluding the Inter-State Transmission System (ISTS) as per Grid Code and transmission line(s) declared as essential part of the distribution system of a licensee by the Commission.
- ff) "Licensee" means the same as defined in the DSM Regulations;
- gg) "Long-Term Customer" means a person who has been granted Long-Term Open Access;
- hh) "Long-Term Open Access" or "LTOA" means Open Access for a period at a stretch as specified in the case of Long-Term Access in CERC LT&MT Regulations for using the intra-State transmission system and/or any distribution system under the purview of Commission;
- ii) "Medium-Term Customer" means a person who has been granted Medium-Term Open Access;

- jj) "Medium-Term Open Access" or "MTOA" means Open Access for a period at a stretch as specified in case of Medium-Term Open Access in CERC LT&MT Regulations for using the intra-State transmission system and/or any distribution system under the purview of the Commission;
- kk) "Multiple license area" means an area of supply where two or more Distribution Licensee or Suppliers are operating with the purpose to supply electricity to the consumers of that area at tariff to be determined by the Commission;
- ll) "National Open Access Registry" or "NOAR" means the same as defined in the "CERC ST Regulations";
- mm) "NLDC" means the National Load Despatch Centre as defined in the Grid Code;
- nn) "Nodal Agency" means the Nodal Agency as specified in regulation 8;
- oo) "Open Access Consumer" means the Open Access Customer who is also consumer of the licensee with whom he is connected for taking supply of power;
- pp) "Open Access Customer" means a person availing or intending to avail Open Access on the transmission system or the distribution system of a Licensee(s) or any person engaged in the business of supplying electricity to the public under the Act;
- qq) "Open Access source" means a generating station including a Captive Generating Plant or any person holding appropriate license for supply or trading of electricity from whom power is being procured by an Open Access Customer through Open Access;
- rr) "Ownership" of a generating station or Captive Generating Plant shall have the meaning as has been prescribed in the Electricity Rules, 2005;
- ss) "PPA" means Power Purchase Agreement or Power Sale Agreement as the case may be;
- tt) "Regulations" means the regulations made under the Act;



- uu) "RLDC" means the Regional Load Despatch Centre as defined in the Grid Code.
- vv) "Rules" means the rules made under the Act;
- ww) "Safe Capacity" means continuous current carrying capacity considering outage of the largest element in such transmission and associated system or as stipulated in the planning criteria by the appropriate authority;
- xx) "Short Term Customer" means a person who has been granted Short-Term Open Access;
- yy) "Short-Term Open Access" or "STOA" means Open Access for using the intra-State transmission system and/or any distribution system for a period as specified in case of Short-Term Open Access under CERC ST Regulations.
- zz) "SLDC" means the SLDC as defined in the Tariff Regulations;
- aaa) "SLDC Detailed Procedures " means the same as defined in regulation 16.1 of these Open Access Regulations;
- bbb) "SOP Regulations" means the West Bengal Electricity Regulatory Commission (Standards of Performance of Licensees Relating to Consumer Services) Regulations, 2010 including any amendment, modification or re-notification thereof under any name whatsoever;
- ccc) "Startup Power" means the power required by any generating station or Captive Generating Plant situated in the State for black start or cold start of such generating station;
- ddd) "State" means the State of West Bengal;
- eee) "State Grid" means the same as defined in the State Grid Code
- fff) "State Grid Code" or "SGC Regulations" means the regulation framed by the Commission under clause (h) of sub-section (1) of Section 86 of the Act and which is in force.
- ggg) "STU" means the STU as defined in the Tariff Regulations;

hhh) "STU Detailed Procedure" means the same as defined in regulation 16.2 of these Open Access Regulations;

iii) "Supply" means the same as defined in the Act.

jjj) "Supplier" means a licensee who has been allowed to supply electricity to consumer within its area of supply through the network of another licensee but does not include a electricity trader.

kkk) "Tariff Regulations" mean the regulations specified by the Commission under section 61 of the Act;

III) "Time Block" is the same as defined in Grid Code.

mmm) "Transmission Licensee" means the same as defined in Tariff Regulations

nnn) "Transmission System" means the same as defined in Tariff Regulations

ooo) "Wheeling" means the operation whereby the distribution system and associated facilities of a distribution licensee are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Act;

2.2 Words or expressions used and not defined in these regulations but defined in the Act or any other Regulations framed by the Commission shall have the meanings respectively assigned to them there in. Where the words "as specified" has been used, it shall mean as specified in these Open Access Regulations or under any other law or any regulations issued by CERC or this Commission from time to time.

### **3. Extent of Application**

3.1 These regulations shall apply to any form of Open Access for use of intra-state transmission system and/or distribution system including any such lines and/or systems as are used in conjunction with inter-State transmission lines.

3.2 These regulations shall apply to all Open Access Customers who have been granted Open Access by the Commission or those who are availing Open Access before the Effective Date. Notwithstanding anything to the contrary contained in earlier Regulations or orders of the Commission, these regulations shall have overriding effect.



- 3.3 It is clarified that for persons who are drawing power or intend to draw power from any generator which is not captive generator through dedicated transmission lines of the generator or any other arrangement not involving the use of intra-state transmission lines or distribution network, the provisions of these Open Access Regulations shall be applicable to the extent relevant for such arrangement, including scheduling, determination of cross-subsidy surcharge, additional surcharge, distribution access charge, etc. Such customers shall ensure proper metering arrangement to record the energy supplied to the consumer from the generator.

#### **4. Eligibility for Open Access:**

##### **4.1 Transmission:**

Subject to the provisions of these regulations, a Licensee or a generating company or a Captive Generating Plant or a consumer as may be declared eligible for Open Access by the Commission in a phased manner under sub-section (2) of Section 42 of the Act or any person engaged in the business of supplying electricity to the public under the Act or any other person shall be eligible for Open Access to the intra-State transmission system or associated facilities of the STU or any Transmission Licensee on payment of the charges, as specified, for using the transmission system of the Transmission Licensee.

##### **4.2 Distribution:**

Subject to the provisions of these regulations and the regulations made under fifth proviso to sub-section (2) of section 42 of the Act, a Licensee or a generating company or a Captive Generating Plant or a consumer as may be declared eligible for Open Access by the Commission in a phased manner under sub-section (2) of Section 42 of the Act or any person engaged in the business of supplying electricity to the public under the Act or any other person shall be eligible for Open Access to the distribution system and associated facilities of a Distribution Licensee on payment of charges, as may be specified by the Commission, for using the distribution system and the associated facilities of the Distribution Licensee.

- 4.3 Any person intending to avail Open Access must have an existing connectivity with the concerned transmission or distribution licensee, in whose system it is connected with, in accordance with applicable rules and regulations. However, for Long-Term Open Access, the Applicant may submit the application for connectivity along with the application seeking Long-Term Open Access.

- 4.4 Any person intending to avail Open Access must have ABT compliant interface meters in line with CEA (Installation and Operation of Meters) Regulations 2006, as amended from time to time. In case the intending Open Access Customer is connected at 33 KV and above voltage level, then it must have a 24x7 control room along with dedicated communication system and real-time on-line data display facilities with SLDC and /or ALDC, as may be decided by SLDC. Any dispute in this regard shall be decided by the Commission.
- 4.5 An Open Access Customer shall be eligible and also re-eligible to obtain fresh reservation of capacity for Open Access after expiry of his Open Access term, subject to the provisions of these Regulations.
- 4.6 A person against whom judicial proceedings are ongoing for power theft or unauthorized use of electricity, or against whom notice of disconnection has been issued u/s 56 of the Act by any licensee, shall not be eligible for Open Access.
- 4.7 An Open Access Customer having outstanding dues of any Transmission Licensee or Distribution Licensee against billing for more than one month shall not be allowed to avail Open Access. Such Open Access will be curtailed after issuance of a notice of three days by SLDC on getting a request from the licensee for such curtailment. Such consumer shall become eligible for Open Access only after clearing his outstanding dues and his Open Access facility will be restored by the SLDC within 24 hours of clearing the outstanding dues.
- 4.8 If an Applicant for Open Access has already been charged for having committed any offence under the Act, his application for Open Access shall be considered only after a competent court of law clears him.
- 4.9 An Open Access Customer, after expiry of his Open Access term, will not have any priority for getting Open Access under any new application for Open Access by virtue of his earlier status of Open Access Customer.
- 4.10 While the Open Access Customer is a consumer of the distribution licensee with whom he is connected and has critical loads where the disruption of supply may result in law & order problems or safety hazards, then Open Access Customer has to agree for arrangement of Backup Power as a condition of eligibility for getting Open Access and is to ensure that it adheres to the provisions as specified in regulation 12.3 of these Regulations.



- 4.11 The application for Open Access by any consumer shall be only admitted if its latest bill of the distribution licensee to whom it is connected is paid and no dues are reflected in the bill as per sub-section (2) of section 56 of Electricity Act 2003. For this purpose copy of the bill payment receipt is to be submitted.

## **5. Special Provisions for Existing Distribution Licensees**

A Distribution Licensee using intra-State transmission lines and / or the distribution systems and associated facilities with such lines and systems in the State on the Effective Date under an existing agreement shall be entitled to continue to avail Open Access on such transmission and distribution systems along with the associated facilities on the terms and conditions of the Open Access Agreement and on payment of transmission charges and wheeling charges as may be determined by the Commission from time to time subject to conditions as specified in regulation 3.2 of these Open Access Regulations.

However, where the Distribution Licensee is using such facilities not under an existing agreement but through an informal arrangement then a formal agreement for Open Access and connectivity needs to be signed by the Distribution Licensee immediately, not later than one month from the date of publication of these Regulations, on such terms and conditions in line with the existing arrangement and in conformity with these Open Access Regulations and subject to payment of such transmission charges and wheeling charges as may be determined by the Commission from time to time. In the event that such agreement is not signed within a period of one month or such other time as allowed by the Commission, then the concerned Distribution Licensee / Open Access Customer will have to apply afresh for Open Access in accordance with the provisions of these Open Access Regulations.

## **6. Allotment Priority**

- 6.1 The Long-Term Customers shall have priority over Medium-Term Customers and Short-Term Customers for the purpose of getting and availing Open Access. The Medium-Term Customers shall have priority over Short-Term Customers for the purpose of getting and availing Open Access. Among the Long-Term Customers the priority will be given on the basis of eligible application filing. i.e., first-come-first-served basis. Similarly among the Medium-Term Customers, the priority will be given on first-come-first-served basis.

- 6.2 The first priority within each category of Open Access Customers will be a Distribution Licensee to the extent of its requirement for meeting the demand of its consumers within the State and for supplying power to other Licensees within the State.
- 6.3 Notwithstanding anything contained in regulations 6.1 and 6.2, the Commission may, by order, change the priority of allotment of Open Access to enable flow of adequate power to consumers providing essential services including public pumping station, medical care, mass transportation, dairy, airport, underground mines, etc. or when unforeseen natural calamities or other emergencies seriously disrupt public life.
- 6.4 The Open Access Customer will have to indicate in its application for Open Access the potential hazards concerning public safety in line with the Environment (Protection) Act, 1986 or any other law as applicable. On the basis of such declaration and subject to approval by the SLDC after due consideration of such declaration the Open Access Customer will be listed for Open Access from different sources for Emergency Power.

## **7. Criteria for assessing the technical feasibility for Open Access:**

The technical feasibility for Open Access applied for by any Open Access Customer will be carried out only upon fulfilment of conditions under regulation 4 of these Regulations and any other Regulations as applicable from time to time. While providing medium term or Short Term Open Access, the Nodal Agency shall not compromise with the margin of different parameters of distribution systems and / or transmission lines / systems as have been provided in the State Grid Code. In case any existing consumer applies for Open Access for a quantum within the contract demand then such open access cannot be denied on the ground of non-availability of distribution system or associated transmission system availability for drawal purpose of power through Open access at drawal point. However, if there is any problem in despatching power from Open Access source to the distribution system or associated transmission system resulting into non-delivery of power then such Open Access can be denied. The capacity available for Open Access shall be considered after taking into account the following factors:

### **7.1 Transmission lines and Associated Systems:**



The capacity available for Open Access in transmission line and the associated system shall be considered after taking into account the following factors:

- a) In respect of transmission lines and associated systems forming part of evacuation system of a generating station, load flows anticipated at assessed output from the generating station considering transmission planning criteria as specified in the State Grid Code;
- b) Maximum load on such transmission and associated system recorded during the previous year vis-à-vis Safe Capacity of such system.

Safe capacity of a system will be capacity availability of Transmission System for Open Access as will be determined by regulation 7.6 of these regulations;

- c) The appropriate load growth potential on such transmission and associated system;
- d) Additional investment planning on new lines or improvement in lines / systems;
- e) The capacity already allotted for Open Access for the relevant period;
- f) Requirement, if any, of the State Grid Code, RLDC, SLDC;
- g) The capacity to be allotted for Open Access shall satisfy load flow anticipated on network with conditions of outage of any circuit running in parallel as specified in the State Grid Code;
- h) Evacuation network from on-going generating projects;
- i) Network augmentations / reorganization plan to provide reliability in supply;
- j) Other factors, which are essential and may be required to be considered to ensure safe and economic operations of the system or safety of the grid, and
- k) The Open Access for Long-Term Customer shall be allowed in accordance with the transmission planning criteria specified in the State Grid Code.

