

**Central Electricity Regulatory Commission
New Delhi**

Notification

Date: 9th January, 2019

No.-L-1/(3)/2009-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 (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009, 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 (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) (Seventh Amendment) Regulations, 2019.

(2) These regulations shall come into force from the date of their publications of notification in the Gazette of India.

2. Amendment to Regulation 2 of the Principal Regulations:

(1) The sub-clause (b)(i)(a) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(a) A generating station other than Renewable Energy Generating station, with installed capacity of 250 MW and above, including a captive generating plant of exportable capacity of 250 MW and above or;”

(2) The following sub-clause shall be added after sub-clause (b)(i)(a) of clause (1) of Regulation 2 of the Principal Regulations, namely:

“(aa) A Renewable Energy generating station with installed capacity of 50 MW and above, or;”

(3) The sub-clause (b)(i)(b) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(b) A Hydro Generating station of installed capacity between 50 MW and 250 MW.”

(4) The sub-clause (b)(i)(c) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(c) One of the Hydro Generating stations or standalone storage project individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW and above, and acting on behalf of all these generating stations or Standalone Storage Project, and seeking connection from CTU at a single connection point at the pooling sub-station forming part of ISTS, termed as the lead generator, or;”

(5) The following sub-clause shall be added after sub-clause (b)(i)(c) of clause (1) of Regulation 2 of the Principal Regulations, namely:

“(cc) Renewable Energy generating station individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW and above, and one of them acting on behalf of all these generating stations, and seeking connection from CTU at a single connection point at the pooling sub-station forming part of ISTS, termed as the lead generator, or”

(6) The sub-clause (b)(i)(e) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(e) Any renewable energy generating station of 5 MW capacity and above developed by a generating company within or outside the premises of its existing generating station of the description referred to in sub-clauses (b)(i)(a) to (cc) of this clause and seeking connectivity to the existing connection point with inter-State Transmission System through the electrical system of the generating station subject to availability of Connectivity capacity in existing station as assessed by CTU.”

(7) The following sub-clause shall be added after sub-clause (b)(i)(e) of clause (1) of Regulation 2 of the Principal Regulations, namely:

“(ee) Any renewable energy generating station of 5 MW capacity and above developed by a Renewable power park developer within or outside the

premises of its existing Power Park of the description referred to in sub-clauses (b)(i)(g) of this clause and seeking connectivity to the existing connection point with inter-State Transmission System through the electrical system of the Renewable Power Park subject to availability of Connectivity capacity in existing Power Park as assessed by CTU;”

(8) The sub-clause (b)(i)(f) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(f) Any company or entity authorized by the Central Government or State Government as Renewable Power Park developer or;”

(9) The following two sub-clauses shall be added after sub-clause (b)(i)(f) of clause (1) of Regulation 2 of the Principal Regulations, namely:

“(g) Any company or entity designated by the Central Government or State Government as Renewable Energy Implementing Agency on behalf of the Renewable Energy Generating Station(s) of the description under Clause 2(1)(b)(i)(aa) and 2(1)(b)(i)(cc) or;

(h) Project based on standalone storage source(s) of installed capacity 50 MW or above.”

(10) Sub-clause (b)(ii) of clause (1) of Regulation 2 of the Principle Regulations shall be substituted as under:

“(ii) A generating station including a captive generating plant, a consumer, an electricity trader or a distribution licensee or applicant covered under Clauses 2(1)(b)(i)(a) to (e) and 2(1)(b)(i)(h), in respect of long-term access or medium-term open access, as the case may be;”

(11) Sub-clause (b)(iii) of clause (1) of Regulation 2 of the Principle Regulations shall be substituted as under:

“(iii) Applicants covered under Clause 2(1)(b)(i)(f) and Clause 2(1)(b)(i)(g), in respect of long term access.”

(12) The following sub-clause shall be added after sub-clause (k) of clause(1) of Regulation 2 of the Principal Regulations,

“(k-a) “Renewable Energy Implementing Agency” means a company or entity designated by the Central Government or the State Government to

act as Intermediary Procurer to select and buy power from Renewable energy generating station(s) and sell the same to one or more distribution licensees or any other person in accordance with the Guidelines issued from time to time by the Ministry of Power, Government of India or the Ministry of New and Renewable Energy, Government of India or the State Government.”

