

RAJASTHAN ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

Jaipur, 26th May 2004

No. RERC/Reg. No. 25 - In exercise of powers conferred by section 42 read with Section 181 of the Electricity Act, 2003 and after previous publication, the Rajasthan Electricity Regulatory Commission hereby makes the following regulations, namely: -

1. Short Title and Commencement

- (i) These regulations shall be called the Rajasthan Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2004;
- (ii) These regulations shall come into force on the date of their publication in official gazette.

2. Definitions

In these regulations, unless the context otherwise requires -

- a) "Act" means the Electricity Act, 2003 (36 of 2003);
- b) "Commission" means the Rajasthan Electricity Regulatory Commission;
- c) "Open Access Customer" means a person using or intending to use the transmission system or the distribution system or both of the licensees in the state for transmission or wheeling of electricity in the State;
- d) "State" means the State of Rajasthan;
- e) Words and expressions occurring in these Regulations and not defined herein above shall bear the meaning assigned to them in the Act.

3. Extent of Application

These regulations shall apply to open access for use of intra-state transmission system and / or the distribution systems of licensees in the State, including when such system is used in conjunction with inter-state transmission system.

4. Eligibility for Open Access and Conditions to be satisfied

- (1) Subject to the provisions of these regulations, the Licensees, generating companies including persons who have established a captive generating plant and consumers shall be eligible for open access to the intra state transmission system of the State Transmission Utility or any transmission licensee on payment of transmission charges as may be determined by the Commission.

Provided that such open access for the use by a consumer shall be available on payment of a surcharge as may be determined by the Commission in accordance with provisions of regulation 15 in addition to payment of transmission charges.

(2) Subject to the provisions of these regulations, the Licensees, generating companies including persons who have established a captive generating plant and consumers shall be eligible for open access to Distribution System of a Distribution licensee on payment of the wheeling charges as may be determined by the Commission.

Provided that such open access for the use by a consumer shall be available on payment of a surcharge and additional surcharge as may be determined by the Commission in accordance with provisions of regulations 15 and 16 in addition to payment of wheeling charges.

(3) A person having been declared insolvent or bankrupt or having outstanding dues against him for more than 2 months billing of transmission or distribution licensee shall not be eligible for open access

5. Special Provisions for existing distribution licensees

(1) The distribution licensees using intra state transmission system and the distribution system in the State on the date of coming into force of these regulations under an existing agreement or arrangement shall be entitled to continue to avail open access to such transmission and distribution system on the same terms and conditions, for the term of the existing agreement or arrangement on payment of transmission charges and wheeling charges as may be determined by the Commission.

(2) The existing distribution licensees shall, within 60 days of coming into force of these regulations, furnish to the State Transmission Utility and the State Load Dispatch Centre details of their use of the transmission system and / or distribution system and the terms and conditions for such use.

6. Provisions for existing consumers and generating companies

(1) The existing consumer or an existing generating company other than the licensees availing open access under agreements or government policy on the date of coming into force of these regulations shall submit to the State Transmission Utility and State Load Dispatch Centre details of capacity utilized, point of injection, point of drawal, duration of availing open access, peak load, average load or such other information as the State Transmission Utility or State Load Dispatch Centre may require, within 60 days of coming into force of these regulations.

(2) The existing consumer or an existing generating company under clause (1) may continue to avail open access on terms and conditions laid down under these regulations to the extent they are not covered by any policy directive by the State Government to the Commission.

7. Categorisation of intra state Open Access Customers

Subject to the provisions of Regulations 5 and 6 the open access customers shall be classified into the following categories:

(i) Short-term intrastate open access customer

An open access customer availing intra state open access for a period of one year or more but less than five years shall be the short-term intra state open access customer.

(ii) Long-term intrastate Open Access customers

An open access customer availing intra state open access for a period of five years or more shall be the long-term intra state open access customer.

(iii) Intrastate Open access for a period of less than one year shall be allowed from such date and on such terms and conditions as the Commission may notify.

