

## **HARYANA ELECTRICITY REGULATORY COMMISSION**

(Terms and Conditions for Grant of Connectivity and Open Access for Intra-State Transmission and Distribution) Regulations 2010

**<insert day>, <insert month>, 2010**

### **CHAPTER I - SCOPE, EXTENT AND DEFINITIONS**

#### **1. SHORT TITLE, COMMENCEMENT AND EXTENT**

- 1.1. These Regulations may be called the "Haryana Electricity Regulatory Commission (Terms and Conditions for Grant of Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2010.
- 1.2. The Regulations shall come into force from the date as may be notified by the Commission.  
Provided that the date for the coming into force of these regulations shall be after the 'detailed procedure' of the STU and the SLDC has been approved by the Commission.
- 1.3. The Regulations shall extend to the whole state of Haryana.
- 1.4. The Punjab General Clause Act 1898 (Act 1 of 1898) as applicable to the state of Haryana shall apply to the interpretation of these regulations

#### **2. SCOPE AND EXTENT OF APPLICATION**

These Regulations shall apply where,

- 2.1. Application has been made for grant of connectivity in respect of intra-state transmission and/or distribution system.  
Provided that a generating station, including captive generating plant or a bulk consumer seeking connectivity to the Intra-State transmission and or distribution system cannot apply for long term access or medium term open access without applying for connectivity:  
Provided further that a person may apply for connectivity and long term access or medium term open access simultaneously.
- 2.2. Application has been made for grant of long term and medium term open access for energy transfer schedules commencing on or after 1.9.2010 for use of the intra-state transmission and or distribution system.
- 2.3. Application has been made for grant of short term open access for energy transfer schedules commencing on or after 1.9.2010 for use of the intra-state transmission and or distribution system.

#### **3. DEFINITION AND INTERPRETATION**

- 3.1. "**Act**" means the Electricity Act, 2003 (36 of 2003) as amended from time to time;

- 3.2. **"Applicant"** means (i) a Generating Station, including a captive generating plant or a bulk consumer in respect of grant of connectivity and (ii) a Generating Station including a captive generating plant, a consumer, an Electricity Trader or a Distribution Licensee in respect of long term access or medium-term open access as the case may be;
- 3.3. **"Bilateral Transaction"** means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee, from a specified point of injection to a specified point of drawal for a fixed or varying quantum of power (MW) for any time period during a month;
- 3.4. **"Bulk Consumer"** means in respect of connectivity, any consumer who intends to avail supply from the Intra-State Transmission System and or Distribution System;
- 3.5. **"CERC"** means the Central Electricity Regulatory Commission;
- 3.6. **"Commission"** means the Haryana Electricity Regulatory Commission (HERC);
- 3.7. "Connection Agreement" means an agreement between STU, intra-State transmission licensee (other than STU if any) and any applicant setting out the terms relating to connectivity to the intra-state transmission system and or distribution system;
- 3.8. "Connection offer" means an offer made by the nodal agency to the applicant along with terms, conditions and modalities for execution of connectivity as referred to in clause 5.3 of these regulations.
- 3.9. **"Connectivity"** for an applicant or an Intra-State Transmission Licensee means the state of getting connected to the Intra-State transmission and or Distribution system;
- 3.10.
- 3.11. **"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;
- 3.12. **"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 2010**, and the cost of supply of electricity to such tariff category/ tariff slab(s), where such difference is a positive value.
- 3.13. **"Day"** means a day starting at 00.00 hours and ending at 24.00 hours;
- 3.14. **"Detailed procedure"** means the procedure issued by the State Transmission Utility (STU) and SLDC under clauses 9.12 and 10.3 of these regulations;
- 3.15. **"inter connection facilities"** at interconnection point in respect of generating station, without limitation, all facilities such as switching equipment, control, protection and metering devices etc for the dedicated feeder bay, owned by the applicant or by an intra-state transmission licensee, as the case may be, and located in the premises/switchyard of the STU or Transmission Licensee or Distribution Licensee to enable power interchange through the intra-state transmission and or distribution system.
- 3.16. **"Interconnection point"** means the interface point or point(s) at which the generating plant/electrical plant and or electric line (including inter-connection facilities) of the applicant or the intra-state transmission licensee (other than the State Transmission Utility) is connected to the intra-state transmission system and or distribution system;
- 3.17. **"Infirm Power"** means electricity generated prior to commercial operation of the Unit of a generating plant;