## 7.2 Distribution and Associated Systems:

The capacity available for Open Access in Distribution line and the associated system shall be considered after taking into account the following factors:

- a) Maximum load on distribution and associated systems recorded during previous year vis-à-vis Safe Capacity of the systems;

Safe capacity of a system will be capacity availability of Distribution System for Open Access as will be determined by regulation 7.7 of these regulations;

- b) Appropriate load growth potential on such systems;
- c) Additional investment planning on new or such distribution systems or impact of improvement in the distribution systems;
- d) Capacity already allotted for Open Access for the relevant period;
- e) Requirement, if any, of the State Grid Code or SLDC;
- f) The capacity to be allotted for Open Access shall satisfy load flow anticipated on network with outage of any one circuit running in parallel
- g) Sensitivity of load;
- h) Network augmentation / reorganization plan to provide reliability in supply;
- i) Other factors, which are essential and may be required to be considered to ensure safe and economic operation of the systems and safety of grid or in the interest of the consumer, if any.
- j) For Long-Term Customer, access for such wheeling shall be allowed if the capacity of the distribution system concerned supports such wheeling in accordance with the different regulations of the Commissions and different technical guidelines on sub-transmission and distribution network declared by the Authority after considering (h) also.

7.3 For assessing the technical feasibility, the Transmission licensee or distribution licensee shall co-operate with the Nodal Agency.

#### **7.4 Computation of capacity availability for open access in Transmission system**

- (a) The capacity available for the open access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:

- (i) Available open access capacity of a transmission system segment: =  
 $(DC-SD-AC-RM) + NC - ND$

where,

DC=Designed capacity of the transmission segment in MW,

SD = Sustained demand (peak load experienced) in MW recorded in the segment,



AC = Already allotted capacity, but not availed in MW,  
RM = Reliability Margin,  
NC = New capacity in MW expected to be added, and  
ND = New Demand expected to be added.

- (ii) Available open access capacity of a sub-station: =  $(TC - SP - AC) + NC - ND$  where,  
TC= Transformer capacity of the substation in MVA,  
SP= Sub-station peak in MVA,  
AC= Already allotted capacity but not availed in MVA,  
NC=New transformer capacity in MVA expected to be added, and  
ND = New Demand expected to be added.
- iii) For further detailing of methodology related to determination of available open access capacity, STU shall frame detailed procedures.
- (iv) The STU shall update these values of availability of open access capacity on monthly basis on the first calendar day of the month and publish it in their website.

## **7.5 Computation of capacity availability for open access in Distribution system**

The concerned Distribution Licensee(s) shall determine the available capacity for allotment for the portion of the Distribution System over which Open Access has been requested for.

- 7.6 Notwithstanding anything to the contrary contained in any other Regulations, while providing Open Access, the Nodal Agency shall ensure the grid security to its satisfaction on the basis of the Act, Rules, different regulations of the Commissions and different guidelines of Authority.

Provided that the decision of the Nodal Agency to utilize inherent design margins for Short Term Open Access will be final.

## **8. Nodal Agency**

- 8.1 The Nodal Agency for arranging the Long-Term Access and Medium-Term Open Access within the State shall be the STU;

8.2 The Nodal Agency for Short-Term Open Access which includes Open Access for emergency requirement within the state shall be the SLDC.

8.3 The STU shall on a monthly basis keep SLDC updated about the users of LTOA and MTOA along-with new Applicants for such MTOA & LTOA along-with requisitioned capacity of LTOA & MTOA so that allotment priority as per regulation 6 of these Open Access Regulations can be properly implemented.

## **9. Application Procedure for Open Access**

### **9.1 Submission of Application**

- a) An Applicant shall, in all other cases except the cases falling under clause (g) of this Regulation, file an application, in the Format – 1 as per Annexure-1 to these regulations, together with all relevant information and documents mentioned therein to the Nodal Agency with copies to SLDC (if different from the Nodal Agency), the concerned Transmission Licensee or Distribution Licensee as the case may be.
- b) Such Open Access application shall be filed along with the non-refundable applicable fees as given below:

Table-1

<b>Customer Category</b>	<b>Upto 100 MW</b>	<b>More than 100 MW to 500 MW</b>	<b>More than 500 MW to 1000 MW</b>	<b>More than 1000 MW</b>
LTOA	Rs. 2 Lakh	Rs. 3 Lakh	Rs. 6 Lakh	Rs. 9 Lakh
MTOA	Rs. 1 Lakh	Rs. 2 Lakh	Rs. 3 Lakh	Rs. 4 Lakh
STOA	Rs. 5000/- per application			

- c) Applicant seeking Open Access shall submit along with its application an undertaking of not having entered into multiple Power purchase agreements (PPA) or any other bilateral agreements for the same capacity (quantum of power) for which Open Access has been sought, except for Un-Requisitioned Surplus power.
- d) All documents and copy of agreements /MOU/PPA etc. as mentioned in Format-1 as per Annexure 1 and along with the requisite application fees are to be submitted along with the application; otherwise, the submission of application will be treated as void. Nodal agency shall issue due acknowledgement of each valid application with a serial number.



- e) Any other relevant information / details that may be required by the concerned Transmission Licensee(s)/STU/SLDC/Distribution Licensee(s)/ Commission shall have to be provided promptly by the Applicant upon request.
- f) Any application for Open Access and grant of such Open Access is case specific in terms of capacity allotted, the injection point, drawal point and period for such Open Access.
- g) A Licensee, for using the intervening transmission facility of any other Licensee, shall apply, in Format – 1 as per Annexure-1, to the Commission under section 35 of the Act and the fee for such application shall be as per the application fees for respective categories as mentioned in the table-1 in clause (b) payable to the Commission. Upon direction of the Commission the other licensee owning or operating intervening transmission facilities provide the use of such facility to the extent of available surplus capacity. In pursuance of Section 36 of the Act the rates, charges and terms and conditions for using such intervening transmission facility may be mutually decided by the Open Access Customer and the licensee concerned. In case the licensees cannot, agree on the terms and conditions or the charges for use of intervening transmission facility, the Commission may specify the rates, charges and terms and conditions.

9.2 The Nodal agency shall decide on the technical feasibility for Open Access including availability of transmission and / or wheeling capacity against the Open Access applied for in consultation with SLDC/Transmission Licensee/Distribution Licensee as the case may be.

9.3 Once Open Access has been granted, such Open Access shall not be replaced by any other person on account of a subsequent request received from such other person.

## **10. Procedure for Granting Long-Term Open Access**

10.1 Long-Term Open Access Involving inter-State transmission system: Notwithstanding anything contained in the regulations 10.2 herein below, the procedure for Long-Term Open Access for inter-state transmission shall be as per the relevant regulations of CERC. In case of a person applying for Long-Term Open Access for inter-state transmission where a part of such Open Access involves the Intra-State Transmission System or distribution system under the jurisdiction of the Commission then, such application will be treated under the category of Long-Term



Open Access under the Open Access Regulations of the Commission for the purpose of granting /not granting the Open Access. The application will be treated at par with other applications in accordance with the priority under Regulation 6.2.

Provided that the SLDC or STU as the case may be, before giving its consent to the applicant as required under the relevant regulations of CERC shall consult the respective transmission and/or the distribution licensees, whose networks are intended to be used, and obtain their views/ suggestions for giving such consent. Licensees have to submit their views/ suggestions within ten days from receiving the request from SLDC or STU in such format as provided in the SLDC Detailed Procedures or STU Detailed Procedures, as the case may be. In such cases where Open Access is not being granted then such decision will be intimated to the Nodal Agency under the concerned CERC Regulations with a report which shall include detailed justification for not granting of such Open Access, load flow study reports in detail and all backup calculations in regard to non- availability of the concerned assets required for the Open Access.

10.2 Long-Term Open Access involving the State Grid Only: An application for Long Term Open Access shall be made not later than three years before the date from which such Open Access is sought. Subject to the provisions of regulation 10.1 of these regulations as and when applicable, intra-State long-term Open Access involving the State Grid only shall be in accordance with the provisions of sub-clause (a) to (j) herein below:

- a) After receiving the application, the Nodal Agency, based on system studies and in consultation with the SLDC, the Transmission Licensee(s) and/or the Distribution Licensee(s) concerned shall assess the capacity available for the Long-Term Open Access application subject to conditions under regulations 6 and 7 of these regulations.

In this consultation process the Nodal Agency shall seek the views of the SLDC and/or the Transmission Licensee(s) and/or the Distribution Licensee(s), as the case may be, on the available capacity for open access in the Distribution System and/ or Transmission System through written communication. In such written communication Nodal Agency shall also sought all the specific data that are required for smooth implementation of the Open Access. If SLDC and/or the Transmission Licensee(s) and/or the Distribution Licensee(s), as applicable, does not provide their views regarding capacity availability within fifteen (15) days from the date of receiving such written communication from Nodal Agency then it will be considered that there is no objection from such



licensee or SLDC, as the case may be. Accordingly, the Nodal Agency shall proceed to issue the consent as per clause (b) below. Regarding specific data the Nodal Agency shall subsequently collect such data from the concerned licensee or SLDC.

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

- b) The application shall be accompanied by a bank guarantee of Rs 10,000/- (ten thousand) per MW of the total power to be transmitted. The bank guarantee shall be in favour of the Nodal Agency, in the manner laid down under the STU Detailed Procedures.
- c) The bank guarantee of Rs. 10,000 /- (ten thousand) per MW shall be kept valid and subsisting till the execution of the agreement for Long-Term Open Access, in the case when augmentation/ strengthening of transmission system and/or Distribution System is required, or till operationalization of Long-Term Open Access when augmentation / strengthening of transmission system and/or Distribution System is not required.
- d) The bank guarantee may be encashed by the Nodal Agency, if the application is withdrawn by the applicant or the Long-Term Open Access rights are relinquished prior to the operationalisation of such rights when augmentation / strengthening of transmission system and/or Distribution System is not required.
- e) The aforesaid bank guarantee will stand discharged with the submission of bank guarantee required to be given by the applicant to the State Transmission Utility during construction phase when augmentation / strengthening of transmission system and/or Distribution System is required, in accordance with the provisions in the STU Detailed Procedures.
- f) In case Long-Term Open Access can be provided without any further system strengthening, the Nodal Agency shall give consent in the Format – 2 as per Annexure-2 for Long-Term Open Access to the Applicant with a copy to the SLDC and STU (if different from Nodal Agency) within 30 days from the date of receipt of the application.
- g) If in the opinion of the Nodal Agency, Open Access cannot be allowed due to any ineligibility or because further system strengthening is essential before providing Long-Term Open Access, the Nodal Agency shall communicate the decision to the Applicant in Format-2A as per Annexure-2 within 30 days from

receiving the application stating the detailed reasons which shall include detailed justification, load flow study reports in detail and all backup calculations with regard to non-availability of the concerned assets required for the Open Access. Construction of dedicated transmission line shall not be construed as augmentation of transmission system for this purpose.

- h) In case system strengthening is required the Applicant may, on receiving Format-2A as per Annexure – 2 within 15 days request the Transmission Licensee(s) and / or the Distribution Licensee(s) concerned, as the case may be, to carry out system studies and preliminary investigation for the purpose of arriving at cost estimates and completion schedule for system strengthening plan.
- i) The Transmission Licensee(s) and / or the Distribution Licensee(s), as the case may be, shall carry out the studies as mentioned in clause (h) and intimate the results of the studies to the Applicant with copies to the Nodal Agency, SLDC and STU (if different from Nodal Agency) within 60 days from the date of request by the Applicant to carry out system studies and preliminary investigation for estimating the cost as per clause (h). System studies shall be conducted after pooling all applications received during a month. Other network development plans will also be considered while analyzing the applications.
- j) The Applicant shall initially bear the actual expenditure incurred by the Transmission Licensee(s) and / or the Distribution Licensee(s), as the case may be, in this respect within the limit of 105% of cost estimate for system strengthening intimated by the Licensee concerned subject to other conditions as detailed out in clause (k) below. Actual expenditure shall be subject to the scrutiny of the Commission in case the Applicant approaches the Commission on the ground of reasonability of expenditure incurred and justifications of expenditure items. In such case the Commission's decision will be final.
- k) In case the system requires strengthening for Long-Term Open Access, subject to approval of such strengthening by the STU (if different from Nodal Agency), the estimated cost for such strengthening as intimated under clause (i) above shall be paid by the Applicant to the concerned Licensee(s), if such strengthening is required for exclusive use of the Applicant at that point of time.

