

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Dated: 11th September 2013

NOTIFICATION

No.L-7/105(121)/2007-CERC.- In exercise of the powers conferred under section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations to amend Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, as amended from time to time (hereinafter referred to as “the Principal Regulations”):

1. Short title and commencement: (1) These regulations may be called the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Second Amendment) Regulations, 2013.

(2) These regulations shall come into effect from the date of their publication in the Official Gazette.

2. Amendment of Regulation 2 of the Principal Regulations:

(1) A new sub-clause shall be inserted after sub-clause (g) of clause (1) of Regulation 2 of Principal Regulations as under.-

“(g-a) “Intra-day transaction/contingency transaction” means the transaction which occurs on day (T) after the closure of day ahead transaction window and the delivery of power is on the same day (T) or next day (T+1) and which are scheduled by Regional Load Despatch Centre or National Load Despatch Centre.”

(2) Sub-clause (h) of clause 1 of Regulation 2 of the Principal Regulations shall be substituted as under.-

“(h) "Intra-State entity" means a person whose metering is done by the State Transmission Utility or the Distribution Licensee, as the case may

be and the accounting is done by State Load Despatch Centre or any other authorized State Agency. "

(3) The words "a State Transmission Utility, or" appearing in sub-clause (q) of clause 1 of Regulation 2 of the Principal Regulations shall be deleted.

(4) In lines 2 and 3 of clause (2) of Regulation 2 of the Principal Regulations, the words "the Grid Code" shall be substituted with the words "any other regulations made by the Commission".

3. Amendment of Regulation 8 of the Principal Regulations:

(1) Clause (2) of Regulation 8 of the Principal Regulations shall be substituted as under.-

"(2) When a State utility or an intra-State entity proposes to participate in trading through power exchange(s), it shall obtain "No Objection" or "Prior Standing Clearance" from the concerned State Load Despatch Centre in such form as may be prescribed in the Detailed Procedure, specifying the aggregate MW up to which the State utility or intra-State entity may submit buy or sell bid(s) in the power exchange(s) taken together. The "No Objection" or "Prior Standing Clearance" issued by the State Load Despatch Centre shall not be exchange specific."

(2) A new clause shall be inserted after clause (2) of Regulation 8 of the Principal Regulations as under.-

"(2A) No Objection or Prior Standing Clearance obtained by the State utility or intra-State entity from the State Load Despatch Centre can be used for collective transaction for day ahead on any Power Exchange(s) and/or for bilateral intra-day transaction/contingency transaction in OTC market or on the Power Exchange market:

Provided that while making application to SLDC for obtaining No Objection or Prior Standing Clearance for collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction, the applicant shall declare that he agrees to ensure that aggregate quantum

in each time block of 15 minutes for all the bid(s) in collective transactions (day ahead contracts on Power Exchange(s)) and/or for intra-day/contingency transactions (in OTC market and/or Power Exchange Market) shall not exceed the quantum for which No Objection or Prior Standing Clearance has been granted:

Provided further that the same clearance may be utilized for the day ahead bilateral transaction also, subject to limit of quantum and time as specified in the standing clearance:

Provided also that while granting Standing Clearance time period for the clearance may be defined either in time blocks of hours or on the basis of peak period or off-peak period or round the clock (RTC):

Provided also that where violations of the limit of quantum and time are reported by SLDC against any entity, the Commission may, after giving an opportunity of hearing, debar the said entity from transacting in power market for seven days.”

(3) Two provisos shall be added after the first proviso to sub-clause (a) of clause (3) of Regulation 8 of the Principal Regulations as under, namely:

“Provided further that while making application to the SLDC for obtaining Concurrence for bilateral transactions (except for intra-day transaction/contingency transactions), an affidavit in the format prescribed in the Detailed Procedure, duly notarized, shall be submitted, along with the application, declaring that:

(i) There is a valid contract with the concerned persons for the sale of the power under the proposed transaction for which concurrence is applied and;

(ii) There is no other contract for sale of the same power as mentioned in (i) above.

Provided further that while making application to the SLDC for obtaining no objection or prior standing clearance in case of collective

transactions, the affidavit shall also include the declaration that there is no other contract for sale of the same power for which no objection or prior standing clearance is applied for."

(4) The following condition shall be added after sub-clause b (iii) of clause (3) of Regulation 8 of the Principal Regulations, namely:

"(iii) submission of affidavit regarding existence of valid contract according to the second proviso to sub-clause (a) of clause (3) of this regulation with respect to bilateral transactions and according to the last proviso with respect to collective transactions."