- 3.18. **"Interface meters"** means interface meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, specified by the Central Electricity Authority and amended from time to time;
- 3.19. **"Long-term access"** means the right to use the intra-State transmission and or distribution system for a period exceeding 12 years but not exceeding 25 years;
- 3.20. **"Long-term customer"** means a person who has been granted long-term access and includes a person (including Distribution Licensee) who has been allocated state and or central sector generation that is electricity supply from a generating station owned or controlled by the State and or Central Government;
- 3.21. **"Medium-term open access"** means the right to use the intra State transmission and or distribution system for a period exceeding 3 months but not exceeding 3 years;
- 3.22. **"Medium-term customer"** means a person who has been granted medium-term open access;
- 3.23. **"Month"** means a calendar month as per the British calendar
- 3.24. **"Nodal Agency"** means the nodal agency referred to in clauses 4.2 and 10.2 of these regulations hereof;
- 3.25. **"Open Access consumer"** means any consumer embedded in the intra-state transmission system and or distribution system, availing or intending to avail open access as specified by the Commission under sub-section (2) of section 42 of the Act;
- 3.26. **"Procedure"** means the procedure as laid down for grant of connectivity to the intra-State Transmission and or Distribution System and related matters;
- 3.27. **"Short term Open Access"** means open access for a period up to one (1) month at one time;
- 3.28. **"Short term Customer"** means a person who has availed or intends to avail short term open access;
- 3.29. **"SLDC"** means State Load Despatch Centre established under section 31 of the Act.
- 3.30. **"Stranded distribution capacity"** means the distribution capacity which is likely to remain unutilized due to relinquishment of access rights by a long-term customer in accordance with clause 7.10 of these regulations hereof.
- 3.31. **"Stranded transmission capacity"** means the transmission capacity in the intra-State transmission system which is likely to remain unutilized due to relinquishment of access rights by a long-term customer in accordance with clause 7.10 of these regulations hereof.
- 3.32. **"State"** means the State of Haryana;
- 3.33. **"State Grid Code"** means the State Grid Code specified by the Commission under Clause (h) of sub-section (1) of section 86 of the Act;
- 3.34. **"Unscheduled Interchanges"** means the unscheduled interchange of energy as mentioned in the Indian Electricity Grid Code and as defined in the Intra-State ABT regulation when it is notified by the Commission;
- 3.35. **"Year"** means the financial year;
- 3.36. Words or expressions occurring in these Regulations and not defined shall bear the same meaning as in the Act or the State Grid Code or any other regulations specified by the

Commission shall, unless the context otherwise requires, have the meanings assigned to them under the Act or the State Grid Code or other regulations specified by the Commission, as the case may be.

## **CHAPTER II – Grant of connectivity**

### **4. GENERAL**

- 4.1. These regulations shall be applicable to generating companies (including captive generating plants and non-conventional energy sources based generating stations), distribution licensees, captive users, open access consumers, bulk consumers, intra-State transmission licensees and the STU.

#### **Nodal Agency**

- 4.2. The State Transmission Utility (STU) shall be the nodal agency for grant of connectivity to the intra-state Transmission system, long-term access and medium-term open access to the intra-State transmission system and distribution system.

The nodal agency for grant of connectivity to the distribution system (if only distribution system is involved) shall be the distribution licensee, in whose sub-station or switchyard or pooling station connectivity is to be granted.

