

**Haryana Electricity Regulatory Commission, Panchkula, Haryana**  
**Notification**  
**The 19<sup>th</sup> May, 2005**

Terms and conditions for Open Access for Intra-state Transmission and Distribution  
System, Regulation, 2005

Regulation No. HERC/ 11/2005

In exercise of powers conferred by section 181 read with Section 2 (47), 39 (2)(d), 40 (c) and 42 (2,3,4) of the Electricity Act, 2003 and all other powers enabling in this behalf, the Haryana Electricity Regulatory Commission, hereby makes the following regulations namely: -

**1. Short Title, Commencement and interpretation**

- (i) These Regulations may be called the Haryana Electricity Regulatory Commission (Terms and conditions for Open Access for Intra-state Transmission and Distribution system) Regulation, 2005.
- (ii) These Regulations shall come into force on the date of their publication in the Haryana Government Gazette.
- (iii) These Regulations extend to the entire State of Haryana.
- (iv) The Punjab General Clauses Act 1898(1 of 1898), as applicable to the state of Haryana shall apply to the interpretation of these Regulations.

**2. Definitions: -**

In these Regulations, unless the context otherwise requires –

- a) “Act” means the Electricity Act, 2003 (36 of 2003);
- b) “Central Commission” means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
- c) “Commission” means the Haryana Electricity Regulatory Commission;
- d) “Contract demand” means demand in Kilovolt ampere (KVA) or megavolt ampere (MVA) mutually agreed between the Distribution Licensee and the consumer as entered into the agreement for supply of electricity;
- e) “Current level of Cross Subsidy” means the difference between the tariff for each approved tariff category and for each such tariff slab(s) as on 31<sup>st</sup> March 2005, and the cost of supply of electricity to such tariff category/ tariff slab(s), where such difference is a positive value.
- f) “Open Access” means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in

generation in accordance with the regulations specified by the Commission.

- g) “Open Access Customer” means a person who is availing or intends to avail open access for transmission or wheeling of electricity in the state.
- h) “Person” shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
- i) “Special Energy Meters” means such meters, of not less than 0.2 class accuracy, and are capable of: -
  - i) recording time-differentiated measurements of active energy and voltage differentiated measurement of reactive energy, at intervals of fifteen (15) minutes;
  - ii) storing such measurements for 35 days or more (say sixty (60) days to cover at least two billing cycle); and
  - iii) online communication of such measurements on a real-time basis.
  - iv) compatible with the metering scheme of STU and capable of merging the metering data with the inter-utility metering.
- j) “SLDC” means State Load Despatch Centre established under section 31 of the Act.
- k) “State” means the State of Haryana;
- l) All other expressions used herein but not specifically defined herein but defined in the Act shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in these regulations or in the Act but defined under the Haryana Electricity Reform Act, 1997 shall have the meaning assigned to them under the said Act, provided that such definitions in the Haryana Electricity Reform Act, 1997 are not inconsistent with the provisions of the Electricity Act, 2003.

### **3. Extent of Application**

These Regulations shall apply to open access for use of intra-state transmission system and /or the distribution systems of the licensees in the State including when such system is used in conjunction with inter-state transmission system.

### **4. Eligibility and Conditions for Open Access: -**

- (1) Subject to the provisions of these regulations and the Act, the Licensees, the generating companies including the persons who have established a captive power plant and the Consumers shall be eligible for non-discriminatory open access to

- (a) the intra-state transmission system of the State Transmission Utility (STU) or any other transmission licensee, on payment of the transmission charges as may be determined by the Commission from time to time.

Provided that such open access for the use by a consumer shall be available on payment of a surcharge as may be determined by the Commission in accordance with provisions of regulation 14 in addition to payment of transmission charges.

- (b) the Distribution system of Distribution Licensee on payment of the wheeling charges as may be determined by the Commission from time to time.

Provided that such open access for the use by a Consumer shall be available on payment of a surcharge and additional surcharge as may be specified by the Commission in accordance with provision of regulation 14 and 15 respectively in addition to payment of wheeling charges.

- (2) A person having been declared, insolvent or bankrupt or having outstanding dues against him for more than 2 months billing of transmission or distribution or trading licensee shall not be eligible for open access.
- (3) The Commission may specify additional conditions for availing of open access from time to time.