Provided that for strengthening of transmission system, such cost shall be refunded by the Transmission Licensee(s) concerned to the Long-Term Customer in seventy two equal monthly installments.



Provided further that any such extension or augmentation of the network will become the asset of the Licensee(s).

- l) In case any strengthening is required in inter-State transmission system to absorb / evacuate power beyond intra-State transmission system, the Applicant shall co-ordinate with the STU and CTU concerned as deemed necessary.
- m) Notwithstanding anything contrary contained in other regulations, in cases where no system strengthening is required and metering, communication, online display are in place, the applicant can apply at least 120 days prior to the month in which LTOA will start.

Provided that where the applicant is applying for open access for the first time, the application can be made at-least 6 months prior to the month in which Long-Term Open Access will commence.

- n) At least 90 days prior to COD of the additional assets created, all relevant metering, online display, etc. should be completed and the same should be intimated to SLDC by the persons who are responsible for installation of such equipment as per the regulations, procedures or any agreement.

#### **11. Procedure for Granting Medium-Term Open Access:**

- 11.1 Involving inter-State transmission system: Notwithstanding anything contained in the regulations 11.2 herein below procedures for medium-term Open Access for inter-state transmission shall be as per relevant regulation of CERC. In case of a person applying for medium term Open Access for inter-state transmission where a part of such Open Access involves the Intra State Transmission System or distribution system under the Jurisdiction of the Commission then such application will be treated under the category of Medium-Term Open Access under the Open Access Regulations for the purpose of granting /not granting the Open Access. Such application shall be considered in accordance with Regulation 6.2.

Provided that the SLDC /STU, before giving its consent to the Applicant as required under the relevant regulations of CERC, shall consult the respective distribution and transmission licensees, whose networks are intended to be used, and get their views/ suggestions for giving such consent. Licensees have to submit their views/ suggestions within ten days from receiving the request from SLDC/STU in such format as provided in the SLDC Detailed Procedures or STU Detailed Procedures, as the case may be. In such case if Open Access is not being granted, such decision will have to be intimated to the Nodal Agency under concerned CERC Regulations

with a report which shall include detailed justification for not granting of such Open Access, load flow study reports in detail and all backup calculations with regard to non-availability of the concerned assets required for the Open Access.

11.2 Medium-Term Open Access involving the State Grid Only: Subject to the provisions of regulation 11.1 of these Open Access Regulations as and when applicable, intra-State medium term Open Access involving the State Grid only shall be in accordance with the provisions of sub-clause (a) to (e) herein below:

- a) Notwithstanding anything contained contrary in any other regulation of the Commission, the start date requested in the application for Medium-Term Open Access shall not be earlier than 5 months and not later than 2 years from the last day of the month in which the application has been made.

As an illustration, let us take the case of an applicant A, desirous of obtaining Medium-Term Open Access. In case A wishes to obtain Open Access from 1 December 2020, it has to apply for the same at least 5 months prior to such date, i.e., latest by 1<sup>st</sup> July 2020. A cannot apply later than such date. Further, if A applies on 1<sup>st</sup> July 2020 for Medium-Term Open Access then the farthest start date from which it can request Medium-Term Open Access shall be 1<sup>st</sup> July of 2022.

This means that, if an applicant for Medium-Term Open Access makes an application on 30 June 2020, then the start date of the Open Access in its application has to lie between 1<sup>st</sup> December 2020 and 1<sup>st</sup> July of 2022

- b) Medium-term Open Access shall be granted if the resultant power flow can be accommodated in the existing transmission / distribution system or the transmission / distribution system under execution. No augmentation of transmission / distribution system is envisaged for granting MTOA. Construction of dedicated transmission line shall not be construed as augmentation of transmission system for this purpose.
- c) On receipt of the application, the Nodal Agency shall, in consultation and through coordination with SLDC, the Transmission Licensee(s) and/or the Distribution Licensee(s) concerned, and based on system studies of the Licensee(s) concerned, if required, assess the capacity available for the Medium-Term Open Access application subject to conditions under regulations 6 and 7 of these Regulations. In case of inter-se priority within each category as mentioned in regulation 6.2 priority shall be decided on first-come-first-served basis.



- d) In case of medium term Open Access, the Nodal Agency shall give consent in the Format – 2 for Medium-Term Open Access to the Applicant with a copy to the SLDC and STU (if different from Nodal Agency) within 30 days from the date of receipt of the application for a first time applicant (metering not in place, etc.). In other cases such consent shall be given within 15 days.

Provided that for reasons to be recorded in writing, the Nodal Agency may grant medium-term Open Access for a period less than that sought for by the Applicant.

- e) If the Nodal agency finds that medium term Open Access cannot be accorded to the Applicant the same is to be communicated in Format-2A to the Applicant within 15 days from the date of receiving the application along with the reasons in details which shall include detailed justification, load flow study reports in detail and all backup calculations with regard to non-availability of the concerned assets required for the Open Access. For a first time applicant such information of not according approval shall be given within 30 days.

## **12. Procedures for Granting Short-Term Open Access**

- 12.1 Involving inter-State transmission system: Notwithstanding anything contained in the regulation 12.2 and 12.3 herein below procedures for short-term Open Access for inter-state transmission shall be as per CERC ST Regulations. In case of a person applying for Short Term Open Access for inter-state transmission where a part of such Open Access involves the Intra State Transmission System or distribution system under the Jurisdiction of the Commission then such application will be treated under the category of Short Term Open Access under the Open Access Regulations of the Commission for the purpose of grant of Open Access.

Provided that in respect of a consumer connected to a distribution system seeking inter-State short-term Open Access, the SLDC, before giving its consent as required under the CERC ST Regulations, shall consult the ALDC of the respective distribution licensees and get their views/ suggestions for giving such consent. ALDC have to submit their views/ suggestions within 2 days from receiving the request from SLDC in such format as provided in the SLDC Detailed Procedures. If Open Access is not being granted, then such decision will be intimated to the Nodal Agency under concerned CERC ST Regulations in a manner as specified in the CERC ST Regulations.

- 12.2 Short Term Open Access involving the State Grid: Subject to the provisions of regulation 12.1 of these Open Access Regulations as and when applicable, intra

state short-term Open Access involving the State Grid shall be in accordance with the provisions of this regulation herein below:

#### 12.2.1 Procedures for Advance Reservation

- a) Separate application shall be made for each month and for each transaction in a month. However, the application for grant of Short Term Open Access may be submitted to the Nodal Agency for Short Term Open Access upto the fourth month, considering the month in which the application is made as the first month.
- b) On receipt of the application, the Nodal Agency shall, based on system studies assess the capacity available for the Short Term Open Access application subject to conditions under regulations 6.1, 6.2 and 7 of these Regulations. If the Open Access source or drawal point is connected to any distribution licensee, the Nodal agency shall consult the ALDC of connected distribution licensees, and get their views/ suggestions before granting the short-term Open Access. ALDCs have to give their consent or reasons for denial in such manner as mentioned in the SLDC Detailed Procedures within a period of 3 days. Such SLDC Detailed Procedures shall also arrange to capture the detailed justification along with reasoning for not granting or part grant of such Open Access.
- c) For advance reservation the application for grant of Short Term Open Access shall be considered on monthly basis of the next three months for Short Term Open Access in a manner as detailed below:
  - i) The application received upto last day of the  $N^{\text{th}}$  month for Short Term Open Access commencing and terminating in the  $(N+3)^{\text{th}}$  month shall be considered for advance reservation. All applications shall be taken together for consideration. The Nodal Agency shall convey its acceptance or otherwise to the applicant latest by the fifth day of the  $(N + 1)^{\text{th}}$  month:
  - ii) The application received upto five days prior to closing of the  $N^{\text{th}}$  month for Short Term Open Access commencing and terminating in the  $(N+2)^{\text{th}}$  month shall be considered for advance reservation. All applications shall be taken together for consideration. The Nodal Agency shall convey its acceptance or otherwise to the applicant latest by the close of the  $N^{\text{th}}$  month:



- iii) The application received upto 10 days prior to closing of the N<sup>th</sup> month for Short Term Open Access commencing and terminating in the (N+1)<sup>th</sup> month shall be considered for advance reservation. All applications shall be taken together for consideration. The Nodal Agency shall convey its acceptance or otherwise to the applicant five days prior to the last day of the N<sup>th</sup> month.
- d) Time schedule and processing of STOA in “advance reservation”:
  - i) In case the Nodal Agency does not anticipate any congestion on any of the transmission and / or distribution system involved, the applicant shall be granted such Short Term Open Access for which application is made for the quantum and duration sought for, as per the timelines laid out in Clause c) above.
  - ii) If in the opinion of the Nodal Agency, grant of Short Term Open Access to all the applicants is likely to lead to congestion in transmission and / or distribution system to be used for Short Term Open Access for any duration, it shall inform the applicants of its opinion accordingly and the reasons therefore on or before the 23<sup>rd</sup> day of the month immediately preceding the month from which Short Term Open Access is to be availed..
  - iii) On receipt of intimation in accordance with sub-clause (ii), an applicant may reduce its requirement during the period of congestion or opt for Short Term Open Access only for the duration when no congestion is anticipated or reduce the quantum under STOA and in such a situation, he shall inform the Nodal Agency accordingly by the 24<sup>th</sup> day of the month immediately preceding the month from which Short Term Open Access is to be availed.
  - iv) If the Nodal Agency still anticipates congestion in one or more of the transmission and / or distribution system to be used for Short Term Open Access, it shall conduct electronic bidding with an advance notice of one day in its website for reservation of transmission and / or distribution system capacity of the congested transmission and / or distribution system in accordance with regulation 12.2.2 on the twenty seventh day of the month immediately preceding the month from which Short Term Open Access is to be availed. Non-participation of an applicant in the bidding process shall be construed in a manner that such applicant is no longer interested in Open Access and the application of such applicant shall not be processed.

- v) If SLDC does not give permission to advance reservation of Short-Term Open Access, it shall be communicated to the applicant with detailed justification along with reasoning for not granting or part granting of such Open Access, load flow study reports in detail and all backup calculations in regards to non- availability of the concerned assets required for the Open Access.

#### 12.2.2 Bidding Process for Congestion Management

- a) The floor price for bidding for reservation of transmission or wheeling capacity shall be the charges for Short Term Open Access related to transmission or wheeling, as the case may be, as determined in accordance with regulations 18.2.1 or 18.2.2.
- b) The bidders shall quote price in terms of the floor price.
- c) No bidder shall be allowed to quote price, which is more than eight times the floor price.
- d) Reservation of transmission or wheeling capacity shall be made in decreasing order of the price quoted.
- e) In case of equal price quoted by two or more bidders, the reservation of transmission or wheeling capacity shall be made *pro rata* to the transmission or wheeling capacity sought to be reserved.
- f) The Short Term Customer getting reservation for capacity less than the capacity sought by him and the Short Term Customers getting transmission or wheeling capacity reservation equal to the capacity sought to be reserved, shall pay the charges quoted by him.

#### 12.2.3 Procedures for Scheduling of bilateral transaction on first-come-first served basis

- a) The application for grant of Short Term Open Access received after the last date specified in clause (c ) of regulation 12.2.1 for Open Access for any month for which the application is received may be considered after considering all applications received before the specified date and such Short Term Open Access shall be granted subject to availability of the transmission and / or wheeling capacity.



- b) Time schedule and processing of STOA on “first-come-first-served basis”:
  - i) For all practical purposes the STOA application received upto 5:00 pm of a day shall be considered to have been received in that day.
  - ii) All these applications shall be processed and decided within three days of their receipt.

#### 12.2.4 Procedures for Scheduling for Day-ahead bilateral transactions:

- a) All applications for short-term Open Access received within three days prior to the date of commencement of the Open Access and up to 14-00 hrs of the day immediately preceding the date of commencement of the Open Access shall be treated at par, and shall be processed under Day-ahead transactions. Applicants willing to participate in day-ahead STOA shall register themselves in advance with SLDC and SLDC shall, after verifying the eligibility criteria enlist them subject to submission of bank guarantee of such amount as specified in Schedule. Day-ahead short term Open Access will be allowed up-to such bank guarantee amount. The detail mechanism of registering shall be laid down by the SLDC in the SLDC Detailed Procedures.
- b) Time schedule and processing methodology of “Day-ahead transactions” applications:
  - i) All applications of day-ahead transactions received by upto 2:00 pm of the day immediately preceding the date of commencement of the Open Access shall be clubbed together and treated at par by the Nodal Agency.
  - ii) A composite request for Open Access and scheduling for distribution licensees shall be sent to the SLDC latest by 2.00 p.m of the day immediately preceding the date of commencement of the Open Access with a copy to the ALDC simultaneously.
  - iii) The SLDC shall take steps to incorporate the requests for Open Access in the schedules to be issued by the SLDC, if the request can be accommodated without causing congestion after considering the final no-objection to power exchange transactions. It is hereby clarified that applications for day ahead STOA for power exchange transactions shall have priority over STOA for bilateral transactions.

