



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಬೆಂಗಳೂರು ರಾಜ್ಯ ಪತ್ರ

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| ಭಾಗ- IV-A | ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಅಶ್ವಿನ್ಯುಜ ೦೮, ೨೦೧೫ (ಆಶ್ವಯುಜ ೧೬, ಶಕ ವರ್ಷ ೧೯೩೭) | ನಂ. ೧೧೦೬ |
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KARNATAKA ELECTRICITY REGULATORY COMMISSION
Bengaluru-560 001

Notification No. Y/02/15/1143 dated 05.10.2015

**Karnataka Electricity Regulatory Commission (Terms and Conditions for Open Access)
(Third amendment) Regulations, 2015**

Preamble

The Commission had published the draft of the following Regulations to further amend the KERC (Terms and Conditions for Open Access) Regulations, 2004 inviting comments, views and suggestions from the stakeholders as required under sub-section (3) of Section 181 of the Electricity Act, 2003. The Commission also held a public hearing in the matter on 12.08.2015. After considering the views/comments/suggestions of the Stakeholders in the matter, the Commission, in exercise of the powers conferred under sub-section(1) of Section 181, read with Sections 39(2)(d), 40(c), 42(2), 42(3), 42(4), 86(1)(a) and 86(1)(c) of the Electricity Act, 2003, hereby makes the following Regulations, namely,-

1. Title and Commencement. -

- These Regulations may be called the Karnataka Electricity Regulatory Commission (Terms and Conditions for Open Access) (Third Amendment) Regulations, 2015.
- They shall come into force with effect from the date of their publication in the Official Gazette of Karnataka.

2. Substitution of Regulation 8.-

In the, Karnataka Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2004 (hereinafter referred to as the Principal Regulations), for Regulation 8, the following shall be substituted, namely,-

"8. Nodal Agency.-

- The nodal agency for arranging open access shall be the State Load Despatch Centre (SLDC).
- The transmission Licensee(s) and distribution licensee(s) in coordination with the SLDC shall ensure granting of open access within the timeframe specified in these Regulations."

4. Substitution of Regulation 9.-

For Regulation 9 of the Principal Regulations, the following shall be substituted, namely,-

"9. Procedure for grant of Open Access other than Day Ahead Transactions.-

- An application for grant of open access, in the format specified by the Nodal Agency and approved by the Commission, shall be filed before the Nodal Agency with all the required particulars, by an intending open access customer along with, an undertaking that he has not entered into Power Purchase Agreement [PPA] or any other bilateral agreement for the capacity [quantum of power] for which open access is sought and payment of a non-refundable processing fee of five thousand rupees for long-term open access and one thousand rupees for short-term open access.

Provided that an application for a short-term open access, in respect of power plant(s) or its/their generating unit(s) which is or are yet to be commissioned, shall be made not before two months prior to the commissioning date of such power plant(s) or its/their generating unit(s).

Provided also that an application for long-term open access shall be accompanied by a Bank Guarantee (BG) of ten thousand rupees per MW and shall be kept valid and subsisting till the signing of agreement for wheeling of electricity and such BG shall be encashed by the Nodal Agency, if the application is withdrawn by the applicant prior to the signing of such agreement and on signing of the agreement for wheeling of electricity, the BG shall be returned immediately to the applicant by the Nodal Agency.

Provided further that in cases where after being granted open access pursuant to an application filed, there is any material change in the location of the injection point or a change by more than ten percent in the quantum of power to be interchanged using the intra-State transmission and or distribution system, a fresh application shall be made for the entire capacity to ascertain the system availability and such application shall be accompanied by relevant documents, application fees and in case of long term open access with required bank guarantee for the additional capacity and in case the additional capacity sought for cannot be accommodated in the existing network, the applicant is entitled for open access to the extent of his original allotment.

