

**CENTRAL ELECTRICITY REGULATORY COMMISSION NEW DELHI
NEW DELHI**

NOTIFICATION

No.-L-1/(3)/2009-CERC

Dated the 21st March, 2012

In exercise of 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 (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 (hereinafter referred to as "the Principal Regulations", namely:

1. Short title and commencement: (1) These regulations may be called the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters)(Second Amendment) Regulations, 2012.

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

2. Amendment to Regulation 8 of the Principal Regulations:

(1) Clause (7) of Regulation 8 of the Principal Regulations shall be substituted as under, namely:

"(7) Notwithstanding anything contained in clause (6) of this regulation and any provision with regard to sale of infirm power in the PPA, a unit of a generating station, including a captive generating plant which has been granted

connectivity to the grid shall be allowed to inject infirm power into the grid during testing including full load testing before its COD for a period not exceeding six months from the date of first synchronization after obtaining prior permission of the concerned Regional Load Despatch Centre:

Provided that the Commission may allow extension of the period for testing including full load testing, and consequent injection of infirm power by the unit, beyond six months, in exceptional circumstances on an application made by the generating company at least two months in advance of completion of six month period:

Provided further that the concerned Regional Load Despatch Centre while granting such permission shall keep the grid security in view:

Provided also that the onus of proving that the injection of infirm power from the unit(s) of the generating station is for the purpose of testing and commissioning shall lie with the generating company, and the respective RLDC shall seek such information on each occasion of injection of power before COD. For this, the generator shall provide RLDC sufficient details of the specific testing and commissioning activity, its duration and intended injection etc.:

Provided also that the infirm power so injected shall be treated as Unscheduled Interchange of the unit(s) of the generating station and the generator shall be paid for such

injection of infirm power in accordance with the provisions of the Central Electricity Regulatory Commission (Unscheduled Interchange Charges and related matters) Regulations, 2009, as amended from time to time.”

(2) The following two provisos shall be added after the proviso to clause (8) of Regulation 8 of the Principal Regulations, namely:

“Provided further that the construction of such dedicated transmission line may be taken up by the CTU or the transmission licensee in phases corresponding to the capacity which is likely to be commissioned in a given time frame after ensuring that the generating company has already made the advance payment for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil work packages or the EPC contract in case of hydro generating stations for the corresponding capacity of the phase or the phases to be commissioned, subject to a minimum of 10% of the sum of such contract values:

Provided also that the transmission charges for such dedicated transmission line shall be payable by the generator even if the generation project gets delayed or is abandoned.”

3. Amendment to Regulation 12: (1) The third proviso to clause (1) of Regulation 12 of the principal regulations shall be substituted as under:

“Provided also that the construction of such augmentation

of the transmission system may be taken up by the CTU or the transmission licensee in phases corresponding to the capacity which is likely to be commissioned in a given time frame after ensuring that the generating company has released the advance for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil work packages or the EPC contract in case of hydro generating stations for the corresponding capacity of the phase or the phases to be commissioned, subject to a minimum of 10% of the sum of such contract values:"

(2) The following proviso shall be inserted after the third proviso to clause (1) of Regulation 12 of the Principal Regulations.-

"Provided that a generating company after firming up the beneficiaries through signing of long term Power Purchase Agreement(s) shall be required to notify the same to the nodal agency along with the copy of the PPA."

4. Addition of Regulation 15A: A new regulation shall be added after Regulation 15 of the Principal Regulations as under, namely:

"15A. Intimation regarding termination of Power Purchase Agreement: (1) Where the entire or part of the Power

Purchase Agreement(PPA) of the long term access customer is terminated in accordance with the provisions of the said agreement or through determination by a court or tribunal or commission of competent jurisdiction, it shall be incumbent on the long term access customer to give intimation about such termination of PPA to the nodal agency immediately but not later than two weeks from the date of such termination;

Provided that in the event of mutual termination of PPA or non utilization of long term access by the long term access customer for a period exceeding one year from the scheduled date of commencement of long term access, the Central Transmission Utility or the transmission licensee, as the case may be, may ask such long term customer to surrender the long term access after being satisfied that because of such long term access, any other generation project, which has applied for long-term access, is likely to get stranded:

Provided further that Central Transmission Utility or the transmission license, as the case may be, may approach the Commission for appropriate directions in this regard:

Provided also that on termination of the Power Purchase Agreement or surrender of long term access in terms of the preceding two provisos, the long term access customer shall

be liable to pay the transmission charges as required under Regulation 18 of these regulations.

(2) The nodal agency on receipt of intimation in accordance with clause (1) of this regulation may consider the applications of other applicants, if any, for grant of medium term open access for the whole or part of the same transmission corridor, as the case may be.

5. Amendment to Regulation 16: A new regulation shall be added after Regulation 16 of the Principal Regulations as under, namely:

"16A. On receiving the intimation regarding termination of Power Purchase Agreement, or surrender of long term access in accordance with the provisions of Regulation 15A of these regulations and after considering the applications for long-term access and medium-term open access, if any, as mentioned therein, the nodal agency shall inform the Regional Load Despatch Centre and State Despatch Centre concerned to consider the remaining capacity for processing the request for short term open access in accordance with the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, as amended from time to time, till long

term access or medium term open access is granted to some other applicant.”

Sd/-
(Rajiv Bansal)
Secretary

Note: The principal regulations were notified in the Gazette of India Extraordinary Part III Section 4 at Ser No.140 dated 10.8.2009 and the first amendment to the principal regulations was notified in the Gazette of India Extraordinary Part III Section 4 at Ser No.225 dated 7.9.2010.