8. Allotment Priority

The priority for allowing open access to persons other than covered by regulations 5 and 6 shall be decided on the following criteria:

- (a) A distribution licensee shall have the highest priority in allotment of open access capacity;
- (b) Other long-term open access customer shall have the priority over the short-term open access customer;
- (c) An existing open access customer shall have the priority over new open access customer under respective category provided he applies for its renewal 30 days prior to the expiry of existing term of open access.
- (d) Subject to clauses (a) to (c) above the decision shall be based on the basis of first come first served;

9. Criteria for allowing open access

- (1) The capacity available for open access shall be considered after taking into account the following factors:
 - (i) In respect of Transmission and Distribution system forming part of evacuation system of a power station, load flows anticipated on line at rated output from the power station with outage of any one of the single or double circuit line emanating from the power station, and
 - (ii) Growth in maximum demand @ 5% per annum on transmission system and 10% per annum on Distribution system, and
 - (iii) Maximum demand on transmission and distribution system recorded during previous year, and
 - (iv) Capacity allotted for open access consumer for the period Open Access is being considered.

Provided that availability of capacity, consequent to expiry of term of existing open access consumer, shall be considered only if balance period of open access is less than 30 days and no application for renewal is received.

(2) For the purpose of clause 9(1), transmission system capacity for interconnected system between point of injection and point of drawal, shall be based on load flow studies, taking into consideration the planning criterion as per clause 3.5 of IEGC (reproduced in appendix 'G' of Grid Code Part-I) with transmission line and transformation capacity normally considered as under: -

(a) Transmission/distribution line capacity for: -

400 KV line with shunt reactor	410 MW per circuit	
400 KV line without shunt reactor	533 MW	"
220 KV line	129 MW	"
132 KV line	46 MW	"
33 KV line	2750 KW	"
11 KV line	300 KW	"

(b) Transformation capacity shall be rated capacity of transformer(s) provided that creation of transformation capacity at new substation/additional transformation capacity at existing substation will be considered from the anticipated date of commissioning.

Provided further that: -

(i) For a double circuit line not emanating from a generating station, outage of a single circuit shall be considered.

(ii) For single circuit line or single transformer only, between point of injection and point of drawal, outage of line or transformer shall not be considered.

(iii) For shorter length of line, capacity higher than above may be considered based on voltage regulations and conductor size.

(3) Intending customer shall be informed of the above system conditions while allotting capacity.

10. Procedure for Long term intra state Open Access customer

(1) A long term intra state open access customer shall file an application to the State Transmission Utility with details such as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing open access, peak load, average load and any other additional information that may be required by the State Transmission Utility;

(2) A consumer intending to avail open access shall also submit a copy of his application to the distribution licensee who is supplying electricity to him;

(3) The State Transmission Utility shall issue guidelines, procedures and prescribe an application form for applying for open access within 30 days of issue of these regulations;

(4) The application shall be accompanied by a fee of Rs. 50000/- in the name and in the manner laid down in the guidelines by the State Transmission Utility;

(5) The State Transmission Utility shall, in consultation with State Load Dispatch Centre, Transmission and Distribution licensees and based on system studies by the concerned licensee or otherwise, assess the capacity available and communicate the decision to the applicant within 60 days of the receipt of the application;

(6) If, in the opinion of the State Transmission Utility, further system strengthening is essential before providing long-term access, the applicant may request the State Transmission Utility to carry out system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening;

(7) The State Transmission Utility shall carry out the studies immediately on receipt of request from the applicant under sub regulation (6) and intimate results of the studies within 90 days of receipt of request from the applicant;

(8) The applicant shall reimburse the actual expenditure limited to Rs. 50,000/- incurred by the State Transmission Utility for system strengthening studies.

11. Procedure for Short-term intra state open access Customer

(1) A short-term intra state open access customer shall submit an application for open access to the State Transmission Utility;

(2) A consumer shall also furnish a copy of his application to the distribution licensee who is supplying electricity to him;

(3) The application shall contain the such details as capacity needed, point of injection, point of drawal, duration of availing open access, peak load, average load and such other additional information that may be laid down by the State Transmission Utility in its guidelines issued under regulation 10;

(4) The application shall be accompanied by an application fee of Rs.5000/- payable in the name and in the manner laid down in the guidelines by the State Transmission Utility,

(5) The State Transmission Utility shall take a decision on the application within thirty days of receipt of the application.