(5) Sub-clause (c) of clause (3) of Regulation 8 of the Principal Regulations (excluding the proviso) shall be substituted as under, namely:

"(c) Where the existence of necessary infrastructure, availability of surplus transmission capacity in the State network and submission of affidavit as required under provisos to sub-clause (a) of clause (3) of this regulation have been established, the State Load Despatch Centre shall convey its concurrence or no objection or prior standing clearance, as the case may be, to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within three (3) working days of receipt of the application."

(6) In clause (4) of Regulation 8 of the Principal Regulations, the following shall be added after the words "unavailability of surplus transmission capacity in the State network":

"or non-submission of the affidavit in accordance with relevant provisos to sub-clause (a) of clause (3) of this regulation".

(7) Second Proviso to clause (4) of Regulation 8 of the Principal Regulations shall be substituted and two new provisos shall be added after the second proviso as under, namely:

"Provided further that where concurrence or 'no objection' or prior standing

clearance, as the case may be, is deemed to have been granted by the State Load Despatch Centre, the applicant such as the State utility or the intra-State entity or short term customer as the case may be, shall submit to the nodal agency (concerned Regional Load Despatch Centre) in case of bilateral transactions and the power exchange in case of collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange, the following on affidavit in the format as provided in the detailed procedure at least three days in advance:

(a) Declaring that the State Load Despatch Centre has failed to convey any deficiency or defect in the application or its refusal or concurrence or 'no objection' or 'prior standing clearance', as the case may be, within the specified time;

(b) Declaring that necessary infrastructure for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, is in place;

(c) enclosing the following documents:-

- (i) a copy of the complete application made to the State Load Despatch Centre for seeking 'concurrence' or 'no objection' or 'prior standing clearance', as the case may be;
- (ii) Deficiency or defect in the application, if any, communicated by the State Load Despatch Centre and the action taken to remove or rectify the defect or deficiency;
- (iii) a copy of the acknowledgement, if any, given by the State Load Despatch Centre, or any other evidence in support of delivery of the application to the State Load Despatch Centre;
- (iv) Necessary affidavit in accordance with provisos to the clause (3 a) of Regulation 8 of this Regulations.

Provided also that the Power Exchange shall forward the copy of the affidavit alongwith the documents received from the State utility or the intra-State entity or short term customer as the case may be, to the nodal agency (National Load

Despatch Centre) at least two days before the delivery:

Provided also that the concerned Regional Load Despatch Centre in case of bilateral transaction and concerned power exchange in case of collective transaction for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange shall forward the copy of the affidavit alongwith the documents to the concerned SLDC on the same day it is received.”

4. Amendment of Regulation 14 of Principal Regulations:

(1) A new clause shall be inserted after clause (1) of Regulation 14 of the Principal Regulations as under, namely:

“(1A) Notwithstanding anything contained in clause (1) of this regulation, in case of forced outage of a unit of the generating station, the scheduling of power under Short Term bilateral transactions shall be regulated in accordance with Regulation 6.5 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 as amended from time to time.”

(2) Clause (3) of Regulation 14 of the Principal Regulations shall be substituted as under:

“(3) Any person seeking downward revision of short term open access schedule (including revision to zero schedule) shall pay the operating charges specified under Regulation 17 of these regulations corresponding to the number of days for which power has been scheduled and in case of cancellation, operating charges shall be payable in addition for two (2) days or the period of cancellation in days whichever is less.”

5. Amendment in Regulation 16 of the Principal Regulations: Regulation 16 of the Principal Regulations shall be substituted as under, namely.-

“16. Transmission Charges

(1) In case of bilateral and collective transactions, transmission charges

for the energy approved at the regional periphery for transmission separately for each point of injection and for each point of drawal, shall be payable in accordance with the provisions of Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 as amended from time to time,

(2) The intra-State entities shall pay the transmission charges for use of the State network as fixed by the respective State Commission in addition to the charges specified under clauses (1) of this regulation:

Provided that where the State Commission has not determined the transmission charges for use of the state network in ₹/MWh. The charges for use of respective State network shall be payable at the rate of ₹ 80/MWh for the energy approved:

Provided further that non-fixation of the transmission charges by the State Commission for use of the State network shall not be a ground for refusal of open access:

Provided also that the transmission charges payable for use of the State network shall be conveyed by State Load Despatch Centre to the concerned Regional Load Despatch Centre. These charges shall be displayed by the concerned State Load Despatch Centre and Regional Load Despatch Centre on their web sites:

Provided also that the transmission charges shall not be revised with retrospective effect.”

6. Amendment of Regulation 20 of Principal Regulations:

(1) The words "State utility" occurring in clause (3) of Regulation 20 of the Principal Regulations shall be replaced by the words "State agency".