- 4.3. The nodal agency shall act as the agency to undertake functions incidental to grant of connectivity in accordance with the provisions of these regulations. The nodal agency shall develop and submit within sixty (60) days of issue of these regulations the draft procedure for grant of connectivity for approval of the commission.
- 4.4. The voltage levels at which connectivity shall be provided would depend on the open access capacity (MW) sought by the applicant. The nodal agency in this regard shall be governed by the connectivity conditions prescribed in the Haryana Grid Code and connectivity standards for connection to distribution system approved by the Commission.
- 4.5. The STU shall form a Coordination Committee within 15 days of notification of these regulations. This Coordination Committee shall facilitate the timely approval of the open access application and exchange of information when network of more than one licensee is involved in the open access transaction. The Coordination Committee shall have a nominee each of the Distribution Licensees, Transmission Licensees and the SLDC. The nominee of the STU shall be the Chairman of this committee. The Committee shall frame rules for the conduct of its business, which shall be submitted to the Commission for approval within 60 days of notification of these regulations.

#### **Filing of Application**

- 4.6. Applications for grant of connectivity shall be made to the nodal agency:

Provided that an application for connectivity is not required to be made by any transmission licensee, since transmission system planning is carried out in a coordinated manner by the State Transmission Utility (STU);

Provided, however, that an intra-State transmission licensee other than the STU, nevertheless, shall sign a connection agreement with the STU, as provided for in Clause 5.7 of these regulations.

### **Application fee**

4.7. The application referred to in regulation 4.6 shall be accompanied by a non-refundable application fee specified hereunder, payable in the name and in the manner to be laid down by the nodal agency in the detailed procedure:-

Sl. No	Quantum of Power to be injected/ off taken into/from STS	Application fee (Rs. in lakh)		
		For Connectivity	Long-term open access	Medium-term open access
1.	Upto 10 MW	0.5	0.5	0.25
2.	More than 10 MW and upto 50 MW	1	1	0.5
3.	More than 50 MW and upto 150 MW	2	2	1
4.	More than 150 MW and upto 500 MW	3	3	2
5.	More than 500 MW and upto 1000 MW	6	6	3
6.	More than 1000 MW	9	9	4

### **Timeframe for processing of application**

4.8. The application shall be processed by the nodal agency within the time limits specified hereunder:-

Nature of Application	Time limit for processing beginning the last day of the month in which application was received by the nodal agency
Connectivity	60 days

Long-term access	<p>(A) (i) 120 days where augmentation of transmission system is not required</p> <p>(ii) 180 days, where augmentation of transmission system is required</p> <p>(B) For connection to distribution network the time period as provided in the HERC (Standards of Performance for the Distribution Licensees) Regulations, 2004 as amended from time to time shall be applicable</p>
Medium-term open access	<p>(A) 40 days for connection to transmission system is required</p> <p>(B) For connection to distribution network the time period as provided in the HERC (Standards of Performance for the Distribution Licensees) Regulations, 2004 as amended from time to time shall be applicable</p>

## 5. Grant of connectivity

- 5.1. The application for connectivity shall contain details such as, proposed geographical location of the applicant, quantum of power to be interchanged (the quantum of power to be injected) in the case of a generating station including a captive generating plant and quantum of power to be drawn in the case of a bulk consumer, with the intra-state transmission and or distribution system and such other details as may be laid down by the nodal agency in the detailed procedure:

Provided that in cases where once an application has been filed and thereafter there has been any change in the location of the applicant or change in injection/drawal point or material change in the quantum of power to be interchanged with the intra-State transmission and or Distribution system or change in change in voltage level of connectivity, the applicant shall make a fresh application, which shall be considered in accordance with these regulations. The material change for this purpose shall be any change which is more than 10% of the quantum of power declared for interchange in the original application submitted for grant of connectivity.

- 5.2. On receipt of the application, the nodal agency shall, in consultation with the Coordination Committee and through coordination with other agencies involved in intra-State transmission and or Distribution, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007, the Haryana State Grid Code as amended from time to time and the connectivity standards for connection to distribution network approved by the Commission.
- 5.3. The nodal agency shall make a 'connection offer', along with terms, conditions and modalities for execution of connectivity, to the applicant within one sixty days from the date of receipt of application as provided in clause 4.8 of these regulations, with direction to the applicant to sign the connection agreement. Such offer shall be deemed to be grant of connectivity subject to signing of the connection agreement by the applicant as provided for in clause 5.7 of these regulations.