(13) The following sub-clauses shall be added after sub-clause (r) of clause (1) of Regulation 2 of the Principal Regulations, namely :

"(r-a) “Renewable Energy Generating Station” shall mean a generating station based on any renewable source of energy, and shall include Renewable Hybrid Generating Station;

(r-b) “Renewable Hybrid Generating Station” shall mean a generating station based on hybrid of any renewable source(s) with or without storage;

(r-c) “Renewable Hybrid Power Park” shall mean the Power Park based on hybrid of any renewable source(s) with or without storage;

(r-d) “Renewable Power Park Developers” shall mean a Solar Power Park Developer or Wind Power Park Developer or Renewable Hybrid Power Park Developer;”

(14) The following sub-clause shall be added after sub-clause (u) of clause (1) of Regulation 2 of the Principal Regulations:

“(u-a) “Storage” means energy storage system utilizing methods and technologies like, Solid State Batteries, Flow Batteries, Pumped Storage hydro-power, Compressed Air, or any other technology, to store various forms of energy and deliver the stored energy in the form of electricity;”

3. Amendment of Regulation 5 of the Principal Regulations:

(1) The First proviso of Regulation 5 of the Principal Regulations shall be substituted as under:

“Provided that an application for connectivity is not required to be made by any transmission licensee;”

(2) A new Clause (5A) shall be added after existing Regulation 5 as follows:

“(5A) Processing of Applications

(a) All Applications shall be made online in accordance with detailed Procedure.

(b) The applications complete in all respects, received online shall have a time and date stamp. Further, such applications received by 24:00 hrs. of the last

day of the month shall be deemed to have been received during the month and shall be processed after the end of the month.

- (c) Upon submission of the online application, auto-generated acknowledgement for receipt of application shall be issued by the nodal agency.
- (d) After scrutiny, nodal agency shall intimate the deficiencies in the application, if any, to the applicant within one week of receipt of application. The applicant shall rectify the deficiency within one week thereafter, failing which the application shall be closed and 20% of the application fees shall be forfeited and balance shall be refunded and the Bank Guarantee, if any, shall be returned within 15 days of closure of the application. If the rectified application is received from the applicant after 24:00 hrs of the last day of the month in which application is made, application shall be deemed to have been made in subsequent month and shall be processed accordingly.”

4. Amendment of Regulation 8 of the Principal Regulations:

- (1) The First Proviso to Regulation 8 (1) shall be substituted as under:

“Provided that where after filing of an application, there has been a material change in the location or in the quantum of power to be interchanged with the inter-state transmission system, by more than 100 MW or 40% of the installed capacity, whichever is less, in the case of applicant defined under sub-clauses (b)(i)(a), (b)(i)(aa), (b)(i)(b), (b)(i)(d), (b)(i)(e), (b)(i)(f), (b)(i)(g) and (b)(i)(h) and 100MW or 40% of the aggregate installed capacity, whichever is less, in the case of applicant defined under sub-clauses (b)(i)(c) and (b)(i)(cc), of Clause (1) of Regulation 2, such an applicant shall make a fresh application, which shall be considered in accordance with these regulations:

Provided further that such change in quantum of power to be interchanged with inter-State transmission system shall be allowed only if the applicant remains eligible under clause 2(1)(b);”

- (2) A new proviso shall be added after first proviso to clause (1) of Regulation 8 of the Principal Regulations as under:

“Provided that an applicant connected with the grid or granted connectivity for a specific project can, with prior approval of CTU, utilize the same Connectivity for additional generation capacity (for same or hybrid of renewable sources), subject to the condition that net injection at any point of time does not exceed the quantum of total Connectivity granted for the original project. For such additional generation capacity, the said

generating station shall undertake all operational and commercial responsibilities for the additional capacity for compliance of the provisions of the Indian Electricity Grid Code and all other regulations of the Commission, such as grid security, scheduling and dispatch, collection and payment/adjustment of Transmission charges, charges for deviation, congestion and other charges etc., and submit an undertaking in the prescribed format in this regard to the CTU, with copy to the respective RLDC in whose control area it is located. The applicant shall make an application to CTU for Connectivity for additional capacity and pay application fee as specified in Regulation 6 of these Regulations;”

(3) Further, in the 3rd proviso to Regulation 8(1) (after the 6th amendment), the words “and Regulation 2(1)(b)(i)(cc)” shall be added after the words “Provided further that the application by the applicant defined under Regulation 2(1)(b)(i)(c)”.