- iv) A composite request for Open Access and scheduling to utilize any surplus capacity in the transmission or distribution system as the case may be, known after issuance of the first despatch schedule by the SLDC at 7.00 p.m., must be submitted to the SLDC latest by 9.00 p.m. The SLDC shall endeavour to incorporate the same in the revised despatch schedule to be issued by the SLDC, if the request can be accommodated without causing congestion.
- v) The advance payment of transmission and wheeling charges, other operating charge and application fee shall not be insisted upon if such an Applicant has provided a bank guarantee valid up to the date of payment and no previous dues are there on account of any charges to the SLDC. These payments can be made within 3 working days from the date of filing the application. In the event STOA is not available for the capacity applied for, the advance payment and other charges shall be refunded proportionately to such extent by the SLDC forthwith, and not later than five working days of the day on which the STOA is denied.

#### 12.2.5 Same-day / Contingency transactions:

In the event of emergency, the beneficiaries / buying utility may locate a source of power to meet Short Term emergency requirement on the same day and submit the application for Open Access to the SLDC. The SLDC shall endeavour to accommodate such requests for emergency requirement as soon as and to the extent practically feasible. Open Access for emergency requirement will be decided by the SLDC on requisition from Open Access Customer or generating station depending on the grid condition and State Grid Code. Applicants willing to participate in same-day Short-Term Open Access shall register themselves with SLDC in advance and SLDC shall, after verifying that such Applicants meet the eligibility criteria, enlist them subject to submission of a bank guarantee of such amount as specified in Schedule. Same day Short-Term Open Access will be allowed up-to such bank guarantee amount. The detailed mechanism of registering shall be laid down by the SLDC in the SLDC Detailed Procedures. For contingency transactions, no advance registration and no bank guarantee will be sought, but the applicant shall make all payments within three working days of such transaction, failing which future requests for Open Access may be denied.



Provided that where the Open Access Customer is connected to a distribution licensee it has to forward the application of same-day transaction to SLDC with a copy to ALDC simultaneously.

Provided further that the application shall clearly specify the nature and reason for such same day transaction.

The advance payment of transmission and wheeling charges, operating charge and application fee shall not be insisted upon. These payments can be made within 3 working days from the date of filing the application.

12.3 While the Short Term Customer is a consumer of the distribution licensee with whom he is connected, the Nodal agency can insist for Backup Power for critical loads where the disruption of supply may result in law & order problems. Similarly Nodal agency can insist for Backup Power for critical loads where the disruption of supply may cause safety hazards. For such loads the Open Access Customer shall have to enter into agreements for Backup Power separately and submit such agreement to the Nodal Agency prior to operationalizing the Open Access.

12.4 While providing Short Term Open Access, the Nodal Agency shall not compromise with the margin of different parameters of distribution systems and / or transmission lines/systems as has been provided in the State Grid Code taking into consideration of the following aspects: -

- i) Inherent design margins,
- ii) Margins available due to variation in power flows and unutilized capacity, if any,
- iii) Margins available due to inbuilt spare capacity in transmission and / or distribution systems created to take care of further load growth.
- iv) In addition to consideration of (i) to (iii) above while providing Open Access, the Nodal Agency may consider any other factor necessary to ensure grid security to its satisfaction.

Provided that, subject to regulation 36, the decision of the Nodal Agency to utilize inherent design margins for Short Term Open Access shall be final.

### **13. Procedures for Granting Open Access through Power Exchanges:**

Procedures for Open Access through power exchange shall be as per the CERC ST Regulations or concerned applicable Regulations of CERC as the case may be.

On getting application for short-term Open Access from power exchange through National Open Access Registry (NOAR), SLDC shall give a prior no-objection to the applicant for power exchange based on assessment of capacity availability, which will be treated as final No Objection Certificate for the periods for which SLDC has issued the NOC. SLDC will prepare an appropriate chapter under SLDC Detailed Procedure as specified under regulation 16.1 of these Open Access Regulations.

*Explanation: The "No Objection Certificate" shall be given considering the LTA, MTOA, Advance reservation for STOA and any other information available with SLDC. The quantum mentioned in NOC can be curtailed by SLDC or/and ALDC in need of real time network safety, which will be duly communicated by SLDC to the Applicant, RLDC, NLDC and power exchanges along with details of network capacity and such circumstances leading to such curtailment.*

#### **14. Applicable Limitation in Short Term Open Access and Medium-Term Open Access**

- a) Once Open Access has been granted, such Open Access shall not be replaced by any other person on account of a subsequent request received from such other person.
- b) The Applicant, who will be an Open Access Consumer on getting Open Access, has to agree to load shedding if such applicant's premises for Open Access supply is not connected to the grid through high voltage dedicated feeder from high voltage sub-station.
- c) Notwithstanding anything contrary contained in these regulations in the event the Open access customer including a licensee draws power through Short Term Open Access (STOA) on a repetitive basis from any sources other than power exchanges for a period more than six months in a year they shall be required to make payment of transmission charges payable by a LTOA customer on capacity basis compulsory.

Provided for this purpose maximum quantum scheduled during the period shall be treated as contracted capacity while computing the LTOA charges from the date of first application.

#### **15. Issues on Agreements under these Regulations**



### 15.1 Connectivity Agreement:

- a) Open Access to the grid can be permitted only to a person having connectivity with the grid. An applicant for Open Access must have a valid connectivity agreement in terms of State Grid Code or regulation 4 of these Regulations before applying for Long-Term Open Access, Medium-Term Open Access and Short Term Open Access. However, within two months from date of approval of Standard Connectivity Agreements by the Commission, the licensee shall sign the connectivity agreements with all the existing Open Access Customers with whom the Licensee's system is connected as per Commission's approved Standard Connectivity Agreements as specified in regulation 15.10 or regulation 15.11 of these Open Access Regulations, as the case may be and as applicable.

However, Solar Power Park Developer(s) authorized by the Government of India or any other developer(s) with similar purpose for other renewable energy authorized by Government of India or Government of West Bengal, are eligible to undertake Connectivity Agreements subject to condition that such connectivity shall be used for conveying electricity by/to the generators or occupier within the park through the pooling sub-station(s) of the said park to which a generator or a number of generators are connected for evacuation of the power by the generator(s). In such case notwithstanding anything contrary contained in other Regulations for supplying power to the applicant through Open Access from the generators within the park or to bring power within the premises of the park through Open Access, the generators and the Applicant are not required to execute any separate connectivity agreement with the licensees.

- b. The Connectivity Agreement of a consumer shall have a provision regarding necessity of Backup Power and/or Emergency Power.
- c. Any consumer can use his connectivity with the distribution company for drawing power under Open Access mode only after signing of the Connectivity Agreement for Open Access purpose after satisfying the terms and conditions as laid down in the Connectivity Agreement and other agreements that are required to be fulfilled to avail Open Access.

- d. Notwithstanding anything to the contrary contained in any other Regulations, for consumers who are already drawing power under Short-Term Open Access and Medium-Term Open Access through its connectivity with a distribution licensee will be treated as having deemed connectivity with the grid for the purpose of these regulations till the Connectivity Agreement is signed by the Distribution Licensee with the consumer as per clause (a) above.

Moreover, any consumer, who is not drawing power under Short-Term Open Access and Medium-Term Open Access through its connectivity with the distribution licensee and has applied under Short-Term Open Access and Medium-Term Open Access and has no connectivity agreement with the distribution licensee for open access purpose will be treated as having deemed connectivity with the grid for the purpose of continuing the processing of the application for Open Access under these regulations till the Connectivity Agreement is signed by the Distribution Licensee with the consumer as per clause (a) above. For such consumer the processing of the application and grant of Open Access shall not be held back by the Distribution Licensee on the ground of non approval of the Standard Connectivity Agreement as mentioned in regulation 15.11 of these Regulations.

- e. For Long-Term Open Access the Applicant may either have a valid connectivity agreement as per State Grid Code or regulation 5 of these Regulations or may apply for connectivity along with the Long-Term Open Access application.
- f. A copy of valid connectivity agreement is to be submitted along with the application for MTOA and STOA when applying for Open Access for the first time.
- g. In case of change or modification/ alteration is done beyond the Standard Agreement for any valid reason specific to the Open Access agreement or for any valid reasons that may be generic, then that should be communicated to the Commission for prior approval.
- h. If a generating station having connectivity agreement but not already connected with the grid can submit sufficient documentary evidence showing that it will be connected within the intending date of MTOA or LTOA, then the application will be considered for Open Access.



## 15.2 Power purchase and sale agreement:

- a) Any applicant intending to avail of the Open Access must have a valid PPA with the generating companies, electricity traders and others as are applicable to him. A copy of power purchase or sale agreement is required to be submitted along with the application for Open Access.
- b) For the applicant whose Open Access source is a Captive Generating Plant of which the applicant is the user of 100% power generated, no such PPA is required. However, the documentary evidence of 100% captive use of generation from the Captive Generating Plant along with the share of ownership in the Captive Generating Plant is to be submitted along with the application for Open Access.
- c) For the applicant whose Open Access source is a Captive Generating Plant of which the applicant is one of the Open Access users, such PPA is required between the applicant and the Captive Generating Plant. Moreover, the documentary evidence of ownership along with share of ownership of the Captive Generating Plant is to be submitted along with the application for Open Access or which may be part of the PPA.
- d) In case subsequently the applicant as referred in (b) & (c) above ceases to be the owner of the Captive Generating Plant then from the instant of the cessation of such ownership the applicant/ Open Access Customer will have to pay cross-subsidy surcharge as applicable for use of Open Access in addition to the additional surcharge, if any, already he is paying for availing Open Access.
- e) In case of an application for Open Access for transaction through power exchange, no agreement between the applicant and the owner of the Open Access source is required.
- f) In case of Open Access Customer drawing power under any Short-Term agreement, the order or Letter of Intent ( LOI ) for power procurement shall be considered as Power purchase or sale agreement.

## 15.3 Open Access Agreement:

- a) An applicant, who has been permitted to avail Long-Term Open Access or Medium-Term Open Access to the transmission and/or distribution system of the State Grid by the Nodal Agency, shall enter into an Open Access agreement with the STU or a tripartite agreement with STU and relevant transmission / distribution Licensee, in accordance with the provisions as may be made in the STU Detailed Procedures. The agreement shall, to the extent applicable, inter-alia, contain the eventuality of pre-mature termination of the agreement and its consequences on the contracting parties, duration of the agreement, the need of Backup Power and its quantum, the maximum power to be transmitted / wheeled, the point of injection, the point of drawal, duration of availing Open Access, payment of wheeling charges, transmission charges, cross-subsidy surcharge, additional surcharge, reactive energy charges, other applicable charges, mode of payment, security deposit / advance payment including manner of payment of charges, metering of injection of energy and drawal of energy, manner of meter reading and its accounting, billing system and payment thereof, compliance of Grid Code, State Grid Code and directives of SLDC, payment security mechanism against payment liability of different charges, penalty / surcharge/ other charges, etc.
- b) The Open Access Agreement shall clearly indicate whether there is need of the development of transmission and/or distribution infrastructure to operationalize the said Open Access referred in (a) above. If it is needed then the Additional Transmission Asset Creation Agreement and/or Additional Wheeling Asset Creation Agreement is to be signed in accordance with regulation 15.4 of these Open Access Regulations as per provision of the Open Access Agreement. Provided such infrastructure will be created only for Long-Term Open Access or Medium-Term Open Access.
- c) For an Open Access Consumer, the Open Access Agreement shall clearly indicate the necessity and treatment of Backup Power. Nodal agency can insist for Backup Power for critical loads where the disruption of supply may lead to law & order problem or safety hazards. Open Access Customer shall have to enter into agreements for Backup Power, as the case may be, separately and have to submit such agreement to the satisfaction of the Nodal Agency prior to operationalizing of the Open Access.
- d) Henceforth all the applicants for Long-Term Open Access or Medium-Term Open Access shall sign the Open Access agreement as per the Standard Open Access Agreement. On expiry of the period of Long-Term Open Access,



the Long-term Open Access shall stand extended on a written request made by the customer to the nodal agency at least six months prior to the date of expiry. In case no written request is received from long-term customer within the specified timeline, the Long-term Open Access shall stand withdrawn. On expiry of Medium-term Open Access, the medium-term customer shall not be entitled to any overriding preference for renewal of the term. In such cases the Open Access Customers shall be required to make a fresh application for such further period of Open Access as per the provisions in the Open Access Regulations. The licensee and the Open Access Customer shall be required to enter into a fresh Open Access Agreement as per the Commission approved Standard Open Access Agreement as specified in regulation 15.9 and regulation 15.10 of these Open Access Regulations.

- e) An Open Access Consumer will be eligible to simultaneously draw power in consumer mode in parallel to drawing power in Open Access mode. Such power can be either for additional requirement over and above its power drawal through Open Access or if desired he can continue as consumer to the connected distribution licensee for Backup Power by paying demand charge. In the Open Access Agreement it is to be clearly mentioned whether Backup power is required or not.