Provided that in case an application is rejected, the rejection and reasons for rejection shall be communicated to the applicant in writing by the nodal agency within ninety (95) days from the date of receipt of application:

Provided further that before an application is finally rejected, the applicant shall be given a reasonable opportunity of being heard.

5.4. A person aggrieved by the decision of the nodal agency under proviso to clause 5.3 may approach the Commission for redressal within forty five (45) days from the date of such decision and the Commission may pass order, as deemed appropriate.

5.5. While granting connectivity, the nodal agency shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the nodal agency shall specify the point of connection and name of the line at which connectivity is to be granted. The nodal agency shall indicate the broad design features of the dedicated transmission and or distribution system and the timeframe for completion of the dedicated transmission and or distribution system. The nodal agency shall also indicate the cost of the dedicated transmission and or distribution system to be paid by the applicant for grant of connectivity to the grid.

Provided that in case of solar photovoltaic and wind energy generating station the point of connectivity shall be line isolator on outgoing feeder on HV side of the pooling station, and for solar thermal generating station, the point of connectivity shall be line isolator on outgoing feeder on HV side of generator transformer.

5.6. The applicant, all Intra-State Transmission Licensees including the STU and the Distribution Licensees shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 as amended from time to time, the Haryana Grid Code and connectivity standards for connection to the Distribution system approved by the Commission.

5.7. The applicant or intra-State transmission licensee, as the case may be, shall sign within forty five (45) days (unless otherwise indicated by the nodal agency) from the date of connection offer, a connection agreement with the STU or intra-State transmission licensee owning the sub-station or pooling station or switchyard or the transmission line as identified by the nodal agency where connectivity is being granted:

Provided that in case connectivity of a generating station, including captive generating plant or bulk consumer is granted to the intra-State transmission system of an intra-State transmission licensee other than the STU, a tripartite agreement as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 shall be signed between the applicant, the State Transmission Utility and such intra-State transmission licensee.

Provided that in case connectivity of a generating station, including captive generating plant or bulk consumer is granted to the network system of a Distribution Licensee an agreement shall be signed between the applicant and such Distribution Licensee within forty five (45) days (unless otherwise indicated by the nodal agency) from the date of connection offer.

Provided that the nodal agency shall prepare such a model agreement and get it approved from the Commission within sixty (60) days of notification of these regulations.

5.8. If the applicant fails to enter into the connection agreement within the period stipulated in clause 5.7 of these regulations, the nodal agency shall notify the parties to do so within thirty (30) days failing which the grant of connectivity to the applicant shall be deemed to

have been withdrawn unless the applicant has been granted additional time by the Nodal Agency under clause 8.3 hereunder.

- 5.9. The applicant may seek additional time beyond the period stipulated under clauses 5.7 and 5.8 above, to sign the connection agreement, citing reasons thereof. The nodal agency on being satisfied of the reasons cited by the applicant may grant additional time for such period as it considers appropriate:

Provided that the additional time granted by the nodal agency above to sign the connection agreement shall be granted to an applicant only once. Thereafter any further request for grant of connectivity by the same applicant shall be treated as a fresh application.

- 5.10. In the event of withdrawal of grant of connectivity under clause 5.8, the Nodal Agency shall not be required to consider any further application from the same applicant within next twelve months from the date of withdrawal of grant of connectivity unless new application is substantially different from the original application.
- 5.11. In case of modification to existing or proposed point of connectivity due to any non-material change such as re-allocation of bays etc. by either of the parties of the connection agreement, if mutually agreed, an amendment to the connection agreement shall be executed between such parties subject to prior approval of the Nodal Agency.

