

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

NOTIFICATION

No.L-7/105(121)/2007-CERC

Dated the, 20th May 2009

In exercise of powers conferred by 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 the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 (hereinafter referred to as “the principal regulations”), namely:-

1. Short Title, Commencement and Application - (1) These regulations may be called the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Amendment) Regulations, 2009.

(2) These regulations shall apply to the application for grant of short-term open access, received by nodal agency on or after 15.6.2009.

2. Amendment of regulation 2 - (1) Sub-clause (b) of clause (1) of regulation 2 of the principal regulations shall be substituted as under, namely-

“(b) “bilateral transaction” means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or discovered at power exchange through anonymous bidding, from a specified point

of injection to a specified point of drawl for a fixed or varying quantum of power (MW) for any time period during a month; “

(2) Sub-clause (f) of clause (1) of regulation 2 of the principal regulations shall be substituted as under, namely -

“(f) “detailed procedure” means the procedure issued under regulation 4; “

(3) Sub-clause (i) of clause (1) of regulation 2 of the principal regulations shall be substituted as under, namely -

“(i) “long-term customer” means a person granted long-term access for use of the inter-State transmission system.”

(4) After sub-clause (i) of clause (1) of regulation 2 of the principal regulations, clause (i-a) shall be inserted as under, namely-

“(i-a) “medium-term customer” means a person granted medium-term open access for use of the inter-State transmission system.”

(5) Sub-clause (l) of clause (1) of regulation 2 of the principal regulations shall be deleted.

(6) After sub-clause (n) of clause (1) of regulation 2 of the principal regulations, clause (n-a) shall be inserted as under, namely-

“(n-a) “short-term open access” means open access for a period up to one (1) month at one time.”

(7) After newly inserted sub-clause (n-a) of clause (1) of regulation 2 of the principal regulations, clause (n-b) shall be inserted as under, namely

“(n-b) “short-term customer” means a person who has availed or intends to avail short-term open access.”

3. Substitution of Expressions “open access” and “open access customer”

- The expressions “open access” and “open access customer” wherever occurring in the principal regulations shall be substituted by the expressions “short-term open access” and short-term customer” respectively.

4. Amendment of regulation 3 - Regulation 3 of the principal regulations shall be substituted as under, namely –

“Scope

“3. (1) The long-term-customer and the medium-term customer shall have priority over the short-term customer for use of the inter-State transmission system.

(2) The short-term customer shall be eligible for short-term open access over the surplus capacity available on the inter-State transmission system after use by the long-term customer and the medium-term customer, by virtue of-

(a) inherent design margins;

(b) margins available due to variation in power flows; and

(c) Margins available due to in-built spare transmission capacity created to cater to future load growth or generation addition.”

5. Amendment of regulation 4 - Regulation 4 of the principal regulations shall be substituted as under, namely-

“Detailed Procedure

4. Subject to the provisions of these regulations, the Central Transmission Utility, till the Regional Load Despatch Centre is operated by it and thereafter the Government company or any authority or corporation notified by the Central Government under sub-section (2) of Section 27 of the Act: shall, after obtaining prior approval of the Commission, issue the detailed procedure to operationalise open access and on any residual matter not covered under these regulations.

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6. Amendment of regulation 8 - (1) Clause (3) of regulation 8 of the principal regulations shall be substituted as under, namely-

“(3) (a) For obtaining concurrence or ‘no objection’ or prior standing clearance an application shall be made before the State Load Despatch Centre who shall, acknowledge receipt of the application, either by e-mail or fax, or any other usually recognised mode of communication, within twenty four hours from the time of receipt of the application:

Provided that where the application has been submitted in person, the acknowledgement shall be provided at the time of submission of the application.

(b) While processing the application for concurrence or 'no objection' or prior standing clearance, as the case may be, the State Load Despatch Centre shall verify the following, namely-

(i) existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, and

(ii) availability of surplus transmission capacity in the State network.