#### 15.4 Additional Transmission Asset Creation Agreement / Additional Wheeling Asset Creation Agreement:

In case where development of network and infrastructure in transmission and/or distribution system is required for Long-Term Open Access of an applicant and the applicant is agreeable to such development for the purpose of operationalization of his Long-Term Open Access then the applicant shall enter into an Additional Transmission Asset Creation Agreement (ATACA) and/or Additional Wheeling Asset Creation Agreement (AWACA) with the concerned transmission and/or distribution licensee as the case may be in accordance with provisions as may be made in the STU Detailed Procedures.

This provision shall, to the extent be applicable, inter-alia, provide for the eventuality of pre-mature termination of the agreement and its consequences on the contracting parties, securities to be payable, sharing of capital cost, time schedule of project completion or implementation, ownership of the asset, recovery of the share in the investment by the Open Access Customer, if any, and such other factors.

#### 15.5 Payment for Backup Power:



In cases of outages of generator supplying to open access customer under open access, backup power arrangements should be provided by the distribution licensee for a maximum period of 42 days in a year, subject to the load shedding as is applicable to the embedded consumer of the licensee and the licensee shall be entitled to collect tariff under temporary rate of charge for that category of consumer in the prevailing rate schedule subject to the condition that such tariff shall not exceed the highest consumer retail tariff in the prevailing rate schedule:

Provided that in cases where temporary rate of charge is not available for that consumer category, the backup power arrangements shall be provided by the distribution licensee for a maximum of 42 days in a year and on payment of fixed charges of 42 days and energy charges for that category of consumer in the prevailing rate schedule:

Provided further that in case of backup power arrangements sought by continuous process industries, the licensee shall charge on the basis of actual costs involved in arranging power.

15.6 After the requisite agreements have been entered into for Long-Term Open Access or Medium-Term Open Access, copies of the same shall be furnished to the SLDC. The SLDC shall, within 3 days from the date of receipt of the copies of the agreements, inform the Open Access Customer as also to all Licensee(s) concerned the date from which the Open Access will be available. Notwithstanding anything to the contrary contained in any other Regulations the transmission and wheeling charges will be applicable from the date as notified by SLDC.

If within 45 days from the date of permission of the Long-Term Open Access or Medium-Term Open Access, an Open Access Customer, who has been permitted to avail of Long-Term Open Access or Medium-Term Open Access, does not execute the Open Access Agreement as mentioned in regulations 15.3 of these Open Access Regulations along with the relevant Additional Transmission Asset Creation Agreement and/or Additional Wheeling Asset Creation Agreement as required, the permission to avail Open Access shall be deemed cancelled immediately without any further notice. Once allotment of Open Access is cancelled, the Open Access Customer shall have to apply as a new applicant for grant of Open Access, if required, at a later stage.

Provided that if the period for execution of such agreements requires any further time extension on any reasonable ground, the Open Access Customer shall take prior approval from the Commission through a petition seeking extension of time, mentioning the reasons for such extensions.



Provided also that such extension of time shall not be more than 90 days from the date of granting Open Access.

15.7 The power flow under the Open Access allocation shall not be effected unless the agreements as per regulation 15.1 to 15.3 are executed.

15.8 After receipt of the request and agreement from the Open Access Customer, the concerned licensee shall dispose off the matter within 30 days in line with the STU Detailed Procedures or SLDC Detailed Procedures, as the case may be.

15.9 Within 30 days from the date of publication of these Open Access Regulations, the distribution/transmission licensees shall submit the format of standard agreements, as applicable to them, to be executed by the licensee and the consumer applying for Open Access to the Commission under an application alongwith a gist of the application for getting the approval of the Commission of those Standard Agreements:

- a) Standard Connectivity Agreement for the connectivity of the Consumer premises with the distribution / transmission system of a licensee.
- b) Standard Open Access Agreement between Distribution Licensee and any Open Access Consumer/Open Access Customer.
- c) Standard Connectivity Agreement, if applicable, for the connectivity of the Captive power station of the consumer from where the power will be conveyed to the consumer premises through Open Access. Such Standard Connectivity Agreement shall be the same that is specified in the State Grid Code.
- d) Standard Additional Transmission Asset Creation Agreement
- e) Standard Additional Wheeling Asset Creation Agreement.

15.10 Within 30 days from the date of publication of these Open Access Regulations, the Nodal Agency shall submit format of the following standard agreements to be executed by a distribution licensee/transmission licensee with any distribution licensee / generator applying for Open Access to the Commission under an application along with a gist of the application for getting the approval of the Commission for these Standard Agreements:

- a) Standard Connectivity Agreement for the connectivity between the distribution licensee and the Transmission licensee/ Distribution licensee.

- b) Standard Connectivity Agreement for the Connectivity between the Generator and Transmission/Distribution licensee.

15.11 On admitting such applications as referred in above regulation 15.9 and regulation 15.10 of these Open Access Regulations, the Commission shall ask the licensees or the Nodal Agency, as the case may be, to publish the gist of the application within three working days from the date of approval of the gist by the Commission in four widely circulated news papers and in the website of the licensee/nodal agency inviting the suggestions and objections on the said applications and the said standard agreements from all the stakeholders including public at large . In the website alongwith the gist the concerned application and the proposed standard agreement(s) shall also be uploaded with the facility to download those documents by public in PDF & editable word format. Out of four newspapers two will be in Bengali newspapers, one will be in Economic and/or business English newspaper, and the other one will be in daily general English newspaper. The gist of the application shall be published within five days from the date of admission of the application. Such suggestions and objections have to be filed with the Commission within the period as may be ordered by the Commission. The Commission shall finalize the standard agreements after receiving the objections / suggestions from stakeholders.

15.12 Any revision of the Standard Agreements can be carried out only after prior approval of the Commission after calling for objections / suggestions from stakeholders.

15.13 The contents to be covered in any agreement mentioned in regulations 15.1, 15.2, 15.3, and 15.4 of these Open Access Regulations are the minimum requirement. If subsequently any other issues arise that are required to be covered under the corresponding Standard Agreements mentioned under regulation 15.9 and 15.10 of these Open Access Regulations, the same shall be incorporated by amending the Standard Agreements after stakeholder consultation.

## **16. Detailed Procedures:**

16.1 Subject to the provisions of these Regulations SLDC shall lay down detailed procedure for implementing the various provisions of these Open Access Regulations, including the following:



- a) procedure for reservation of transmission and / or wheeling capacity for Short Term Open Access,
- b) procedure to be followed by SLDC for operationalization of any Open Access in general as specified in these Open Access Regulations,
- c) procedure for billing and settlement of accounts and charges,
- d) procedures for submitting application for Short Term Open Access,
- e) procedure for submitting fees and charges accompanying application for STOA,
- f) procedure for advance reservation, reservation on first-come-first-served basis, day-ahead transactions, same-day transactions, no-objection to power exchange, usage of alternative route, if any, no-objection for power exchanges,
- g) format for consent from ALDC and standard agreement.

This detailed procedure shall be known as "Detailed Procedure of SLDC for operationalization of Open Access" or in short it will be called as "SLDC Detailed Procedures". SLDC shall submit this SLDC Detailed Procedures through an application along with a gist of the application before the Commission for approval of the said SLDC Detailed Procedures within 60 days of notification of these Regulations.

16.2 Subject to the provisions of these Regulations STU shall lay down a detailed procedure documenting the following :

- a) procedure for reservation of transmission and / or wheeling capacity of the Long-Term Open Access and Medium-Term Open Access;
- b) procedure to be followed by STU for operationalization of any Open Access in general as specified in these Open Access Regulations; and
- c) procedure for signing Additional Transmission Asset Creation Agreement (ATACA) and/or Additional Wheeling Asset Creation Agreement (AWACA) by the Open Access Customer with concerned transmission and/or distribution licensee.

This detailed procedure shall be known as "Detailed Procedures of STU for operationalization of Open Access" or in short it will be called as "STU Detailed Procedures". STU shall submit this STU Detailed Procedures through an application along with a gist of the application before the Commission for approval of the said STU Detailed Procedures within 60 days of notification of these regulations. The STU Detailed Procedures shall also include procedures for submitting application, to whom the application to be made, account details for submitting fees, standard agreements, formats for consent from Licensees and other procedural details.

16.3 On admitting such applications as referred in above regulation 16.1 and regulation 16.2 of these Open Access Regulations, Commission shall ask the Nodal Agency, SLDC or STU as the case may be to publish the gist of the application within three working days from the date of approval of the gist by the Commission in four widely circulated newspapers and in the website of the licensee/Nodal Agency inviting the suggestions and objections on the said applications and the said Detailed Procedures from all the stakeholders including the public at large. In the website along with the gist, the concerned application and the proposed standard agreement(s) shall also be uploaded with the facility to download those documents by public in PDF & editable word format. Out of four newspapers two will be in Bengali newspapers, one will be in Economic and/or business English newspaper, and the other one will be in daily general English newspaper. The gist of the application shall be published within five days from the date of admission of the application. Such suggestions and objections shall be submitted to the Commission within the time specified. On receiving the stakeholders' suggestion and objections Commission shall finalize those SLDC Detailed Procedures and STU Detailed Procedures.

#### **17. Non-Utilization / Under-Utilization of Open Access Capacity**

- 17.1 In case an Open Access Customer is unable to utilize, full or part of the capacity allotted to him, he shall inform the concerned Licensee, STU and SLDC giving reasons for his inability to utilize the capacity in full or in part, as the case may be, and may surrender the capacity accordingly.
- 17.2 The SLDC may reduce/cancel the allotted capacity of an Open Access Customer who is frequently underutilizing the capacity allotted to him or not utilizing the same and if the customer is not able to give sufficient reasons for such non / underutilization within 15 days from the date of intimation.
- 17.3 The capacity, which remains unutilized out of the allotted capacity of an Open Access Customer, cannot be transferred in favour of another person by the Open Access Customer. Grant of all Open Access shall be person and case specific, as mentioned in regulation 9.1(f) of these Regulations.
- 17.4 The Open Access Customer shall be entitled to surrender the LTOA / MTOA in the event it is not able to utilize the Open Access availed by him, whether in part or in full subject to satisfying the conditions of regulation 17.7.



17.5 Once allotment of Open Access is cancelled, the Open Access Customer shall have to apply as a new applicant for availing Open Access, if required, at a later stage.

17.6 The transmission and / or wheeling capacity becoming available as a result of surrender by the Open Access Customer under regulation 17.1 or as a result of reduction or cancellation of the reserved transmission and / or wheeling capacity by the SLDC / Nodal Agency, may be allocated for any other Open Access Customer in accordance with these Regulations.

17.7 Relinquishment of access rights:

A) Long-term customer may relinquish the long-term open access rights fully or partly before expiry of the full term of long-term open access, by making payment of compensation for stranded capacity as follows:

(i) Long-term customer who has availed access rights for at least 12 years:

(a) Notice of one year: if such a customer submits an application to the nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights, there shall be no charges.

(b) Notice of less than one year: if such a customer submits an application to the nodal agency at any time lesser than a period of 1 (one) year prior to the date from which such customer desires to relinquish the access rights, such customer shall pay an amount equal to 66% of the estimated transmission and/or wheeling charges on net present value basis for the stranded capacity for the period falling short of one (1) year.

(ii) **Long-term customer who has not availed access rights for at least 12 years:** Such customer shall pay an amount equal to 66% of the estimated transmission and/or wheeling charges on net present value basis for the stranded capacity for the period falling short of twelve (12) years of access rights:

Provided that such a customer shall submit an application to the nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights;

Provided further that in case a customer submits an application for relinquishment of long-term access rights at any time at a notice period of less

than one year, then such customer shall pay an amount equal to 66% of the estimated transmission and/or wheeling charges (net present value) for the period falling short of a notice period of one (1) year, in addition to 66% of the estimated transmission and/or wheeling charges (net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights.

- B) Medium-term customer: A medium-term customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the nodal agency:

Provided that the medium-term customer relinquishing its right shall pay applicable transmission and/or wheeling charges for the period of relinquishment or 30 days whichever is lesser.

- C) The discount rate that shall be applicable for computing the net present value as referred to in sub-clause (i) and (ii) of clause (A) above shall be the discount rate notified by CERC from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by the Ministry of Power.
- D) The compensation paid by the open access customers for the stranded capacity shall be used for reducing transmission and wheeling charges of the licensee by way of adjusting the same with the licensees Gross Revenue Requirement during truing-up.

17.8 In case of underutilization of any allocated / reserve capacity by any Open Access Customer, notwithstanding anything to the contrary contained in any other Regulations the Distribution licensee can use the said underutilized capacity to supply power for other purposes except to any other Open Access Customer. The Open Access Customer has to pay full charge of any allocated / reserve capacity to him till his underutilized capacity is allocated to other Open Access applicant.