#### **Payment of costs and annual charges**

- 5.12. An applicant may be required by the STU and or Distribution Licensee to construct a dedicated line (excluding the inter connection facilities) to the point of connection to enable connectivity to the grid (including distribution network) at its own cost which shall be owned, maintained and operated by the applicant. Such construction shall be undertaken under the supervision of the STU/Transmission Licensee and or concerned Distribution Licensee by paying them one time supervision charges as determined by the Commission from time to time.
- 5.13. The applicant shall pay the cost of constructing the dedicated transmission and or distribution system as indicated by the Nodal Agency within one month of signing the agreement with the Licensee to the STU/Transmission Licensee and or the Distribution Licensee. The failure to do so shall result in the agreement becoming null and void.
- 5.14. The applicant shall also pay the cost towards modifications/alterations to the infrastructure of STU/Transmission Licensee and or Distribution Licensee for accommodating the proposed connectivity and installation of interconnection facilities within one month of signing the agreement to the STU/Transmission Licensee and or the Distribution Licensee. The failure to do so shall result in the agreement becoming null and void.
- 5.15. The Commission may from time to time, based on the proposal from the nodal agency or on its own motion, determine by order, the costs to be charged from the applicant as per clauses 5.12 and 5.14 of these regulations.
- 5.16. The applicant shall also pay annual charges to the STU/Transmission Licensee and or Distribution Licensee for meeting expenses towards operations and maintenance of their interconnection facilities.
- 5.17. In cases where construction / operation / maintenance of such dedicated evacuation line as covered under clause 5.12 of these regulations, is to be undertaken by the STU or any other transmission licensee if so desired by the applicant and as agreed by the other party, the

applicant shall sign a Dedicated Evacuation Agreement (DEA) on such terms and conditions as mutually agreed within forty five (45) days of grant of connectivity:

Provided that the applicant shall make payment of the estimated amount of construction of the dedicated evacuation line, to the STU or any other transmission licensee.

- 5.18. The grant of connectivity shall not entitle an applicant to interchange any power with the grid (including distribution network) unless it obtains long-term access, medium-term open access or short-term open access.
- 5.19. A generating station, including captive generating plant which has been granted connectivity to the grid shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the SLDC, which shall keep grid security in view while granting such permission. This infirm power from a generating station or a unit thereof, other than those based on non-conventional energy sources, the tariff of which is determined by the Commission, will be governed by the Haryana Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2010. The power injected into the grid from other generating stations as a result of this testing shall also be charged at UI rates.

#### **Exit Option**

- 5.20. A person shall not relinquish or transfer his rights and obligations specified in the connection agreement without prior approval of the Commission.
- 5.21. The relinquishment or transfer of rights and obligations by such person shall be subject to payment of compensation to the STU /transmission licensee/Distribution Licensee as follows:
  - (a) User of the intra-State transmission system and or Distribution system who has availed connectivity for at least twelve years:
    - No compensation payment to be made by the user.
  - (b) User of the intra-State transmission system who has not availed connectivity for at least twelve years:
    - Compensation payment for an amount equal to 2/3rd of the annual charges (net present value) as referred to in clause 5.12 for the period falling short of twelve years.

## **CHAPTER III- Eligibility and Conditions for Open Access**

### **6. Eligibility and Conditions for Open Access**

6.1. Subject to the provisions of these regulations and the Act, consumers, the Licensees, the generating companies including the persons who have established a captive power plant and the bulk consumers shall be eligible for non-discriminatory open access to:

(a) The intra-state transmission and or distribution system provided that an application accompanied by a non-refundable application fee as specified in clause 4.7 of the regulations has been made to the nodal agency. The prescribed fee shall be payable in the name and in the manner to be laid down by the nodal agency in the detailed procedure. The application shall be processed by the nodal agency within the time limits specified in clause 4.8 of these regulations.

(b) 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 use by a consumer shall be available on payment of a cross subsidy surcharge and additional surcharge as may be determined by the Commission in accordance with the clauses 6.17 to 6.22 of these regulations in addition to payment of transmission charges.

Provided that the consumer fulfils other applicable open access conditions provided in Chapters II, IV & V of these regulations.

(c) 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 use by a consumer shall be available on payment of a cross subsidy surcharge and additional surcharge as may be determined by the Commission in accordance with the clauses 6.17 to 6.22 of these regulations in addition to payment of wheeling charges (and also transmission charges if applicable).

Provided that the consumer fulfils other applicable open access conditions provided in Chapters II, IV & V of these regulations.