## **5. Provisions for existing distribution licensees**

- (1) The distribution licensees using intra state transmission system and the distribution system in the State on the date of coming into force of these regulations under an existing agreement or arrangement shall be entitled to continue to avail open access to such transmission and distribution system on the same terms and conditions, for the term of the existing agreement or arrangement on payment of transmission charges and wheeling charges as may be determined by the Commission.
- (2) The existing distribution licensees shall, within 60 days of coming into force of these regulations, furnish to the State Transmission Utility and the State Load Dispatch Centre details of their use of the transmission system and / or distribution system and the terms and conditions for such use.

**6. Provisions for existing consumers and generating companies**

- (1) The existing consumer or an existing generating company other than the licensees availing open access under agreements or government policy on the date of coming into force of these regulations shall submit to the State Transmission Utility and State Load Dispatch Centre details of capacity utilized, point of injection, point of drawal, duration of availing open access, peak load, average load or such other information as the State Transmission Utility or State Load Dispatch Centre may require, within 60 days of coming into force of these regulations.
- (2) The existing consumer or an existing generating company under clause (1) may continue to avail open access as per the existing agreements or government policy for the period specified in those agreements or policies.

Provided that the open access for the subsequent period in respect of such consumers shall be governed by provisions of these regulations.

Provided further that the existing consumers shall pay the surcharge as specified by the Commission in these regulations from time to time.

**7. Categorization of intra state Open Access Customers**

Subject to the provisions of Regulations 5 and 6 the open access customers shall be classified into the following categories:

- (i) Long-term intrastate Open Access customers  
An open access customer availing intra state open access for a period of five years or more shall be the long-term intra state open access customer.
- (ii) Short-term intrastate open access customer  
An open access customer availing intra state open access for a period less than five years shall be the short-term intra state open access customer.

**8. Allotment Priority**

The priority for allowing open access to persons other than covered by regulations 5 and 6 shall be decided on the following criteria:

- (a) A distribution licensee shall have the highest priority in allotment of open access capacity.

- (b) Other long-term open access customer shall have the priority over the short-term open access customer.
- (c) An existing open access customer shall have the priority over new open access customer under respective category provided he applies for its renewal 30 days prior to the expiry of existing term of open access.
- (d) Subject to clauses (a) to (c) above the decision shall be based on the basis of first come first serve.

The Commission may, for reasons to be recorded in writing, in a general or special order, deviate from the priority provided above and allow open access to any person in the Intra State Transmission System and/or the Distribution system.

**9. Determination of Capacity: -**

- (1) The capacity available for open access shall be determined by the results of the load flow studies carried out by the respective licensee based on the latest planning criteria and would be coordinated by State Transmission Utility (STU).
- (2) Any dispute regarding the available capacity of the Transmission / Distribution System and the determination by the State Transmission Utility, shall be referred to the Commission for decision. The decision of the Commission shall be final.

**10. Procedure for intra state Open Access customer**

- (1) An intra state open access customer shall file an application to the State Transmission Utility with details such as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing open access, peak load, peak time, average load and any other additional information that may be required by the State Transmission Utility;
- (2) A consumer intending to avail open access shall also submit a copy of his application to the distribution licensee who is supplying electricity to him;
- (3) The nodal agency for arranging the open access shall be the State transmission Utility (STU) who will co-ordinate the activities with the concerned licensee and the SLDC.
- (4) The State Transmission Utility shall issue guidelines, procedures and prescribe an application form for applying for open access in consultation

with the existing distribution licensees within 30 days of issue of these regulations;

- (5) The application shall be accompanied by a non refundable fee of Rs. 50,000/-(in case of long term intra state open access customer) / Rs 5000/-(in case of short term intra state open access customer) in the name and in the manner laid down in the guidelines by the State Transmission Utility;
- (6) The State Transmission Utility shall, in consultation with State Load Dispatch Centre, Transmission and Distribution licensees and based on system studies by the concerned licensee or otherwise, assess the capacity available and communicate the decision to the applicant within 60 days /-(in case of long term intra state open access customer) / 30 days (in case of short term intra state open access customer) from the date of receipt of the application;
- (7) If, in the opinion of the State Transmission Utility, further system strengthening is essential before providing long-term access, the applicant may request the State Transmission Utility to carry out system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening;
- (8) The State Transmission Utility shall carry out the studies or get the studies carried out by the concerned licensee immediately on receipt of request from the applicant under sub regulation (7) and intimate results of the studies within 90 days of receipt of request from the applicant;
- (9) The applicant shall reimburse the actual expenditure limited to Rs. 50,000/- incurred by the State Transmission Utility for system strengthening studies if required by the applicant (Sub regulation 6).
- (10) STU shall send a quarterly status report to the Commission giving details of the applicant for open access customers.