17.9 The Open Access Customer, the Licensee(s), the generating company(ies) and the electricity trader(s) shall be liable / responsible to follow the instructions of the SLDC from time to time in regard to optimum scheduling in despatch of electricity, safe and secured grid operation, keeping records for energy accounting, grid discipline, economic operation of the relevant grid in accordance with the Grid Code and State Grid Code. The Open Access Customer, the generating company(ies), the



Licensee(s) and the electricity trader(s) shall follow the provision of the Act, applicable Rules, Regulations and Codes. Flow of power between point of injection and drawal should be on real time basis.

## **18. Charges for Open Access**

18.1 In case intra-State transmission system and/ or distribution system within the State is used by an Open Access Customer in addition to inter-State transmission system, separate charges shall be payable for the power being conveyed on intra-State transmission system and/or distribution system in addition to payment of transmission and other charges for inter-State system as specified / determined by the appropriate Commission. The Open Access Customer shall directly pay the charges to the respective agencies providing Open Access as specified / determined by the Commission.

18.2 For the purpose of these regulations, the charges of Open Access for intra-State transmission system and distribution system shall mean charges and expenses on the following heads:

### **18.2.1 Transmission Charges:**

- a) Transmission charge shall represent charges for conveyance of electricity through transmission lines and associated system of a transmission licensee and are to be recovered from transmission system users as per the provisions of Tariff Regulations;
- b) Transmission charges shall be expressed in Rs/MW/Month for Long-Term Open Access and Medium-Term Open Access. Such charges for Short Term Open Access shall be in Rs/ Kwhr;
- c) Commission shall determine the Annual Fixed Cost (AFC) i.e. Aggregate Revenue Requirement in Rs lakhs of the Transmission Licensee in the tariff order in terms of Tariff Regulations and determine the transmission charges for Long-Term Open Access and Medium-Term Open Access in the Tariff Order in terms of Rs./MW/month.
- d) The charges for short-term Open Access shall be calculated as per any of the following formula and levied from each short-term Open Access Consumer:

$$\text{STOA\_Rate} = \text{AFC} \times 10^4 / [\text{SCL} \times 365 \times 24] \text{ paisa/Kwhr}$$

where,

$$\text{STOA\_Rate} = \text{Transmission charge rate for STOA} ;$$

“SCL” means sum of the allotted transmission capacities in MW to all the Long-Term Customers of the transmission system concerned

- e) However, the amount to be payable for transmission charges for Short Term Open Access will be based on the energy in Kwhr considering the full allotted / reserved quantity of corridor for the entire period of Open Access subject to conditions as specified in regulation 29.2 of these Open Access Regulations. Accordingly transmission charge payable for Short Term Open Access will be as per following formula:

$$\text{Transmission charge for STOA in Rs} = \text{Hrs}_{\_OA} \times \text{OAC\_MW} \times 1000 \times \text{STOA\_Rate}$$

Where,

OAC\_MW= Open Access Capacity Approved in MW;

Hrs\_{\\_OA} = No. of Time Block × Duration of each Time Block in Hrs

- f) Transmission charges in case of LTOA and MTOA transactions for part of a month at the beginning and / or end of the transaction period shall be based on prorata basis.
- g) For using intervening transmission facility the transmission charges shall also be applicable for respective categories of Open Access Customers.
- h) Transmission charges of wind and solar sources shall be at 1/4<sup>th</sup> of the normal long-term and medium-term open access.

#### 18.2.2 Wheeling Charges:

- a) The wheeling charges will represent the charges for the use of the distribution system and associated facilities of a Distribution Licensee for conveyance of electricity through such distribution system and associated facilities and will be determined in the tariff order by the Commission from time to time in accordance with the Tariff Regulations.
- b) Rate of Wheeling charges payable to the Distribution Licensee shall be such as decided by the Commission in Rs/KW hr .
- c) The amount payable for wheeling charges for Short Term Open Access will be based on the energy in Kwhr considering the full allotted / reserved quantity of corridor for the entire period of Open Access subject to conditions as specified



in regulation 29.2 of these regulations. Accordingly wheeling charge payable for Short Term Open Access will be as per following formula :

$$\text{Wheeling charge for STOA in Rs} = \text{Hrs}_{\_OA} \times \text{OAC}_{\_MW} \times 1000 \times \text{Rate of Wheeling charge}$$

Where,

OAC\_MW= Open Access Capacity Approved in MW;

Hrs \_OA = No. of Time Block × Duration of each Time Block in Hrs

- d) Transmission charges of wind and solar sources shall be at 1/4<sup>th</sup> of the normal long-term and medium-term open access.

#### 18.2.3 Deviation Settlement charges in drawal / injecting energy:

- a) A twenty-four hour day-ahead schedule shall be submitted by the Open Access Customer for both drawal and injection of active power on Time Block basis to the SLDC as specified in the State Grid Code and the Tariff Regulations. Deviation Settlement charges for deviation from the schedule shall be paid in pursuance of the DSM Regulations based on the State Level Accounts for Deviation Settlement (DS) Charge as specified in the Balancing and Settlement Code of the Commission.
- b) Notwithstanding anything to the contrary specified hereinbefore, if the injection point of an Open Access source and Open Access drawal point are within the area of a single Distribution Licensee without involving any other distribution system of any other Distribution Licensee or transmission lines of any other Transmission Licensee, such Open Access Customer shall also pay charges for deviation from the schedule to the agency at a rate as mentioned under the DSM Regulations based on the State Level Accounts For Deviation Settlement (DS) Charge as specified in the Balancing and Settlement Code of the Commission.

Provided that the Distribution Licensee shall not pass any losses, arising out of such agreement, to its other consumers or other Licensees.

#### 18.2.4 Cross-Subsidy Surcharge:

- a) Shall pay cross-subsidy surcharge, as may be determined by the Commission, in addition to charges for using the transmission and / or distribution systems.

- b) The formula for Cross – subsidy surcharge is as follows :

$$S=T-ACS+R$$

Where

S = surcharge

T = Tariff payable by the relevant category of Consumers, including reflecting the Renewable Purchase Obligation, if any.

ACS = Average Cost of Supply which for the present purpose would be obtained by Aggregate Revenue Requirement with energy sale to consumer as done in the relevant tariff order.

R = per unit cost arising due to amortization of regulatory assets including the carrying cost of the regulatory assets.

Provided further that the surcharge shall not exceed 20% of the tariff applicable to the category of the consumers seeking open access.

- c) The amount of such surcharge shall be reduced in the same manner as may be specified for reduction of cross subsidies.
- d) The amount of such surcharge shall be fixed by the Commission from time to time keeping in view the projected admitted cost of the Licensee for the relevant period.
- e) No surcharge shall be levied in case open access is provided to a captive user for carrying the electricity produced in a Captive Generating Plant for his own use. Provided that such exemption shall be available only for captive use of electricity in compliance with the requirements of Electricity Rules, 2005.

#### 18.2.5 Additional Surcharge:

- a) In accordance with sub-section (4) of section 42 of the Act a consumer availing Open Access and receiving supply of electricity from a person other than a Distribution Licensee of his area of supply, shall pay the Distribution Licensee an additional surcharge in addition to cross-subsidy surcharges and any other charges including distribution wheeling charges to meet the fixed cost of the Distribution Licensee arising out of his obligation to supply .
- b) The amount of additional surcharge shall be determined by the Commission from time to time. Additional surcharge shall be applicable only to the extent it is conclusively demonstrated by the concerned Distribution Licensee that it has an obligation to bear fixed costs towards any capacity contracted by such licensee to provide connectivity to the Open Access Customer. The applicable



additional surcharge for any consumer taking Open Access shall be determined through two parts as given below in paisa per unit as per formula below:

i) Additional Surcharge Part A in Paise per unit =  $[(A+B -C) \div D] - E - F$

Where

A= Fixed Cost of Power Purchase

B= Transmission and Wheeling Costs of Power Purchase

C= Cost recovered through Demand Charges

D=Energy Wheeled / transmitted under Open Access

E= Wheeling Charge

F= Cross Subsidy Surcharge (if any)

ii) Additional Surcharge Part B

This Additional Surcharge Part B is to be determined in case specific basis by the distribution licensee and is to be incorporated in the Open Access Agreement along with the method of recovery. This charge will be on account of any dedicated asset created for the consumer migrating/ migrated to Open Access to the extent not recovered in terms of Section 46 of the Act. In case of disagreement in the determination of Part B of Additional Charges either of the parties can submit an application to the Commission for determination of Part B of Additional Charges.

- c) The additional surcharge shall be decided and leviable for such period as the Commission may determine, keeping in view, inter-alia, sales growth.

#### 18.2.6 Other applicable charges:

Other applicable charges such as Reactive energy charges, Meter reading and other related charges, SLDC Fees/charges, and Final Scheduling Charges shall be such as given in the Schedule. In addition to the above charges, any other fee and charges shall be payable to SLDC under sub-section (3) of section 32 of the Act if any such fees and charges are being specified by the Commission from time to time in future.

18.2.7 In an application by any Licensee, the Commission may, by order, require any other Licensee owning or operating intervening transmission facilities to provide the use of such facilities to the extent of surplus capacity available with such Licensee at rates, charges and terms and conditions as may be mutually agreed upon.

Provided that any losses incurred for such agreement shall not be allowed to be recovered through the tariff from other consumers or Licensees.

Provided also that if the rates, charges and terms and conditions cannot be mutually agreed upon by the Licensees, the rates, charges and terms and conditions as specified in these Regulations shall apply.

#### 18.2.8 Charges through Rule

Any other charges prescribed under any rule are to be borne by the Open Access Customer if such rule is applicable to him.

#### 18.3 For the purpose of these Regulations,

- a) The surcharge(s) to be recovered from the Open Access Customers shall be such as will be fixed by the Commission from time to time in line with these Regulations.
- b) The Open Access Customers within the State who are exclusively availing inter-State transmission system shall also pay applicable surcharge(s), to the extent applicable.
- c) The surcharge(s) shall be payable to the Distribution Licensee concerned of the area of supply where the Open Access Customer's point of drawal of power is situated / located.

### 19. Technical Loss Allocable

The technical loss for transmission and distribution system for different voltage level will be as under for the purpose of these regulations:

- EHV - As per the normative transmission loss in percentage of WBSETCL specified in the Tariff Regulations at the point of injection at the said voltage level
- HV - 4% of the energy injected at the point of injection at the said voltage level or the norms of the distribution loss of the distribution licensee whichever is less.
- LV&MV - Normative distribution loss in percentage of the energy injected at the point of injection at the said voltage level. The normative distribution loss in percentage will be the same as that of the concerned distribution licensee with whom the Open Access Customer is connected as per Tariff Regulations or latest Tariff Orders in case of non-availability of such value in Tariff Regulations



## **20. Energy Accounting**

Energy accounting will be done in accordance with the Balancing and Settlement Code and the Tariff Regulations.

## **21. Mode of payment of fees and charges**

21.1 Non-refundable application fees shall be submitted by an Open Access Customer to the Nodal Agency along with the application for Open Access in terms of regulation 9.1(b) of these Open Access Regulations. Any cost/ fees etc towards payment of any charges are to be borne by the Open Access Applicant.

### **21.2 Charges for Long-Term Open Access & Medium-Term Open Access.**

- i) SLDC shall prepare a monthly account for all LTOA and MTOA customers separately indicating transmission charges, wheeling charges, meter rent, meter reading and related charges and additional surcharge and send the account to the STU within 3 working days of the succeeding month.
- ii) STU, based on the monthly account prepared by the SLDC will raise the bills to the Open Access Customers, separately indicating the charges receivable by SLDC, STU, transmission licensee and distribution licensee as applicable, within 3 working days from receiving the account from SLDC.
- iii) The Open Access Customers shall pay the charges within 7 days from the date of receipt of the bill. STU may collect all charges and disburse the amounts to the concerned person or indicate their accounts details so that applicant may directly pay the applicable charges to those accounts as may be specified in the detailed procedure.
- iv) Deviation Settlement charges, reactive energy charges, after Final Implemented Schedule of each day shall be payable in the manner specified under applicable regulations.

### **21.3 Charges for Short-term Open Access:**

- a) For Short Term Open Access the advance payment for full amount of capacity booked in MW towards transmission charges, wheeling charges, meter rent, meter reading and related charges, additional surcharge, Scheduling Charges for daily Final Implemented Schedule for the concerned period shall be deposited by an Open Access Customer to the SLDC. Such advance payment

shall be made within three working days of grant of the short-term Open Access. No Open Access transaction will be scheduled by SLDC/Nodal Agency unless the payments are made. Provided that for day-ahead and same-day transaction advance payment shall not be insisted upon if such a customer provides an equivalent bank guarantee valid up to the date of payment and no previous dues are there on account of any charges to the SLDC. However these payments can be made within 3 working days from the date of filing the application.