(4) The Fourth Proviso to Regulation 8 (1) (after 6th amendment) shall be substituted as under:

“Provided also that the Renewable Power Park Developer is authorised by the Central or State Government to undertake infrastructural activities including arrangement for connectivity on behalf of the Renewable power generators;”

(5) A new Clause (1A) shall be added after existing clause (1) of Regulation 8 of the Principal Regulations as under:

“(1A) Projects based on storage source (s) shall apply for connectivity for the quantum of maximum injection or maximum drawal whichever is higher and shall sign separate agreement for both injection and drawal of power;”

(6) The following sub-clauses shall be added after Clause (2) of regulation 8 of the Principal Regulations:

“(2A) Applications for grant of Connectivity made by applicants covered under sub-clauses (aa), (cc), (f), (g) and (h) of Clause (1)(b)(i) of Regulation shall be processed in the following two stages:

- (a) Stage-I Connectivity
- (b) Stage-II Connectivity

(2B) Grant of Stage-I and Stage-II Connectivity shall be as per the Detailed Procedure issued from time to time:

Provided that the Detailed Procedure for grant of Connectivity to Projects based on renewable Sources to inter-State transmission system

issued vide order dated 15.5.2018 in File No. L-1/(3)/2009-CERC shall be deemed to have been issued under these Regulations.

(2C) In case of an applicant covered under sub-clause (b)(i)(g) of clause (1) of Regulation 2, the connectivity and LTA granted to such an applicant may be transferred or assigned, in part or full, in favour of the Renewable Energy Generating Stations selected by the said applicants after award of the project. On transfer or assignment of connectivity and LTA, such Renewable Energy Generating Stations shall enter into Connectivity and LTA Agreement with CTU and accept all responsibilities and liabilities for connectivity as required under these Regulations and Detailed Procedure:

Provided that up to such transfer or assignment, such Applicant shall be liable for all regulatory, operational and commercial obligations of a connectivity and LTA grantee:

Provided further that upon transfer or assignment, the transferee Renewable Energy Generating Stations shall be liable for all regulatory and commercial obligations of a connectivity and LTA grantee for the quantum of connectivity and LTA so transferred or assigned.”

(7) The following new sub-clauses shall be added after Clause (3) of regulation 8 of the Principal Regulations:

“(3A) Notwithstanding any provision to the contrary in any other Regulations or the Procedure, applicants covered under sub-clauses(aa), (cc), (f), (g) and (h) of clause (1)(b)(i) of Regulation 2 shall be grant Stage-I Connectivity by CTU by indicating one location and such other information as required under Clause (3)of this Regulation:

Provided that if the capacity in the said location is fully allocated to Stage-II grantees, the balance Stage-I grantees shall be allocated Stage-II Connectivity to an alternate location.”

(8) The sub-clause (8) of Regulation 8 of the Principal Regulations shall be substituted as under:

“The dedicated transmission line from generating station of the applicant generating Company or any other entity on behalf of generating company

to the pooling station of the transmission licensee (including deemed transmission licensee) shall be developed, owned and operated by the applicant generating Company or any other entity on behalf of generating company. The specifications for dedicated transmission lines may be indicated by CTU while granting Connectivity or Long term Access or Medium term Open Access:

Provided that CTU shall plan the system such that maximum length of dedicated transmission line does not exceed 100 km from switchyard of the applicant till the nearest pooling substation of transmission licensee:

Provided further that dedicated transmission line may exceed 100 km, if such an Applicant, so chooses:

Provided also that in case any connectivity grantee is not utilizing the bay allocated to it at ISTS substation, CTU may cancel its Connectivity as per provisions of these regulations and detailed procedure and allocate the bay to other Applicant. In such an event, the original grantee shall either dismantle its bay or enter into an Agreement with a new grantee as indicated by CTU for utilization of the bay within a period of 2 months of cancellation of Connectivity.

- (9) A new Clause shall be added after regulation 8 of the Principal Regulations:

“8A. Transfer of Connectivity and LTA

A person shall not transfer, assign or pledge its connectivity or LTA either in full or parts and the associated rights and obligations to any other person:

Provided that the above provision shall not be applicable to applicants defined under Regulation 2(1)(b)(i)(g):

Provided further that 100% subsidiary companies shall be allowed to transfer their connectivity and LTA to the parent company and vice versa one year after achieving commercial operation of Renewable Energy generating station(s):

Provided further that transfer of Connectivity and LTA from the parent company to more than one 100% subsidiary shall be permitted one year after the commercial operation of the generating station of the last subsidiary and subject to minimum capacity as per Regulation 2(1)(b):

Provided also that till such Connectivity and LTA are transferred, the concerned subsidiary company(ies) shall be allowed to utilize the Connectivity and LTA granted to the parent company and vice versa.”