## **11. Open Access Agreement**

- (1) An open access customer shall enter into commercial agreements with the transmission and distribution licensees, generators, traders and others, as applicable for use of their transmission and distribution systems;
- (2) The agreement shall provide, amongst other things for the eventuality of premature termination or modification of agreement and its consequences on the contracting parties,
- (3) A copy of the agreement shall be submitted to State Load Dispatch Centre, who shall inform the open access customer the date from which open access will be available which will not be later than 15 days from the date of

furnishing of agreements. SLDC will send a monthly status report of such Open Access customers to the Commission.

**12. Non-Utilisation of open access capacity**

- (1) In case an open access customer is unable to utilize, full or substantial part of the capacity allotted to him, he shall inform the State Transmission Utility and State Load Despatch Centre along with reasons for his inability to utilize the capacity and may surrender the capacity allotted to him by serving a notice of 30 days;
- (2) The SLDC may in accordance with the guidelines framed by the State Transmission Utility and approved by the Commission, cancel or reduce the capacity allocated to an open access customer when such an open access customer frequently under-utilises the allocated capacity or fails to inform the transmission / distribution licensee of his inability to utilize the allocated capacity. However, before doing this, opportunity would be given to the customer to explain his position.
- (3) The surplus capacity available as a result of its surrender by an open access customer or reduction or cancellation of capacity by SLDC, may be allocated to other open access customer.

**13 Charges for open access**

- (1) The Transmission charges or wheeling charges for use of the Transmission System of the Transmission Licensee or the distribution system of a distribution licensee shall be regulated as under:
  - (a) Transmission charges and wheeling charges payable by an open access customer shall be determined by the Commission in terms of the regulations framed by the Commission for determination of tariff.
  - (b) Where a dedicated transmission system or a distribution system used for open access has been constructed for exclusive use of an open access customer, the transmission charges or wheeling charges for such dedicated system shall be worked out in terms of the regulations for determination of tariff and shall be borne entirely by such open access customer till such time the surplus capacity is used for other persons or purposes.
- (2) In case intra state transmission system or distribution system is used by an open access customer in addition to inter-state transmission system, transmission charges and wheeling charges shall be payable for use of intra-

state system in addition to payment of transmission charges for inter-state transmission.

#### **14 Surcharge**

- (1) In addition to transmission charges and wheeling charges, a consumer availing open access to the transmission system/distribution system shall pay a surcharge worked out in the manner laid down hereunder;
- (2) The cost of supply to the category of consumer for the purpose of tariff to which the open access consumer belongs, the voltage at which he is connected and the realisation from that category of consumer shall be the basis of calculating the extent of cross subsidy provided by such consumer. The methodology of computing cost of supply and realisation in respect of a category of consumers shall be laid down by the Commission by a separate order. Alternatively, every distribution licensee shall within 3 months from the date of notification of these regulations submit for approval to the Commission the methodology with full details of all relevant aspects relating to such calculation, that he proposes to adopt to calculate the current level of cross subsidy within his area of supply.
- (3) The distribution licensee, within a period of 3 months from the date on which the methodology for calculating the current level of cross subsidy is approved or specified by the Commission, as the case may be, shall calculate the current level of cross subsidy for the area under its jurisdiction and submit full details of such calculation to the Commission.
- (4) Where the distribution licensee fails to calculate the current level of cross subsidy in accordance with these regulations, the Commission may, where the distribution licensee is unable to show adequate cause for such failure specify such amount as it deems appropriate as the current level of cross subsidy within the area of supply of such distribution licensee.
- (5) The amount of surcharge shall be so calculated as to meet the current level of cross subsidy from that category of consumer and shall be paid to the distribution licensee of area of supply where the consumer is located.
- (6) The surcharge shall be reduced and eliminated in the same manner as the Commission may lay down for reduction and elimination of cross subsidies in its regulations relating to terms and conditions of tariff of distribution licensees.
- (7) The consumers availing exclusively interstate transmission system shall pay the same amount of surcharge as determined under these regulations.

- (8) The surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to a destination of his own use.

**15. Additional Surcharge**

- (1) A consumer availing open access and receiving supply of electricity from a person other than the distribution licensee of his area of supply shall pay to the distribution licensee an additional surcharge, in addition to wheeling charges and surcharge, to meet the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of section 42 of the Act;
- (2) The distribution licensee whose consumer intends to avail open access shall submit to the Commission within fifteen days of receipt of application under regulation 10 an account of fixed cost which the licensee is incurring towards his obligation to supply;
- (3) The Commission shall scrutinize the statement of account submitted by the licensee and obtain objections, if any, of the open access consumer and determine the amount of additional surcharge payable by the consumer to the licensee,
- (4) The additional surcharge shall be leviable for such period as the Commission may determine but not normally exceeding one year.