- b) Deviation Settlement charges, reactive energy charges, after Final Implemented Schedule of each day, shall be payable in the manner specified under applicable Regulations.
- c) For this purpose in the SLDC Detailed Procedures, SLDC shall provide the name and details of the accounts in which each charges will be deposited by the customer.

21.4 Late Payment Surcharge, as determined by the Commission through the latest relevant Tariff Order, shall be payable by an Open Access Customer for any payment after the due date.

21.5 In case of 2(two) consecutive defaults in payment and / or advance payment, as the case may be, of relevant charges by the Open Access Customer an action to disconnect the arrangement shall be taken by the Licensee concerned under due intimation to the SLDC, Transmission Licensee and other concerned parties.

## **22. Payment Security Mechanism:**

22.1 In case of Long Term Open Access and Medium Term Open Access, the applicant for Open Access shall open an irrecoverable Letter of Credit in favour of the STU equal to an estimated amount of all applicable charges for a period of two months. In addition to this if the drawal / injection of the applicant is to be settled through deviation settlement mechanism, the applicant has to follow the payment-security mechanism mentioned in the Balancing and Settlement Code.

## **23. Formats for application and grant of Open Access**

23.1 The application format for grant of Open Access is given as Format – 1 in Annexure



23.2 The format for providing consent for Open Access is given as Format – 2 in Annexure – 2. The format for communicating decision on Open Access, where immediate Open Access cannot be granted is given as Format 2A in Annexure –2.

## **24. Metering and Accounting**

24.1 The Open Access Customer must arrange to install ABT compliant interface main and check meters at all interconnecting points. The meters shall be provided at the point of injection and at the point of drawal and, if required, at any inter-connecting point. The cost of meters shall be borne by the concerned Open Access Customer or connected licensee as per the connectivity agreement.

24.2 The specifications, manner of installations, operation and maintenance of interface meters shall be in accordance with the CEA meter Regulations and as per STU Detailed Procedures. STU has to ensure the proper calibration of the ABT meter and the procedure for the same shall have to be detailed out in the STU Detailed Procedures.

24.3 The arrangements for communication equipment, as may be necessary, shall also be made available by the Open Access Customer as detailed out in the SLDC Detailed Procedures which shall also satisfy the needs of the ALDC.

24.4 The main and check meters shall be periodically tested and calibrated by the Licensee concerned in the presence of other parties involved. The main and check meters shall be sealed by both the parties.

24.5 Reading of main and check meters shall be taken periodically by the authorised representative of the Licensee concerned and the Open Access Customer or his representative. Meter reading shall be communicated to the SLDC, Open Access Customer, STU, relevant generating company, electricity trader, Connected Licensee, Distribution Licensee and Transmission Licensee, as the case may be, by the Licensee concerned within 48 hours from gathering readings. Check meter readings shall be considered when main meters are found to be defective or have stopped functioning.

24.6 Main and check meters shall have facility to communicate the readings to the SLDC on a real time basis.

24.7 The defective meters shall be replaced immediately by the licensee concerned at consumers' cost . When the main meter will be defective the meter reading of check

meter will be relied on. The energy to be accounted for the period when both the main and check meters are defective will be decided by SLDC as per the methodology detailed out in SLDC Detailed Procedures.

- 24.8 The Term 'meter' shall include current transformers, voltage/potential transformers wiring between them and meter box / panel.

## **25. Communication Facility**

- 25.1 An Open Access Customer connected with the State Grid or under the purview of frequency linked deviation settlement mechanism shall provide for all actual costs towards the equipment for communication up-to the nearest grid sub-station or the SLDC, as the case may be, for two communication channels for online real-time display at SLDC through Supervisory Control and Data Acquisition (SCADA) along with meter reading on real time basis. In case there is more than one Open Access Customers for such point of area of meter reading, then they will share such cost. An Open Access Customer shall also provide same facilities for communication and real time display with the control room of the Connected Licensee concerned. STU shall assist in developing such facilities on request. For unavailability of such facility for a reasonable period as defined in SLDC Detailed Procedures, SLDC/ALDC may suspend the Open Access transaction for grid security purpose.

- 25.2 An Open Access Customer shall set up round-the-clock arrangements / control room to take instructions from the SLDC and / or communication with the Licensee and others through telephone, mobile phone, fax, e-mail, etc.

## **26. Compliance with Grid Discipline**

- 26.1 The Open Access Customers and other statutory authorities like STU and SLDC shall abide by the Grid Code, State Grid Code, DSM Regulations and the instructions given by the SLDC and other appropriate authorities, if any, as applicable from time to time as per the provisions of the Act, Rules and the Regulations, directions, guidelines and orders of the Commission from time to time.

## **27. Curtailment Priority**

When because of transmission and / or wheeling constraints due to congestion in transmission and/or distribution system, it becomes necessary for SLDC to curtail the transmission and / or wheeling service of the Open Access Customers, such



curtailment shall be made in the reverse order of allotment priority as has been specified in regulation 6.1 and 6.2 of these Regulations:

Provided that subject to provisions of the Grid Code, while cancellation or curtailment of any transaction among short-term, medium-term and long-term transactions, short-term transactions shall be cancelled or curtailed first, followed by medium-term and thereafter long-term transactions:

Provided further that while cancelling or curtailing any short-term transaction, bilateral transactions shall be cancelled or curtailed first followed by collective transactions:

Provided further that within a category, all Open Access Customers shall have same curtailment priority and shall be curtailed on pro rata basis of the allotted transmission and / or wheeling capacity of Long-Term Customers / Medium-Term Customer and the reserved transmission and / or wheeling capacity in the case of Short Term Customers:

Provided also that during emergency requirement, as decided by the SLDC or the ALDC, the curtailment may be as per decisions of the ALDC and / or the SLDC.

## **28. Transmission and Wheeling Charges for STOA during curtailment**

28.1 In case of curtailment of reserved transmission capacity by the SLDC on any particular day on account of transmission constraints, the transmission charges for that day shall be payable by the Short Term Customers on pro rata basis in accordance with the transmission capacity actually provided.

28.2 In case of curtailment of reserved wheeling capacity by the ALDC on any particular day on account of wheeling constraints, the wheeling charges for that day shall be payable by the Short Term Customers on pro rata basis in accordance with the wheeling capacity actually provided.

## **29. Other Obligations of the Licensees**

29.1 It is the obligation of the Licensee to adequately maintain and provide Open Access to the Open Access Customers without any discrimination subject to the provisions of the Act and the Regulations and maintain the transmission and distribution systems in a proper manner.

29.2 The Licensee shall be deemed to have failed to provide the requisite services, if it is not able to provide to the Long-Term Customer at least – (a) in case of

transmission and necessary facilities – 98% of the time in a financial year and (b) in case of distribution system – 95% of the time in a financial year. The Commission shall through separate order or tariff order specify the charges, which the Licensee has to pay to the Long-Term Customers if the target network availability is not met. However, the same shall not include non-availability due to outages or failure of upstream transmission system and / or generating stations, which are not assets of the Licensee concerned or any Force Majeure Event.

### **30. Information Dissemination System**

For the sake of transparency and Information sharing in an organized manner, SLDC shall always make a display of the following latest information on its website in a separate page titled “Open Access Information” as per regulation 30.1, 30.2 and 30.3 of these Open Access Regulations along with facilities of downloading/printing of such information :

30.1 SLDC shall in their website display information on the following charges for Open Access :

- a) Transmission charges of each transmission licensee for Long-Term Open Access, Medium term Open Access, and Short Term Opening Access;
- b) Wheeling charges of each distribution licensee for Long-Term Open Access, Medium term Open Access , and Short Term Opening Access;
- c) Cross Subsidy Surcharge of each distribution licensee;
- d) Additional surcharge - based on orders by the Commission in pursuance of regulation 18.2.7 of the Open Access Regulations;
- e) reactive energy charges as applicable over state;
- f) meter rent;
- g) meter reading and related charges;
- h) SLDC Fees; and
- i) Deviation Settlement charges at different frequency level along with provisions of Additional Surcharge and Penalty.

The reference of Tariff order or applicable regulation against each above charges as referred in (a) to (i) shall also be mentioned categorically.

30.2 SLDC in their website shall display the latest information on status of present and future usage of Open Access and availability of transmission/capacity for Open Access as follows along with facilities of downloading/printing of such information:



- a) the margin in the Intra-State Transmission system for next three months in their website on regular basis, taking into consideration the following:
  - i) Inherent design margins,
  - ii) Margins available due to variation in power flows and unutilized capacity, if any, and
  - iii) Margins available due to inbuilt spare capacity in transmission and / or distribution systems created to take care of further load growth.
- b) Total capacity and capacity already allotted to each of the Long-Term Customer Medium-Term Customers and Short-Term Customers for the existing and future Open Access Customers whose application of Open Access has already been approved along with the period of open-access;
- c) The status of pending application of Intending Transmission System User mentioning the type of application for short-term, long-term or medium-term open-access along with the period for which open-access has been applied for along with capacity for which open-access has been applied for;
- d) In case any open-access application of any Intending Transmission System User is not being approved then such disapproval shall be mentioned in the display also along with the reason of non-approval and such display shall be maintained in the web-site for at least three months from the date of first such display of rejection of the application;
- e) In the event of a reserved transmission / wheeling capacity subsequently becoming fully or partly vacant for certain duration in a month, the SLDC shall display this information in public domain on its website along with invitations for utilization of such spare capacity through 24-hour notice period; and
- f) The capacity reserved understanding clearance as specified under CERC ST Regulations along with the name of the beneficiaries against such standing clearance shall be displayed in the website.

30.3 SLDC in their Website shall display the following documents related to Open Access operationalization along with facilities of downloading those documents:

- a) Open Access application Format -1 in Annexure 1 as per Open Access Regulations;
- b) STU Detailed Procedures For Granting Short Term Open Access as approved by the Commission in pursuance of regulation 17.1 of these Open Access Regulations;

- c) The STU shall update all the values as per clause (iv) of regulation 7.6 of these Regulations on monthly basis on the first calendar day of the month and publish it in its website;
- d) Following Standard Agreements executable between a licensee and Consumer intending to avail Long-Term Open Access or Medium-Term Open Access :
  - i) Standard Connectivity Agreement for the connectivity of the Consumer premises with the distribution system of distribution licensee,
  - ii) Standard Open Access Agreement executable between licensee(s) and Consumer,
  - iii) Standard Connectivity Agreement, if applicable, for the connectivity of the Captive power station of the consumer from where the power will be conveyed to the Consumer's premises,
  - iv) Standard Additional Transmission Asset Creation Agreement,
  - v) Standard Additional Wheeling Asset Creation Agreement, and
  - vi) Standard Backup Power Agreement,
- e) Following Standard Agreements executable between a distribution licensee/ transmission licensee and any distribution licensee / generator for Long-Term Open Access or Medium-Term Open Access:
  - i) Standard Connectivity Agreement for the connectivity between the distribution licensee and the Transmission licensee/ Distribution licensee;
  - ii) Standard Open Access Agreement;
  - iii) Standard Connectivity Agreement for the Connectivity between the Generator and Transmission/Distribution licensee ;
  - iv) Standard Additional Transmission Asset Creation Agreement between Open Access Customer and transmission licensee(s); and
  - v) Standard Additional Wheeling Asset Creation Agreement between Open Access Customer and distribution licensee(s).

30.4 The date of uploading of each and every information as per (a) to (i) of regulation 30.1, (a) to (f) of regulation 30.2 and (a) to (d) of regulation 30.3 of these Open Access Regulations is to be mentioned separately in the Website. SLDC shall also publish a quarterly report containing such information in their website.



30.5 For implementation of the above Open Access Related Information Dissemination System properly the STU, and all licensees shall submit the relevant information and documents to SLDC regularly in a manner and following such procedures as will be determined by the State Level Co-ordination Forum.

30.6 The web-site of the STU and the Commission shall have the linkage to this Web Page titled "Open Access Information" of SLDC.

### **31. Obligation under Sections 11 and 23 of the Electricity Act, 2003**

- a) In pursuance of section 11 of the Act, any part of generation of any generating station dedicated for supply under Open Access agreement for either own use or for any consumer of a Licensee or for any other person, may be required to withdraw or reduce such supply in extraordinary circumstances for such period as may be directed by the Appropriate Government.
- b) In pursuance of section 23 of the Act or any Regulations for maintaining the efficient supply, securing the equitable distribution of electricity and promoting competition, the Open Access Customer shall abide by the order of the Commission for regulating supply, distribution and consumption or use thereof issued upon him directly or as a consequence to any order of the Commission on the Distribution Licensee of whom he is a consumer or from whom he is drawing power as an Open Access source.

### **32. Status of Existing Open Access Customer**

Subject to the provisions of regulation 17, any person, granted Open Access before these Regulations came into force, shall continue to be an Open Access Customer till expiry of the period for which such Open Access has been granted to him.