- (2) The nodal agency shall acknowledge the receipt of the application, only if the application is complete and accompanied by the relevant documents and fees, by e-mail or fax, in addition to any other usually recognized mode of communication, by the end of working hours of the following working day and where the application is submitted in person, the acknowledgement shall be provided at the time of such submission.
- (3) Where any application is rejected for any deficiency or defect, the same shall be communicated in writing to the applicant within the time specified above, indicating the deficiency or defect and the application fees and Bank Guarantee, if submitted, shall be returned to the applicant and in such cases a fresh application shall be made by the applicant after curing the deficiency or defect.
- (4) The Nodal Agency, in order to ascertain the system availability and subsistence of any PPA for the capacity applied for open access, shall forward an application received on any day to the concerned licensee(s) by e-mail or fax, in addition to any other usually recognized mode of communication, within two working days from the date of receipt of such application.
- (5) The concerned licensee(s) shall acknowledge the receipt of the application by e-mail or fax, by the end of working hours of the following working day.
- (6) Based on the system studies or otherwise, the licensee(s) concerned, after ascertaining the availability of network capacity and the subsistence of any PPA for the capacity applied for open access, shall communicate by e-mail or fax, in addition to any other usually recognized mode of communication, his concurrence or otherwise for the open access to the Nodal Agency within the following time schedule:
 - (i) Short term open access- Within five working days from the date of receipt of application from Nodal Agency.
 - (ii) Long term open access- within fifteen working days from the date of receipt of application from Nodal Agency.

Provided that in cases of long term open access, if augmentation to the existing system is required, the time required and the probable date by which open access will be granted shall be intimated to the applicant within the above time schedule.

Provided further that the system studies at the injection point to ascertain the availability is not required for an existing generator who was already injecting power into the licensee(s) network under PPA or otherwise, subject to the condition that there is no additional injection beyond the capacity that was being injected earlier.

Provided also that the system studies at the drawal point to ascertain the availability is not required for a consumer of the licensee availing open access, subject to he furnishing an undertaking that, he would not exceed the contract demand specified in his supply agreement with the licensee even after opting for open access.

Provided also that if the licensee concerned fails to communicate his concurrence or otherwise within the time schedule specified above, it shall be deemed that he has given his concurrence for the open access applied for.

- (7) The Nodal Agency shall communicate to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, the grant of open access or otherwise, within three working days following the day of receipt of the concurrence or otherwise from all the licensees concerned and in the absence of any such communication to the applicant from the Nodal Agency within five working days from the date of filing the application in the case of short-term open access and fifteen working days from the date

of filing the application in the case of long term open access, the open access applied for shall be deemed to have been granted, subject to system availability.

Provided that in case of deemed approval, where the Nodal Agency is of the opinion that open access cannot be allowed without system strengthening, it shall identify the scope of the work for system strengthening and the probable date from which the open access can be allowed shall be informed in writing accordingly within five working days from the date of receipt of agreement for wheeling of electricity.

Provided further that during the pendency of application for grant of open access, the applicant shall not inject any energy to the licensee's network and the licensee shall not be liable to pay any charges for the energy injected during such period.

Provided also that for any energy injected into the licensee's network from the date of grant of open access till the date of submission of agreement for wheeling, the applicant shall be entitled for payment of energy charges at Average Pooled Power Purchase cost [APPC] rate.

- (8) The open access customer shall execute the agreement for wheeling of electricity in duplicate or triplicate sets, as the case may be, and submit the same to the Nodal Agency and also to the concerned licensee(s) within five working days following the day of receipt of the communication of grant of open access or from the date deemed grant of such open access, as the case may be, failing which the open access granted or deemed to have been granted shall stand cancelled.

Provided that in the case of deemed grant of open access, along with the agreement for wheeling of electricity, the applicant shall submit, an undertaking to the nodal agency, duly notarized, stating that the Nodal Agency has failed to communicate approval for open access or otherwise within the time specified in the Regulations and enclose a copy of the acknowledgement, if any, given by the Nodal Agency or any other evidence in support of application having been delivered to the Nodal Agency.