(c) Where existence of necessary infrastructure and availability of surplus transmission capacity in the State network has 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 recognised mode of communication, within three (3) working days of receipt of the application:

Provided that when short-term open access has been applied for the first time by any person, the buyer or the seller, the State Load Despatch Centre shall convey to the applicant such concurrence or 'no objection' or prior standing clearance, as the case may be, within seven (7) working days of receipt of the application by e-mail or fax, in addition to any other usually recognised mode of communication.

(2) After clause (3) of regulation 8 of the principal regulations as amended, clause (3A) shall be inserted as under, namely-

“(3A) In case the State Load Despatch Centre finds that the application for concurrence or ‘no objection’ or prior standing clearance, as the case may be, is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax, in addition to any other usually recognised mode of communication, within two (2) working days of receipt of the application:

Provided that in cases where the State Load Despatch Centre has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed, after removing the deficiency or rectifying the defects, as the case may be.”

(3) Clause (4) of regulation 8 of the principal regulations shall be substituted as under, namely-

“(4) In case the application has been found to be in order but the State Load Despatch Centre refuses to give concurrence or ‘no objection’ or prior standing clearance as the case may be, on the grounds of non-existence of necessary infrastructure or unavailability of surplus transmission capacity in the State network, such refusal shall be communicated to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within the period of three (3) working days or

seven (7) working days, as the case may be, from the date of receipt of the application, specified under clause (3), along with reasons for such refusal:

Provided that where the State Load Despatch Centre has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application or refusal or concurrence or 'no objection' or prior standing clearance, as the case may be, within the specified period of three (3) working days or seven (7) working days, as applicable, from the date of receipt of the application, concurrence or 'no objection' or prior standing clearance, as the case may be, shall be deemed to have been granted:

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 while making application under clause (1) of regulation 9 shall submit to the nodal agency an affidavit (in the format provided in the detailed procedure), duly notarised, declaring that –

(a) 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) necessary infrastructure for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, is in place; and enclosing with the affidavit –

(i) a copy of the complete application after removal of deficiency or rectification of defects, if any communicated, made to the State Load Despatch

Centre for seeking concurrence or 'no objection' or prior standing clearance, as the case may be, and

(ii) 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.”

7. Amendment of regulation 13 - Regulation 13 of the principal regulations shall be substituted as under, namely-

“Procedure for Scheduling a Transaction in a Contingency

13. In the event of a contingency, the buyer or on its behalf, a trader may locate, and the power exchange may offer its platform to locate, a source of power to meet short-term contingency requirements even after the cut-off time of 1500 hrs of the preceding day and apply to the nodal agency for short-term open access and scheduling and in that event, the nodal agency shall endeavour to accommodate the request as soon as may be and to the extent practically feasible, in accordance with the detailed procedure.

8. Amendment of regulation 14 - Regulation 14 of the principal regulations shall be substituted as under, namely-

“Revision of Schedule

14. (1) 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 short-term 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.

(2) The person seeking cancellation or downward revision of short-term open access schedule shall pay the transmission 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.

(3) In case of cancellation, operating charges specified under regulation 17 shall be payable for two (2) days or the period of cancellation in days, whichever is less.

Note: The provisions of this regulation shall also be applicable to the short-term customers granted short-term open access prior to 15.6.2009.

9. Amendment of regulation 15 - Clause (1) of regulation 15 of the principal regulations shall be substituted as under, namely-

“(1) The Regional Load Despatch Centre may curtail power flow on any transmission corridor by cancelling or re-scheduling any transaction, if in its opinion

cancellation or curtailment of any such transaction is likely to relieve the transmission constraint on the corridor or to improve grid security:

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.”

10. Amendment of regulation 16 - Regulation 16 of the principal regulations shall be substituted as under, namely-

“Transmission Charges

16. (1) In case of bilateral transactions, the transmission charges at the rate specified hereunder shall be payable by the short-term customer for the energy approved for transmission at the point or points of injection:

<u>Type of Transaction</u>	<u>Transmission charges(Total)</u> <u>(Rs./MWh)</u>
(a) Bilateral, intra-regional	80
(b) Bilateral, between adjacent regions	160
(c) Bilateral, wheeling through one or more	

(2) In case of the collective transactions, transmission charges at the rate of Rs. 100/MWh for energy approved for transmission separately for each point of injection and for each point of drawal, shall be payable.