**16. SLDC charges**

The SLDC charges on account of scheduling and system operation payable to State Load Dispatch Centre (SLDC) by open access customers shall be as determined by the Commission.

**17. Unscheduled Interchange Charges**

The payment for mismatch between the schedule/ actual injection in the grid and the actual drawal shall be governed by the pricing mechanism as specified by the Commission for the State from time to time.

**18. Reactive Energy Charges**

The reactive energy charges to be paid by the open access customers shall be determined by the Commission from time to time.

**19**     **Energy losses**

The Energy losses on account of use of the transmission and distribution system shall be borne in proportion of the energy drawal by the open access consumer on the basis of actual losses during previous year in the system for the voltage level at which he is connected or as specified by the Commission.

**20.**    **Other Commercial Conditions**

- (1) As a payment security towards transmission charges, a deposit equal to 3 months of the average billing on the basis of agreed contract demand or scheduled drawal shall be maintained with the State Transmission Utility.
- (2) As a payment security towards SLDC charges, a deposit equal to 3 months of the SLDC charges shall be maintained with the State Load Dispatch Centre.
- (3) As a payment security towards wheeling charges, surcharge and additional surcharge, a deposit equal to 3 months of average billing for these charges shall be maintained with the distribution licensee of the area of supply.
- (4) Such security could be in form of cash deposit, letter of credit etc.
- (5) The other commercial conditions for transmission or wheeling charges and SLDC charges, such as, terms of payment, creditworthiness, indemnification, and force majeure conditions shall be standardized within 60 days from the commencement of the regulations by the State Transmission Utility for open access customers which will form a part of the open access agreements (Regulation 11).
- (6) Grid support charges and any other charges as may be specified by the Commission shall be payable by the open access customer.

**21**     **Collection and Disbursement of charges**

- (1) SLDC shall be the nodal agency for collection and disbursement of charges for open access.
- (2) The transmission charges and wheeling charges in respect of open access customers shall be paid by the open access customer directly to respective licensees;
- (3) The SLDC charges in respect of open access customers shall be paid by the open access customer to the State Load Dispatch Centre,
- (4) The Unscheduled Interchange Charges shall be paid by the open access customer in the manner as directed by the State Load Dispatch Centre on monthly basis.

- (5) The surcharge and additional surcharge shall be paid by the open access consumer directly to the distribution licensee in whose area of supply he is located.
- (6) The reactive energy charges shall be paid by the open access consumer to the concerned licensee as per the calculation by the SLDC under the Commission's direction.

## **22 Metering**

- (1) The open access consumer shall provide Main meter (Special Energy Meters SEMs) identical to the one provided for inter-utility meters which are capable of recording all parameters required for billing based on ABT principles or a meter as may be specified by the Commission.
- (2) The Generating company or a licensee contracting to effect supply to an open access consumer shall provide Main Meter at interconnecting points or as specified by the Commission.
- (3) The Transmission/ Distribution licensee may provide Check Meter identical to Main Meter.
- (4) The Main and Check Meter shall be periodically tested and calibrated by State Transmission Utility in the presence of other party involved. Main and Check meter shall be sealed by both parties. Defective meter shall be replaced immediately.
- (5) Readings of Main and Check meters shall be taken periodically at appointed day and hour by authorized officer of distribution licensee and consumer or his authorised representative, if present. Meter reading shall be immediately communicated to State Load Dispatch Centre, consumer, State Transmission Utility and Generating Company/trader, as the case may be, by the distribution licensee, within 12 hours. Check meter readings shall be considered when Main Meters are found to be defective or stopped.

Provided that if difference between the readings of main and check meter vis-à-vis main meter reading exceeds twice the percentage error applicable to relevant class, both meters shall be tested and one found defective shall be immediately replaced and reading of other will be considered.

Provided further that Transmission /Distribution licensee for the purpose of this clause shall be the transmission/distribution licensee operating and maintaining the respective transmission/distribution system to which consumer's premises are connected;

- (6) An open access consumer or generating company or licensee may request transmission/distribution licensee to provide Main Meters. In that case he shall provide security to the transmission/distribution licensee and shall pay for its rent and Main Meter shall be maintained by the transmission/ Distribution licensee as the case may be.
- (7) Main and Check Meter shall have facility to communicate its reading to State Load Dispatch Centre on real time basis or otherwise as may be specified by the Commission.
- (8) The term 'Meter' shall include Current transformers, Potential transformers, wiring between them and meter box/panel.