- (9) On receipt of the aforesaid agreement, the licensee(s) concerned shall execute the agreement for wheeling of electricity by signing his copy of the agreement and forward it to the Nodal Agency within seven working days following the day of receipt of such agreement.
- (10) The effective date for commencement of operation of wheeling of electricity by the applicant shall be the date of receipt of agreement for wheeling specified at Regulation (8) above by the licensees.

Provided that the above effective date shall also be applicable for banking in the case of solar, wind and Mini-Hydel projects.

- (11) New generating plant(s) or generating Unit(s) seeking long term open access and entering into agreement for wheeling, shall commission such plant(s) or unit(s) within twelve months from the effective date of commencement of the operation of wheeling, failing which the open access granted shall be deemed to have been cancelled.
- (12) An open access customer shall enter into commercial agreements with generators, traders, consumers and others, as applicable, and such agreements shall include provisions pertaining to payment security mechanism.
- (13) The Nodal Agency shall host on its website the details of every application received under clause (1) above and the status of such application on a continuous basis, which shall be made available to the public.
- (14) The Nodal Agency shall prepare the standard agreement formats for wheeling of electricity as required after obtaining due approval of the Commission and make the standard agreement formats available to the public and shall host the agreement formats on the website of the Nodal Agency.

Provided that the Nodal Agency shall submit the standard agreements for approval of the Commission within fifteen days from the date of notification of these Regulations.

Provided further that the current agreement formats approved by the Commission shall be in force until amended by the Nodal Agency and approved by the Commission.

- (15) State Transmission Utility (STU) or Distribution Licensee(s) shall conduct System Studies annually or as often as required or as directed by the Commission and the System data including the available loading capacity of lines shall be updated on a continuous basis and shall be made available to the public and such data shall also be hosted on the licensee(s)'s website.

Provided that where any person makes a request for such studies, the STU/ Distribution licensee shall carry out the system studies by collecting reasonable charges and such studies shall be completed within ninety days from the date of receipt of charges towards the studies and a detailed report in writing shall be provided to such person.

(9-A). Procedure for applying for Day Ahead Transactions.-

- (i) An application for grant of day ahead open access shall be submitted to the Nodal Agency within three days prior to the date of scheduling but not later than 13:00 Hours of the day immediately preceding the day of scheduling for day-ahead transaction.

For example, an application for day-ahead transaction on 25th day of July shall be submitted on 22nd day or 23rd day or up to 13:00 hours on 24th day of that month.

- (ii) The application to the Nodal Agency shall contain details such as the capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing open access, peak load and average load and also an undertaking that there is no subsisting PPA for the capacity sought under open access and such other additional information as may be required by the Nodal Agency.
- (iii) The application shall be accompanied by a non-refundable application fee of five hundred rupees for each transaction, in cash or by way of a demand draft or proof of payment through electronic transfer in favor of the Nodal Agency.
- (iv) The Nodal Agency shall check for congestion in the system and convey grant of approval or otherwise to the applicant through e-mail or fax, not later than 15:00 Hours of the day immediately preceding the day of scheduling for day -ahead transaction.

Provided that the actual operationalisation of open access shall be effected subject to payment by the applicant of the charges as specified in these Regulations and orders passed by the Commission from time to time, before 17:00 hours of the day immediately preceding the day of scheduling for day -ahead transaction.

- (v) Where open access is denied, the Nodal Agency shall furnish reasons thereof to the applicant.

5. Amendment of Regulation 11(xiii).-

The existing Clause(xiii) appearing after Clause(xiii) of Regulation 11 of the Principal Regulations, shall be renumbered as (xiv) thereof and shall be substituted as follows, namely,-

“ (xiv).The Open Access Customer shall pay the monthly Transaction charges of two thousand rupees for maintaining the transaction details, to the Nodal Agency and meter reading charges of one thousand rupees to the concerned licensee(s) who carries or carry out such meter reading.”

Approved by the Commission

Sd/-

SECRETARY

**KARNATAKA ELECTRICITY REGULATORY
COMMISSION**