(3) 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) and (2):

Provided that in case the State Commission has not determined the transmission charges, the charges for use of respective State network shall be payable at the rate of Rs.80/MWh for the electricity transmitted:

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 to the Regional Load Despatch Centre concerned who shall display these rates on its web site:

Provided also that the transmission charges payable for use of the State network shall not be revised retrospectively.”

11. .Amendment of regulation 20 - Clause (6) of regulation 20 of the principal regulations shall be substituted as under, namely-

“(6) No charges, other than those specified under these regulations shall be payable by any person granted short-term open access under these regulations.”

12. Amendment of regulation 25 – Regulation 25 of the principal regulations shall be substituted as under, namely -

“Collection and Disbursement of Transmission Charges and Operating Charges

25. (1) The transmission charges and the operating charges payable by the persons allowed short-term open access shall be collected and disbursed by the nodal agency, except for transmission charges for State network and operating charges for State Load Despatch Centre in the case of the collective transaction.

(2) The transmission charges collected by the nodal agency for use of the transmission system other than State network, for a bilateral transaction shall be directly disbursed to the long-term customers after disbursing 25% of such transmission charges to the Central Transmission Utility in the following manner -

(a) In case of intra-regional bilateral transaction: 75% of the transmission charges to the region concerned.

(b) In case of bilateral transaction between adjacent regions: 37.5% of the transmission charges for each region.

(c) In case of bilateral transaction through one or more intervening regions: 25% of the transmission charges for each of importing and

exporting each region and remaining 25% of the transmission charges to be allocated equally among all intervening regions.

(3) The transmission charges collected for use of the transmission system other than State network for a collective transaction for each point of injection and each point of drawal shall be disbursed by the nodal agency in the following manner, namely-

(a) Central Transmission Utility: 25%

(b) Long-term customers of the region of point of injection or drawal, as the case may be, is situate: 75%

(4) The transmission charges shall be disbursed to the long-term customers in proportion to the monthly transmission charges payable by them.

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

(6) In case an intra-State entity 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 operating charges for the State Load Despatch Centre.”

13. Insertion of new regulation 25A - After regulation 25 of the principal regulations, regulation 25A shall be inserted as under, namely-

“Short-term Open 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 to the entities and associates of such entities, who consistently and willfully default in payment of Unscheduled Interchange charges, transmission charges, reactive energy charges, congestion charges and fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the charges for the Unified Load Despatch and Communication Scheme .”

14. Amendment of regulation 26 - Regulation 26 of the principal regulations shall be substituted as under, namely-

“Redressal Mechanism

26. All disputes arising under these regulations shall be decided by the Commission based on an application made by the person aggrieved.”

15. Amendment of regulation 27 - Title of regulation 27 of the principal regulations shall be substituted as under, namely-

“Information System – National Load Despatch Centre and Regional Load Despatch Centres”

19 Insertion of new regulation 27A After regulation 27 of the principal regulations, regulation 27A shall be inserted as under, namely-

“Information System – State Load Despatch Centres

27A. Each State Load Despatch Centre, shall within 60 days of coming into force of these regulations, develop its website and post the following information on separate web-page titled “information on Inter-State Open Access”:

- (a) List of bilateral transactions for which concurrence has been granted and list of entities to whom concurrence or “no objection” or prior standing clearance, as the case may be, has been granted till the end of the month in which such concurrence or no objection or prior standing clearance has been granted, indicating:
- (i) Name of customer;
 - (ii) *Period of concurrence* or “no objection” or standing clearance, as the case may be, (start date and end date);
 - (iii) Point or points of injection and drawal,; and
 - (iv) Accepted schedule (MW).

Note

The status report shall be updated daily.

- (b) Average transmission losses for the State network for the immediately preceding 52 weeks;
- (c) Applicable transmission charges and transmission losses for the State network;
- (d) List of applications where concurrence or “no objection” or standing clearance, as the case may be, was not granted, along with reasons for refusal, to be displayed till one month after the scheduling period given in the application; and
- (e) A list of applications pending for decision.”

Sd/-
(Alok Kumar)
Secretary