### **23 Communication facility**

- (1) An open access customer shall provide for or bear the cost of equipments for communication up to nearest Grid Sub Station which has online link with SLDC or Area Load Dispatch Centre (ALDC) as the case may be, for two communication channels for communicating meters readings on real time basis.
- (2) An open access customer shall have round the clock facility of communication with SLDC/ ALDC through: -
  - (i) Telephone /Mobile with S.T.D.
  - (ii) Transmission / receipt of Fax and E-mail.
  - (iii) Or any other better and reliable mode of communication.

### **24 Compliance with Grid Discipline**

The open access customer shall abide by the Indian Electricity Grid Code, the State Grid Code, all other codes and standards and instructions given by State Transmission Utility and State Load Dispatch Centre as applicable from time to time.

### **25 Phasing of Open Access**

- (1) The open Access shall be allowed to the intra state transmission system subject to the satisfaction of the conditions contained in the Act and in these regulations;
- (2) The existing Distribution licensee (UHBVNL and DHBVNL) **shall establish a computerised, state-of-the-art Area Load Despatch Centre by 30<sup>th</sup> June 2006** so that operational activities can be carried out

effectively. They shall further carry out the mock exercise from 1st July 2006 to ensure smooth implementation from 1<sup>st</sup> October 2006.

- (3) Having regards to operational constraints and other relevant factors, open access shall be allowed to consumers in the following phases:

S. N.	Phases	Category of consumers Consumers with the contract demand of	Date from which open access will be allowed
1	Phase I	15 MVA and above	October 1, 2006
2	Phase II	3 MVA and above	October 1, 2007
3	Phase III	1 MVA and above	April 1, 2008

- (4) The STU shall allow open access to the consumers even prior to the specified dates subject to the technical feasibility. In case it is not feasible, STU must convey the same to the consumer in writing giving detail reasons for the same.
- (5) Based on the experience of operation of open access in phase I, the Commission may revise the schedule for allowing open access in subsequent phases.
- (6) The Commission may allow open access to consumers with less than 1 MVA contract demand at such time as it may consider feasible having regard to operational constraints and other factors.
- (7) A person covered by a policy of the State Government, existing on the date of commencement of these regulations, relating to captive generation or generation through non-conventional energy sources shall be eligible to avail open access irrespective of contract demand.

## 26 **Curtailment Priority**

When because of constraints or otherwise, it becomes necessary to curtail the open access service of the customers, subject to the requirements of Grid Code, the short-term intra state customers shall be curtailed first followed by the long-term intrastate customers.

Provided that within a category, the open access customers shall have equal curtailment priority and shall be curtailed on prorata basis. The nodal agency shall co-ordinate in this regard.

The open access to a distribution licensee shall be the last to be curtailed. The nodal agency in consultation with SLDC shall frame guidelines for curtailment of

intra state open access customers within 60 days of the notification of this regulation.

**27 Information system**

The State Load Despatch Centre shall post following information on its website in a separate web page titled “Open access information”

- (1) A monthly and an annual report separately for each type of open access customers in the following format. The monthly report should be sent to the Commission by 20th of the next month.

Details of the Open access customer–Long term/ Short term for the month of _____							
S . N .	Name of the open access customer	Point(s) of injection	Point(s) of drawal	Open access capacity allowed (MW)	Period of the access granted		Actual utilization in MU
					Start date	End date	

- (2) Peak load flows and capacity available on all EHV lines and HV lines emanating from EHV Grid Sub Station.
- (3) The information regarding average loss in transmission and distribution system as determined by respective licensee.

**28 Dispute Resolution**

- (1) All disputes and complaints relating to open access shall be made to the State Load Despatch Centre, which may investigate and endeavour to resolve the grievance within 30 days, and
- (2) Where SLDC is unable to resolve a grievance, State Transmission Utility shall endeavour to resolve the grievance within 30 days, and
- (3) Where State Transmission Utility is unable to resolve the grievance in the time period specified above or STU is a party to the dispute, it shall be referred to the Commission.
- (4) The decision of the Commission in this regard shall be final and binding.

**29**     **Powers to Remove Difficulties**

- (1) If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, licensees, generating companies and the open access customer, to take such action, not being inconsistent with the provisions of the Act, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties.
- (2) The open access customers, generators and the licensees may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these regulations.

**30.**     **Power to Amend**

The Commission may, from time to time, vary, alter, modify or amend any provision of these regulations after following the necessary procedure.

By order of the Commission

Sd/-

Secretary  
Haryana Electricity Regulatory Commission