5. Amendment of Regulation 9 of the Principal Regulations:

- (1) The Clause (1) of Regulation 9 of the Principal Regulations, the word “awarding” shall be substituted with the word “granting”.

6. Amendment of Regulation 12 of the Principal Regulations:

- (1) In the Third Proviso to Clause (1) of Regulation 12 of the Principal Regulations, the words “except in cases involving Renewable Energy generating Station(s),” shall be added after the words “Provided also that”.
- (2) In the Fifth Proviso to Clause (1) of Regulation 12 of the Principal Regulations, the words “or 40%, as the case may be, as per first proviso to Regulation 8(1)” shall be added after the words “Provided also that in cases where there is any material change in location of the applicant or change by more than 100 MW”.
- (3) A new Clause shall be added after Clause (1) of Regulation 12 of the Principal Regulations as under:

“(1A) Notwithstanding anything to the contrary in the Procedure, Stage-II Connectivity shall not be a pre-requisite for applying for LTA.”

7. Amendment of Regulation 13 of the Principal Regulations:

- (1) The First proviso of Regulation 13 of the Principal Regulations shall be deleted.
- (2) The Clause (3) of Regulation 13 of the Principal Regulations shall be deleted.

8. Amendment of Regulation 15 of the Principal Regulations:

- (1) The Regulation 15 of the Principal Regulations shall be substituted as under:

“(1) The applicant shall sign an agreement for long-term access with the Central Transmission Utility in case long-term access is granted by the Central Transmission Utility, in accordance with the provision as may be made in the detailed procedure.

(2) While seeking long-term access to an inter-State Transmission licensee, other than the Central Transmission Utility, the applicant shall sign a tripartite long-term access agreement with the Central Transmission Utility and the inter-State Transmission licensee.

(3) The long-term access agreement shall contain the date of commencement of long-term access, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required.

(4) In case augmentation of transmission system is required, the long-term access agreement shall contain the time line for construction of the facilities of the applicant and the transmission licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.”

9. Amendment of Regulation 21 of the Principal Regulations:

- (1) The Second proviso to clause (1) of Regulation 21 of the Principal Regulations shall be substituted as under:

“(1A) The applicant shall sign an agreement for medium-term open access with the Central Transmission Utility in case medium-term open access is granted by the Central Transmission Utility, in accordance with the provision as may be made in the detailed procedure.

(1B) While seeking medium-term open access to an inter-State Transmission licensee, other than the Central Transmission Utility, the applicant shall sign a tripartite medium-term open access agreement with the Central Transmission Utility and the inter-State Transmission Licensee.

(1C) The medium-term open access agreement shall contain the date of commencement and end of medium-term open access, the point of injection of power into the grid and point of drawal from the grid, the details of dedicated transmission lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.”

10. Amendment of Regulation 27 of the Principal Regulations:

- (1) The sub-clause (c) of Clause (2) of Regulation 27 of the Principal Regulations shall be deleted.

11. Amendment of Regulation 29 of the Principal Regulations:

- (1) The Regulation 29 shall be deleted.

sd/-

(Sanoj Kumar Jha)
Secretary

Note: Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 were published in Part III, Section 4, No. 140 of the Gazette of India (Extraordinary) dated 10.08.2009 and amended vide -

(a) Amendment Regulations, 2010 which was published in Part III, Section 4, No. 225 of the Gazette of India (Extraordinary) dated 07.09.2010.

(b) Second Amendment Regulations, 2012 which was published in Part III, Section 4, No. 72 of the Gazette of India (Extraordinary) dated 22.03.2012.

(c) Third Amendment Regulations, 2013 which was published in Part III, Section 4, No. 86 of the Gazette of India (Extraordinary) dated 26.03.2013

(d) Fourth Amendment Regulations, 2014 which was published in Part III, Section 4, No. 245 of the Gazette of India (Extraordinary) dated 21.08.2014.

(e) Fifth Amendment Regulations, 2015 which was published in Part III, Section 4, No. 171 of the Gazette of India (Extraordinary) dated 19.05.2015.

(f) Sixth Amendment Regulations, 2017 which was published in Part III, Section 4, No. 98 of the Gazette of India (Extraordinary) dated 10.03.2017.