12. Open Access Agreement

(1) An open access customer shall enter into commercial agreements with the transmission and distribution licensees, generators, traders and others, as applicable for use of their transmission and distribution systems;

(2) The agreement shall provide, amongst other things for the eventuality of premature termination of agreement and its consequences on the contracting parties,

(3) After agreements have been entered into and copies furnished to State Load Dispatch Centre, the State Load Dispatch Centre shall inform the open access customer the date from which open access will be available which will not be later than 3 days from the date of furnishing of agreements.

13. Non-Utilisation of open access capacity

(1) In case an open access customer is unable to utilize, full or substantial part of the capacity allotted to him, he shall inform the State Transmission Utility and State Load Despatch Centre along with reasons for his inability to utilize the capacity and may surrender the capacity allotted to him by serving a notice of 30 days;

(2) The State Transmission Utility may, in accordance with guidelines framed by it in this regards and approved by the Commission, reduce or cancel the allotted capacity of an open access customer when such a customer frequently under-utilises the capacity allotted to him, and

(3) An open access customer, whose capacity has been reduced or cancelled under sub clause 13(2), shall, in addition to discharging his contractual obligations, pay full charges for scheduling and systems operation, on full open access capacity for the remaining period of allocation. Where such reduction or cancellation is effected under regulation 13(1) above, such charges shall be for the revised capacity

14. Charges for open access

(1) The Transmission charges or wheeling charges for use of the Transmission System of the Transmission Licensee or the distribution system of a distribution licensee shall be regulated as under:

(a) Transmission charges and wheeling charges payable by an open access customer shall be determined by the Commission in terms of the regulations framed by the Commission for determination of tariff.

(b) Where a dedicated transmission system or a distribution system used for open access has been constructed for exclusive use of an open access customer, the transmission charges or wheeling charges for such dedicated system shall be worked out in terms of the regulations for determination of tariff and shall be borne entirely by such open access customer till such time the surplus capacity is used for other persons or purposes.

(2) In case intra state transmission system or distribution system is used by an open access customer in addition to inter-state transmission system, transmission charges and wheeling charges shall be payable for use of intra-state system in addition to payment of transmission charges for inter-state transmission.

15. Surcharge

(1) In addition to transmission charges and wheeling charges, a consumer availing open access to the transmission system/distribution system shall pay a surcharge worked out in the manner laid down hereunder;

(2) The cost of supply to the category of consumers for the purpose of tariff to which the open access consumer belongs, the voltage at which he is connected and the realisation from that category of consumers shall be the basis of calculating the extent of cross subsidy provided by such consumer. The methodology of computing cost of supply and realisation in respect of a category of consumers shall be laid down by the Commission by a separate order;

(3) The amount of surcharge shall be so calculated as to meet the current level of cross subsidy from that category of consumers and shall be paid to the distribution licensee of area of supply where the consumer is located.

(4) The surcharge shall be reduced and eliminated in the same manner as the Commission may lay down for reduction and elimination of cross subsidies in its regulations relating to terms and conditions of tariff of distribution licensees.

(5) The consumers availing exclusively interstate transmission system shall pay the same amount of surcharge as determined under these regulations.

16. Additional Surcharge

(1) A consumer availing open access and receiving supply of electricity from a person other than the distribution licensee of his area of supply shall pay to the distribution licensee an additional surcharge, in addition to wheeling charges and surcharge, to meet the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of section 42 of the Act;

(2) The distribution licensee whose consumer intends to avail open access shall submit to the Commission within fifteen days of receipt of application under regulation 10 or 11 an account of fixed cost which the licensee is incurring towards his obligation to supply;

(3) The Commission shall scrutinize the statement of account submitted by the licensee and obtain objections, if any, of the open access consumer and determine the amount of additional surcharge payable by the consumer to the licensee,

(4) The additional surcharge shall be leviable for such period as the Commission may determine but not normally exceeding one year.