### **33. Revision of Schedule by Open Access Customer**

- a) Long-Term Customer and Medium-Term Open Access Customer shall carry out scheduling on daily basis in accordance with the provisions of the State Grid Code.
- b) The short-term Open Access schedules accepted by the Nodal Agency in advance or on first-come-first-served basis may be cancelled or revised downwards on an application to that effect made to the Nodal Agency by the STOA Customer:

Provided that such cancellation or downward revision of the Short-Term Open Access schedules shall not be effective before expiry of a minimum period of two (2) days:

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the Nodal Agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

- c) The person seeking cancellation or downward revision of Short-Term Open Access schedule shall pay the transmission & wheeling charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the Nodal Agency, and thereafter in accordance with the revised schedule prepared by the Nodal Agency during the period of such cancellation or downward revision.

### **34. Dispute Resolution**

- 34.1 In case of any dispute regarding any issue related to Open Access between one Licensee and other Licensees or between a Licensee and the generator, as the case may be, the aggrieved party may file a petition along with all necessary documents before the Commission for adjudication / settlement of the dispute within 60 days from cause of action. For clarity it may be noted that Licensee includes STU.
- 34.2 In case of any dispute related to operationalization of Open Access other than that provided in Regulation 34.3 and which can be adjudicated under the Act may be referred to the Commission under section 143 of the Electricity Act 2003.
- 34.3 In case of any dispute related to Open Access between a Distribution Licensee and an Open Access Customer who is connected with the Distribution Licensee as consumer and not covered by section 143 of the Act, then the aggrieved party may lodge his grievances along with all necessary documents before the Chief Grievance Redressal Officer (CGRO) of the said Licensee as specified in Grievance Redressal Regulations for redressal of his Grievance within 60 days from the date on which cause of action arises. If either of the parties in dispute is not satisfied with the order of the CGRO, he can approach the Ombudsman as specified in Grievance Redressal Regulations



34.4 In case there is any dispute between an Open Access Consumer or a consumer applying Open Access in one side and STU or Transmission Licensee or SLDC on other side then the dispute should be resolved by any of the following authorities :

- a) By the Commission where sub-section (4) of section 33 is applicable based on clause (d) of sub-section (2) of section 39 or clause (c) of section 40 ;
- b) In case the dispute is not covered under (a) then such disputes shall be raised before the appropriate court of law within whose territorial jurisdiction the dispute arises or the registered office of both or any of the parties is situated.

34.5 In case of any dispute between the persons which cannot be covered by regulation 34.1, regulation 34.2, regulation 34.3 and regulation 34.4 above, such dispute could be resolved through any other appropriate court of Law within whose territorial jurisdiction the dispute arises or the registered office of both or any of the parties is situated.;

34.6 The Commission, while deciding any dispute under these regulations or otherwise, by a general or special order made from time to time, may lay down, if required, the conditions to be complied with by the Licensees concerned, STU, SLDC and Open Access Customer in regard to operational constraints and the Open Access shall be allowed only subject to the due satisfaction of such conditions.

### **35. Power to Intervene:**

In case of any unethical practice or gaming by any person including an Open Access Customer, through power injection or drawal or change of status, the Commission may, by order, issue necessary directions which shall be binding on all parties concerned.

### **36. Powers to Remove Difficulties**

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, direct the STU, SLDC, Licensees, electricity traders, generating companies and Open Access Customers to take such action, not inconsistent with the Act, as may appear to the Commission to be necessary or expedient for the purpose of removal of the difficulty.

### **37. Power to Amend:**

37.1 The Commission, at any point of time, at its own discretion or otherwise, may vary, alter, modify, add or amend any provisions of these regulations.

37.2 The Commission may, at any time and at its discretion or otherwise, modify the Schedule through notification after inviting suggestions and objections from public at large.

37.3 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for meeting ends of justice or to prevent the abuse of the process of the Commission.

### **38. Repeal and Savings**

38.1 The West Bengal Electricity Regulation Commission (Open Access) Regulations, 2007 issued under Notification No. 35/WBERC dated 12<sup>th</sup> April 2007 and published in the Kolkata Gazette, Extraordinary, on 12<sup>th</sup> April 2007 along with all subsequent amendments are hereby repealed.

38.2 Notwithstanding such repeal, anything done or any action already taken under the repealed Regulations, shall in so far as it is not inconsistent with the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022, be deemed to have been done or taken under the corresponding provisions of the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022.

By order of the Commission

Place: Kolkata

Date: XX.XX.2022

Secretary of the Commission



## **SCHEDULE**

**(See regulations  
12.2.4, 12.2.5 and 18.2.8)**

**A. Reactive energy charges:**

If the voltage at the point of drawal is below 97% of the normal voltage, the Open Access Customer shall pay to the concerned Licensee for drawal of reactive energy at the drawal point at a rate as stipulated in the tariff order issued by the Commission. If at the injection point the voltage is higher than 103% of normal voltage, the Open Access Customer shall pay to the concerned Licensee for injection of reactive energy at the point of injection at a rate as stipulated in the tariff order issued by the Commission. Both drawal and injection of reactive energy shall be measured at Time Block along with voltage.

**B. Meter reading and other related charges:**

Charges for meter reading and other related charges including the charge for communicating the meter reading to SLDC shall be paid by the Open Access Customers @ Rs. 4,000.00 per month for each meter and shall be payable to the Licensee, who is rendering such services, on monthly basis. Such charges of meter reading shall be amended through tariff order on year to year basis from 2022-23 onwards by the Commission and such rate will become applicable.

**C. SLDC Charges/Fees have to be paid by the Open Access Customer as will be determined in the relevant tariff order.**

**D. A Bank Guarantee of Rs 1 (one) lac to be submitted by the open access customer to SLDC for registering his name for day-ahead transactions and for same day transaction**

**FORMAT – 1**

**APPLICATION FOR GRANT OF OPEN ACCESS**  
(to be submitted by Open Access Customer)

To  
The (Name and address of Nodal agency)

1. Application No. :
2. Name of the Applicant :
3. Address for Correspondence :  
Phone No. : (Off)  
Email id :
4. A) Category of the applicant: Licensee/consumer :  
B) Contract demand, if consumer (MW/MVA) :
5. Type of open access: Long-Term Open Access  
(Please mark appropriately) : Medium-Term Open Access  
: Short-Term Open Access
6. Nature (In case of overlapping, please fill in all the relevant items)
  - a) Name of Distribution Licensee from whom power is to be sourced.  
.....
  - b) Other sources, if any, not covered under (a) : (to be specified).....  
.....

*(Licensees to submit a copy of license valid under the Act by Distribution Licensee. Others to submit documentary evidence in support of above).*
7. Details of Coordinators of the Applicant  
Name :  
Designation :



Phone Numbers : (Off) (Res)  
 (FAX) : (Mobile): E-Mail Address:

8. Capacity Applied

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

9. Injecting Agency Details :  
 Name :  
 Point of Injection :  
 Name of Concerned SLDC/ALDC :  
 ABT Meter already Installed : Yes/ No  
 Real time Communication Facility with Connected Licensee and/ or SLDC :  
 Ready/Not Ready (as applicable)
10. Drawee Agency Details :  
 Name :  
 Point of Drawal :  
 Name of Concerned SLDC/ALDC :  
 ABT Meter already Installed : Yes/ No  
 Real time Communication Facility with Connected Licensee and/ or SLDC :  
 Ready/Not Ready (as applicable)
11. Name and details of other agencies involved, if any
12. Non-Refundable Application Fee (please fill up the amount as appropriate)  
 Long-Term Open Access :  
 Medium-Term Open Access :  
 Short-Term Open Access :  
 Bank Draft / Pay Order No./ RTGS or NEFT Reference :  
 Dated :

In favour of:

Payable at:

13. Short notes may be attached covering the following (to the extent relevant):

- Generation planned.
- Power purchase contracted.
- Power factor.
- Potential hazards concerning public safety in line with the Environment (Protection) Act, 1986 and other applicable laws.
- Reactive compensation programme.
- Harmonic distortion.
- Peak load.
- Average load.
- Periods with time slab in line with concerned Grid Code(s).
- Any other information as may be required.

14 Other Terms:

- a) It is hereby certified that all agencies (including buyer, seller, trader etc.) to the transaction shall abide by the provisions of the "West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022".
- b) The Applicant hereby agrees to pay all the relevant charges applicable to him in terms of the "West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022" and Regulations under the Act.
- c) The Applicant hereby agrees to keep the concerned SLDC, STU, Transmission Licensee and Distribution Licensee indemnified at all times and undertakes to indemnify, defend and save the concerned SLDC, STU, Transmission Licensee and Distribution Licensee harmless from any and all damages, losses, claims and actions relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the transactions under this Approval.
- d) Any other information / details that may be required by the concerned Transmission Licensee(s) / STU / SLDC / Distribution Licensee shall be provided promptly by the Applicant.



Signature:

Place:

Name:

Dated:

Designation:

Seal of the office of the Applicant:

Enclosures:

- 1) Bank draft / Pay Order/ NEFT/RTGS remittance.
- 2) Copy of connectivity agreement
- 3) Copy of PPA or sale-purchase agreement / Letter of Intent or Power Purchase/sale order through Short Term Open Access.
- 4) Undertaking of not having entered into Power purchase agreement (PPA) or any other bilateral agreement for the capacity (quantum of power) for which Open Access has been sought.
- 5) Copy of agreements / MOUs as applicable.
- 6) Copy of Licence / supporting documents, as applicable.
- 7) Copy of the latest bill as consumer and receipt of bill payment establishing nil dues.
- 8) Notes (As per Item 12 of the Format-1).

Copy to:

- a) SLDC (if different from the Nodal Agency)
- b) Transmission Licensee (if different from the Nodal Agency and who owns the transmission line through which power is to be transmitted).
- c) Distribution Licensee (if different from the Nodal Agency and in whose distribution network the point of drawal of power is located).

Note: In the event the application is made under regulation 9.1(g), full particulars relating to the intervening transmission facility are to be provided in the application.

Date & Time of Receipt of Application	(To be filled in by Nodal Agency)
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**FORMAT – 2**  
**CONSENT FOR OPEN ACCESS**  
 (to be issued by Nodal Agency/ SLDC)

1. Consent No : \_\_\_\_\_
2. Name of the Applicant : \_\_\_\_\_
3. Category of Applicant : LTOA/MTOA/STOA
4. Name of Injecting Agency : \_\_\_\_\_
5. Name of Drawee Agency : \_\_\_\_\_
6. Name of Other Agencies Involved, If any : \_\_\_\_\_
7. Open Access Capacity Applied : \_\_\_\_\_

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

8. Open Access Capacity Approved : \_\_\_\_\_

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

9. Point of Injection
10. Point of Drawal
11. ABT Meter
  - a) If already Installed then what other procedures to be completed
  - b) If not already installed then whether ABT meter is available with the concerned Licensee
12. 24x7 Real Time Communication Facility
  - a) Readiness of the Facility with Licensee



b) Readiness of the Facility with the SLDC

13. Name of concerned SLDC
14. Name of concerned ALDC
15. This approval is subject to full payment of requisite charges made by Applicant on or before the due date as specified by the West Bengal Electricity Regulatory Commission.
16. This approval is subject to:
  - a. The Licensee holding a license valid under the Act,
  - b. The West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022.
  - c. The responsibility of ensuring compliances with the provisions of the Electricity Act, 2003, applicable Rules and Regulations / Codes shall lie with the Applicant / Open Access Customer.
  - d. Signing of an Agreement /and furnishing of following information:

Agreement Details (needs to be filled up only relevant agreement details)					
With	(i) No.	Date	Max. (MW)	Capacity already Utilised Earlier	Balance MW

Signature:

Place:

Name:

Dated:

Designation:

Seal of the office of the Nodal Agency / SLDC

To:

(Applicant) -----

Copy to:

- a) SLDC (if different from the Nodal Agency)
- b) Transmission Licensee (if different from the Nodal Agency and who own the transmission line through which power is / are to be transmitted).
- c) Distribution Licensee (if different from the Nodal Agency and in whose distribution network the point of drawal of power is located).



**FORMAT – 2A****DECISION ON OPEN ACCESS, WHERE IMMEDIATE OPEN ACCESS CANNOT BE GRANTED**

(to be issued by Nodal Agency / SLDC)

1. Name of the Applicant :
2. Category of the Applicant :
3. Name of Injecting Agency :
4. Name of Drawee Agency :
5. Name of other Agencies involved, if any :
6. Open Access Capacity Applied :

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

7. Open Access cannot be granted immediately due to the following reasons:

(Attached sheets, if required, including extracts of relevant correspondence with appropriate Licensees)

Signature:

Place:

Name:

Dated:

Designation:

Seal of the office of the Nodal Agency / SLDC:

To:

(Applicant) -----

Copy to:

- (a) SLDC (if different from the Nodal Agency)
- (b) Transmission Licensee (if different from the Nodal Agency and who own the transmission line through which power is / are to be transmitted).
- (c) Distribution Licensee (if different from the Nodal Agency and in whose distribution network the point of drawal of power is located).