



सत्यमेव जयते

**ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION
IN CASE NO. SM - 36 / 23 - 24**

SUO-MOTU ORDER TO REMOVE THE DIFFICULTY
FACED BY THE STATE LOAD DESPATCH CENTRE IN
IMPLEMENTATION OF DIFFERENT CLAUSES OF THE
WEST BENGAL ELECTRICITY REGULATORY
COMMISSION (OPEN ACCESS) REGULATIONS, 2022
FROM 01.10.2023 ONWARDS

**PRESENT:
SRI MALLELA VENKATESWARA RAO, CHAIRPERSON
SRI PULAK KUMAR TEWARI, MEMBER**

DATE: 27.09.2023



FACTS IN BRIEF:

- 1.0 The Commission had notified the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022 vide Notification No. 75/WBERC dated 01.08.2022 (in short 'WBERC Open Access Regulations 2022') with an objective to promote open access in the State and to align the state open access framework with the Open Access Regulations notified by the Central Electricity Regulatory Commission [viz. Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and medium-term Open Access) Regulations, 2009 including amendments and Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008 including amendments, hereinafter referred as CERC LT&MT Regulations and CERC ST Regulations respectively].
- 2.0 Thereafter, the Central Electricity Regulatory Commission (CERC) issued the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (in short 'CERC GNA Regulations') by repealing its previous open access regulation i.e., CERC LT&MT Regulations and CERC ST Regulations. Now the said CERC GNA Regulation is scheduled to become effective on and from 01.10.2023 as per Notification No. L-1/261/2021/CERC dated 03.08.2023.
- 3.0 In view of above, the State Load Despatch Centre vide Letter No. SLDC/HOW/R-03/2023-24/483 dated 21.09.2023 and Letter No. SLDC/HOW/R-03/2023-24/484 dated 21.09.2023 has requested the Commission for issuance of necessary guidance / directions on the following issues:
 - (i) Regarding difficulties in implementation of different clauses of WBERC Open Access Regulations 2022, where references were made to CERC repealed regulations [i.e. CERC LT&MT Regulations and CERC ST Regulations].
 - (ii) Regarding difficulties for collection of State Transmission charges and SLDC operation charges as per clause 34.4(c) of the CERC GNA Regulations.



OBSERVATION OF THE COMMISSION:

- 4.0 The Commission observes that the WBERC Open Access Regulations 2022 primarily focuses on procedures of intra-state open access and charges for usage of intra-state network, cross-subsidy surcharge, etc. It is also specified that, for any inter-state open access, procedures specified under CERC Regulation will be followed.
- 5.0 Now, CERC has notified the CERC GNA Regulations for connectivity and open access and repealed all other open access related regulations. Accordingly, on and from 01.10.2023 all inter-state connectivity and open access shall be guided by the CERC GNA Regulations 2022 along with its subsequent amendments.
- 6.0 However, to remove difficulty faced by SLDC due to reference of repealed CERC LT&MT Regulations and CERC ST Regulations, the Commission is required to issue clarifications where such references are made in order to remove the inconsistency appears in the intra-state open access.

ORDER:

- 7.0 In view of the above, this Commission, in exercise of its powers conferred under regulation 36 of the WBERC Open Access Regulations 2022, issues the following clarifications to remove the difficulty being faced by the utilities in the State:
- A. For the purpose of intra-state open access, the terms “LTOA”, “MTOA” and “STOA” shall have the meaning as given below:
- (i) “LTOA” or “Long-Term Open Access” shall mean open access for a period exceeding 7 years for use of intra-state transmission system and /or any distribution system under the purview of the Commission.
- (ii) “MTOA” or “Medium-Term Open Access” shall mean open access for a period equal to or exceeding 3 months but not exceeding 5 years for use of intra-state transmission system and /or any distribution system under the purview of the Commission.



Suo-motu order to remove the difficulty faced by the State Load Despatch Centre in implementation of different clauses of the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2022 from 01.10.2023 onwards



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- (iii) "STOA" or "Short-Term Open Access" shall mean open access for a period up to one month at a time for use of intra-state transmission system and /or any distribution system under the purview of the Commission.
- B. For the purpose of processing inter-state open access, the procedures specified under the CERC GNA Regulations shall be followed.
- C. The CERC GNA Regulation in clause 34.4(c-i) inter-alia specifies that, SLDC shall recover the transmission charges for T-GNA related to bilateral as well as collective transactions directly. Thus, it becomes responsibility of SLDC to ensure recovery of all relevant charges be made by respective utilities for use of intra-state transmission and/or distribution network in terms of regulation 18 of WBERC Open Access Regulations 2022. SLDC shall also recover scheduling and operating charges from such inter-state open access customers at same rate applicable prior to 01.10.2023.
- 8.0 These shall take effect on and from 01.10.2023 or such date when the CERC GNA Regulations is made effective.
- 9.0 All utilities, open access customers and SLDC under the purview of this Commission are to take a note of this order.
- 10.0 A copy of the order shall be posted in the website of the Commission.
- 11.0 All utilities and SLDC shall download the copy of the order from the website of the Commission and act on it. Certified copy of the order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013, as amended and on submission of necessary fees.

Sd/-
(PULAK KUMAR TEWARI)
MEMBER

Sd/-
(MALLELA VENKATESWARA RAO)
CHAIRPERSON

DATED: 27.09.2023

Sd/-
SECRETARY