17. Metering

(1) The open access consumer shall provide Main Meters, as may be specified by the Commission for such consumer based on voltage, point and period of supply and tariff category and incorporated in Rajasthan Grid Code (part-III) and metering code of distribution licensees;

(2) The Generating company or a licensee contracting to effect supply to an open access consumer shall provide Main Meters at interconnecting points as specified in metering code based on the consumers to whom it will effect supply under open access or in case of inter state transmission shall arrange communication of energy accounts of Northern Regional Load Despatch Centre effected through displacement/adjustment in the format as may be specified by State Load Dispatch Centre on real time basis as well as periodically;

(3) The Distribution licensee may provide Check Meters of the same specification as Main Meters;

(4) The Main and Check Meters shall be periodically tested and calibrated by State Transmission Utility in the presence of other party involved. Main and Check meters shall be sealed by both parties. Defective meter shall be replaced immediately;

(5) Reading of Main and Check meters shall be taken periodically at appointed day and hour by authorized officer of distribution licensee and consumer or his representative, if present. Meter reading shall be immediately communicated to State Load Dispatch Centre, consumer, State Transmission Utility and Generating Company/trader, as the case may be, by the distribution licensee, within 12 hours. Check meter readings shall be considered when Main Meters are found to be defective or stopped.

Provided that if difference between the readings of main and check meter vis-à-vis main meter reading exceeds twice the percentage error applicable to relevant class, both meters shall be tested and one found defective shall be immediately replaced and reading of other will be considered.

Provided further that Distribution licensee for the purpose of this clause shall be the distribution licensee operating and maintaining distribution system to which consumer's premises are connected;

(6) An open access consumer or generating company or licensee may request distribution licensee to provide Main Meters. In that case he shall provide security to distribution licensee and shall pay for its rent and Main Meter shall be maintained by Distribution licensee;

(7) Main and Check Meters shall have facility to communicate its reading to State Load Dispatch Centre on real time basis or otherwise as may be specified in metering code, and

(8) The term 'Meter' shall include Current transformers, voltage/potential transformers, wiring between them and meter box/panel.

18. Communicating facility

(1) An open access customer shall provide for or bear the cost of equipments for communication up to nearest Grid Sub Station or State Load Dispatch Centre as the case may be, for two communication channels for communicating meters readings on real time basis.

(2) An open access customer shall have round the clock facility of communication with SLDC through: -

(i) Telephone /Mobile with S.T.D.

(ii) Transmission / receipt of Fax and E-mail.

19. Scheduling and system operation charges

(1) The scheduling and system operation charges payable to State Load Dispatch Centre by long-term open access customers shall be such as determined by the Commission under section 32 of the Act;

(2) The scheduling and system operation charges collected by the State Load Dispatch Centre in accordance with clause (1) above shall be in addition to the other fees and charges approved by the Commission.

Explanation

The Scheduling and system operation charges shall also be payable by a generating company and trading licensee availing open access under these regulations.

20. Unscheduled interchange pricing

The payment for mismatch between the schedule and the actual drawal shall be governed by the pricing mechanism as specified by the Commission for the State from time to time.

21. Reactive Energy Charges

The payment for the reactive energy charges for the open access customers shall be calculated in accordance with the scheme applicable to generators and consumers for

reactive charge input and drawal respectively as may be determined by the Commission from time to time.

22. Energy losses

(1) The transmission losses to the existing distribution licencees shall be apportioned to them in proportion to actual energy drawal,

(2) The Energy losses on account of use of the transmission and distribution system shall be adjusted in proportion of the energy drawal by the open access consumer on the basis of actual losses during previous year in the system for the voltage level at which he is connected.

23. Other Commercial Conditions

(1) As a payment security towards transmission charges, a deposit equal to 3 months of the average billing on the basis of agreed contract demand or scheduled drawal shall be maintained with the State Transmission Utility.

(2) As a payment security towards SLDC charges, a deposit equal to 3 months of the SLDC charges shall be maintained with the State Load Dispatch Centre.

