

CENTRAL ELECTRICITY REGULATORY COMMISSION

NEW DELHI

NOTIFICATION

Dated: 12th May, 2015

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 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"), namely:-

1. Short title and commencement: (1) These regulations may be called the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Third Amendment) Regulations, 2015.

(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:

(a) A new sub-clause shall be added after sub-clause (j) under clause (1) of Regulation 2 of the Principal Regulations as under:-

"(j-a) National Load Despatch Centre Operating Charges (NLDC operating charges) or Regional Load Despatch Centre Operating Charges (RLDC operating charges) shall include the fees for scheduling, system operation, collection and disbursement of charges in respect of short term open access transactions for inter-State transmission of electricity;

Provided that the operating charges collected by the nodal agency shall be in addition to the fees and charges specified by the Commission under sub-section (4) of Section 28 of the Act."

(b) A new sub-clause shall be added after sub-clause (o) under clause (1) of Regulation 2 of the Principal Regulations as under:-

"(o-a) State Load Despatch Centre Operating Charges (SLDC operating charges) shall include the fees for scheduling, system operation, collection and disbursement of charges in respect of short term open access transactions for inter-State transmission of electricity;

Provided that the operating charges collected by the State Load Despatch Centre for short term open access transactions shall be in addition to fees and charges, specified by the respective State Commission under sub-section (3) of Section 32 of the Act;

Provided further that the SLDC operating charges as may be decided by the Commission in accordance with this regulation shall be applicable to the inter-State short term customers, only if the operating charges have not been notified by the respective State Commission."

3. Amendment of Regulation 8 of the Principal Regulations:

(1) Second and third provisos to sub-clause (a) of clause (3) of Regulation 8 of the Principal Regulations shall be substituted as under, namely:-

"Provided further that while making application to the RLDC/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 or purchase, as the case may be, of power under the proposed transaction for which concurrence is applied for, and;

(ii) There is no other contract for sale or purchase, as the case may be, 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 or purchase, as the case may be, of the same power for which no objection or prior standing clearance is applied for."

(2) In sub-clause (4) of clause 3 of Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Second Amendment) Regulations, 2013, the words "b (iii)" shall be substituted by the words "b (ii)".

4. Amendment of Regulation 17 of the Principal Regulations: Clause (1) and clause (2) of Regulation 17 of the Principal Regulations shall be substituted as under:-

"17. (1) Operating charges at the rate of ₹1000/-, per day or part of the day for each bilateral transaction for each of the Regional Load Despatch Centre involved and at the rate of ₹1000/- per day or part of the day for each State Load Despatch Centre involved shall be payable by the applicant.

(2) In case of collective transaction, operating charges shall be payable by the power exchange at the rate of ₹2000/- per day to the National Load Despatch Centre for each State involved and ₹1000/- per day for the State Load Despatch Centre involved for each point of transaction."

sd/-

(T. Rout)
Chief (Legal)

Note:

1. The Principal Regulations were notified on 7.2.2008 in the Gazette of India Extraordinary Part-III, Section 4, Sr. No. 10.
2. The Principal Regulations were amended vide
(i) Central Electricity Regulatory Commission (Open Access in inter-State Transmission)(Amendment) Regulations, 2009 notified on 29.5.2009 in Part III, Section 4, Sr. No.10 of the Gazette of India Extraordinary.

(ii) Corrigendum notified on 10.6.2009 in Gazette of India Extraordinary Part-III, Section 4, Ser. No. 10.

(iii) Central Electricity Regulatory Commission (Open Access in inter-State Transmission) (Second Amendment) Regulations, 2013, notified on 11.9.2013 in the Gazette of India Extraordinary Part-III, Section 4, Sr. No. 237.