(2) The following proviso shall be added to clause (5) of Regulation 20 of the Principal Regulations, namely.-

“Provided that all payments on account of Unscheduled Interchange Charge (Deviation Charges) including Additional Unscheduled

Interchange Charges (Deviation Charges) and interest and implications for all other aspects of Unscheduled Interchange (Deviation Charges), shall be regulated in accordance with the provisions of Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009, as amended from time to time or any subsequent re-enactment thereof.”

7. Amendment of Regulation 21 of the Principal Regulations: The words "State utility" occurring in proviso to clause (1) of Regulation 21 of the Principal Regulations shall be replaced by the words "State agency".

8. Amendment of Regulation 22 of the Principal Regulations: Clause (1) of Regulation 22 of the Principal Regulations shall be substituted as under, namely-

“(1) Special Energy Meters shall be installed by the Central Transmission Utility for and at the cost of the regional entities and by the State Transmission Utility or the distribution licensee as the case may be, for and at the cost of the intra-State entities.”

9. Amendment of Regulation 23 of the Principal Regulations: Regulation 23 of the Principal Regulations shall be substituted as under, namely-

”23. Transmission Losses

(1) The buyers and sellers of the electricity shall absorb energy losses in the transmission system as may be determined in accordance with Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time and applied in accordance with the Detailed Procedure issued under the said regulations.

(2) The energy losses shall be accounted for by providing a differential between schedules at the points of supply and drawal of electricity.

(3) The applicable transmission losses shall be declared in advance and shall not be revised retrospectively.”

10. Amendment of Regulation 25 of the Principal Regulations:

Regulation 25 of the Principal Regulations shall be substituted as under, namely.-

“25. Collection and disbursement of Transmission Charges:

(1) The Transmission charges and the operating charges payable by the persons allowed short-term open access shall be indicated by nodal agency while approving the Open Access. Transmission charges payable for Inter-State Transmission system and Transmission Charges for State network shall be indicated separately. Transmission Charges for the interstate transmission system and intra state transmission system and the Operating Charges of both for RLDC and SLDC shall be collected by the nodal agency in case of bilateral transactions. In case of collective transactions, nodal agency would collect the transmission charges for inter-State transmission system and operating charges of RLDC/NLDC. In the case of collective transactions, the transmission charges for State network and Operating charges for the SLDCs shall be directly settled by the Power Exchange(s) with respective SLDC.

(2) The transmission charges collected by the nodal agency for use of the transmission system other than State network, for a bilateral or collective transaction for each point of injection and each point of drawl shall be given to Central Transmission Utility (CTU) for disbursement. The CTU shall disburse these transmission charges to the long-term customers of the synchronously connected grid where the point of injection or point of drawal is situated, as the case may be, in proportion to the monthly transmission charges payable by them after making adjustments against Long-term Access to target region in accordance with the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time.

(3) The operating charges payable by the persons allowed short-term open access shall be collected and disbursed by the nodal agency, except for operating charges for State Load Despatch Centre in the case

of collective transaction.

(4) In case a State utility is the short-term customer, the operating charges and the transmission charges collected by the nodal agency shall not include the charges for use of the State network and the operating charges for the State Load Despatch Centre.

(5) The transmission charges for use of State network shall be disbursed to the State Transmission Utility concerned.

(6) The wheeling and other charges payable to distribution utilities shall be paid by the applicant seeking open Access in accordance with the Open Access Regulation of the concerned State Commission.

11. Amendment of Regulation 25A of the Principal Regulations: Regulation 25(A) of the Principal Regulations shall be substituted as under.-

“Short Term Access not to be granted:

25A. When so directed by the Commission, the National Load Despatch Centre or the Regional Load Despatch Centre, as the case may be, shall not grant short-term open access for bilateral transaction (including transactions through Power Exchange) to the entities and associates of such entities, who consistently and willfully default in payment of Unscheduled Interchange (Deviation) charges, transmission charges, reactive energy charges, congestion charges, fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the charges for the Unified Load Despatch and Communication Scheme and Unscheduled Interchange (Deviation) charges to SLDC by an intra-State entity for a short term inter-State transaction ”

12. Amendment of Regulation 27 of Principal Regulations: The words "State utility" occurring in clause (f) of Regulation 27 of Principal Regulations shall be substituted by the words "State Transmission Utility".

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(A.K. Saxena)
Chief (Engg.)

Note: The Central Electricity Regulatory Commission(Open Access in inter-State Transmission) Regulations, 2008 were published in Part III, Section 4, Ser No.10 of the Gazette of India Extraordinary dated 7.2.2008 and amended vide Central Electricity Regulatory Commission(Open Access in inter-State Transmission) (Amendment) Regulations, 2009 published in Part III, Section 4, Ser No.10 of the Gazette of India Extraordinary dated 29.5.2009 and Corrigendum was issued on 10.6.2009 in Gazette of India Extraordinary Part III, Section 4, Ser No.10.