(3) As a payment security towards wheeling charges, surcharge and additional surcharge, a deposit equal to 3 months of average billing for these charges shall be maintained with the distribution licensee of the area of supply.

(4) Such security could be in form of cash deposit, letter of credit etc.

(5) The other commercial conditions for transmission or wheeling charges and scheduling and system operation charges, such as, terms of payment, creditworthiness, indemnification, and force majeure conditions shall be standardized within 60 days from the commencement of the regulations by the State Transmission Utility for open access customers.

24. Compliance with Grid Discipline

The open access customer shall abide by the Indian Electricity Grid Code, the State Grid Code and instructions given by State Transmission Utility and State Load Dispatch Centre as applicable from time to time.

25. Collection and Disbursement of charges

(1) The transmission charges and wheeling charges in respect of open access customers shall be payable by the open access customer directly to respective licensees;

(2) The scheduling and system operation charges in respect of open access customers shall be paid to the state Load Dispatch Centre,

(3) The Unscheduled Interchange charges shall be paid in the manner as directed by the State Load Dispatch Centre on weekly basis.

(4) The surcharge and additional surcharge shall be paid by the open access consumer directly to the distribution licensee in whose area of supply he is located.

26. Phasing of Open Access

(1) The open Access shall be allowed to the intra state transmission system subject to the satisfaction of the conditions contained in the Act and in these regulations;

(2) Having regards to operational constraints and other relevant factors, open access shall be allowed to consumers in the following phases:

S. No.	Phases	Category of consumers	Time from which open access allowed
1	Phase I	Consumers with the contract demand of 15 MVA and above	April 1, 2005
2	Phase II	Consumers with the contract demand of 5 MVA and above	April 1, 2006
3	Phase III	Consumers with the contract demand of 1.5 MVA and above	April 1, 2007
4	Phase IV	Consumers with the contract demand of 1.0 MVA and above	April 1, 2008

(3) Based on the experience of operation of open access in phase I, the Commission may revise the schedule for allowing open access in subsequent phases,

(4) The Commission may allow open access to consumers with less than 1 MVA contract demand at such time as it may consider feasible having regard to operational constraints and other factors.

(5) A person covered by a policy of the State Government, existing on the date of commencement of these regulations, relating to captive generation or generation through non conventional energy sources shall be eligible to avail open access irrespective of contract demand.

27. Curtailment Priority

When because of constraints or otherwise, it becomes necessary to curtail the open access service of the customers, subject to the requirements of Grid Code, the short-term intra state customers shall be curtailed first followed by the long-term intrastate customers. The open access to a distribution licensee shall be the last to be curtailed. SLDC shall frame guidelines for curtailment of intra state open access customers.

28. Information system

The State Load Despatch Centre shall post following information on its website in a separate web page titled "Open access information" and also issue a monthly and annual report containing such information.

(1) A status report on long-term customers indicating: -

(a) Name of customer;

(b) Period of the access granted (start date and end date);

(c) Point(s) of injection;

- (d) Point(s) of drawal;
 - (e) Transmission's system / distribution system used;
 - (f) Open access capacity used.
- (2) A status report on the current short-term customers indicating: -
- (a) Name of customer;
 - (b) Period of the access granted (start date and end date);
 - (c) Point(s) of injection;
 - (d) Point(s) of drawal;
 - (e) Transmission's system / distribution system used;
 - (f) Open access capacity used.
- (3) Peak load flows and capacity available on all EHV lines and HV lines emanating from EHV GSS.
- (4) The information regarding average loss in transmission and distribution system as determined by respective licensee.

29. Redressal Mechanism

- (1) All disputes and complaints relating to open access shall be made to the State Load Despatch Centre, which may investigate and endeavour to resolve the grievance within 30 days, and
- (2) Where SLDC is unable to resolve a grievance, State Power Committee constituted under Grid Code shall endeavour to resolve the grievance within 30 days, and
- (3) Where State Power Committee is unable to resolve the grievance in the time period specified above, it shall be referred to the Commission.

30. 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 State Transmission Utility, State Load Dispatch Centre, licensees and the open access customer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

Secretary
Rajasthan Electricity Regulatory Commission