6.2. A person having been declared, insolvent or bankrupt or having outstanding dues against him:

(a) for more than 2 months billing of transmission or distribution or trading licensee

(b) for more than 2 months billing of SLDC

(c) for more than 2 weeks billing of UI and reactive energy charges

shall not be eligible for open access.

### **Provisions for existing Distribution Licensees**

6.3. The Distribution Licensees using intra-state transmission system and or the distribution system in the State on the date of coming into force of these regulations under existing open access regulations shall continue to avail open access to such transmission and or distribution system on the same terms and conditions, for the duration allowed under the pre-existing regulations.

Provided that under these regulations all existing Distribution Licensees shall be categorised as Long term Open Access Customers.

Provided that Distribution Licensees existing on date of notification of these regulations shall not be required to comply with the conditions of connectivity as specified in Chapter II of these regulations.

Provided that the terms and conditions of open access for the remaining period in respect of such customers shall be governed by the provisions of these regulations.

### **Provisions for existing Customers, Generating Companies and Captive Power Plants**

6.4. The existing customer or an existing generating company or a captive power plant other than the licensees availing open access under existing Open Access Regulations may continue to avail open access as per these regulations.

Provided that the existing customer or an existing generating company or a captive power plant shall be categorized as short term, medium term or long term open access customer for the purpose of these regulations as per the period of open access sought under the pre-existing regulations.

Provided that the existing customer or an existing generating company or a captive power plant categorized as medium term or long term open access customer as per these regulations shall not be required to comply with the conditions of connectivity as specified in Chapter II of these regulations.

Provided that the open access for the remaining period under these regulations in respect of such customers shall be governed by the provisions of these regulations.

Provided further that existing Open access consumers shall pay cross subsidy surcharge and additional surcharge as specified by the Commission in these regulations.

### **Categorization of intra state Open Access Customers**

6.5. Subject to the clauses 6.3 and 6.4 of these regulations the open access customers shall be classified into the following categories:

- (a) Long-term Open Access customer: means the customer who has the right to use the intra-State transmission and or distribution system as the case may be for a period exceeding 12 years but not exceeding 25 years under these regulations.
- (b) Medium-term Open Access customer: means the customer who has right to use the intra State transmission and or distribution system as the case may be for a period exceeding 3 months but not exceeding 3 years;
- (c) Short-term intrastate open access customer: means the customer who has the right to use the intra-state transmission and or distribution system as the case may be for a period up to one (1) month at one time;

### **Allotment priority**

6.6. The priority for allowing open access to persons other than covered by clauses 6.3 and 6.4 of these regulations 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 medium-term open access customer.
- (c) The medium term open access customer shall have the priority over the short-term open access customer.
- (d) The allotment priority within an open access category shall be determined as per the allotment criteria prescribed in the Chapter IV or Chapter V whichever is applicable to this category of open access customer.

### **Determination of Capacity**

6.7. The transmission capacity available for open access shall be determined by the results of the load flow studies carried out by the nodal agency based on the latest planning criteria prescribed in the Haryana Grid Code and would be coordinated by the STU. The results of all such capacity assessment used for grant of open access shall be published on the website of the SLDC along with the network data used for such analysis.

Provided that the network capacity available for open access shall be determined by the respective nodal agency through the results of load flow studies.

6.8. Any dispute regarding the available capacity of the transmission system or distribution system and the determination as per clause 6.7 shall be referred to the Commission for decision. The decision of the Commission shall be final.

### **Transmission for Intra-state Transmission Open Access**

6.9. The transmission charges for use of the intra-state transmission system of the Transmission Licensee/STU shall be payable by an open access customer as determined by the Commission as per HERC (Terms and conditions of Tariff) regulations 2010.

### **Wheeling Charges for Distribution Open Access**

6.10. The wheeling charges for use of the distribution system of the Distribution Licensee shall be payable by an open access customer as determined by the Commission as per HERC (Terms and conditions of Tariff) regulations 2010.

6.11. In case distribution system is used by an open access customer in addition to intra-state and inter-state transmission system wheeling charges shall be payable for use of distribution system in addition to payment of transmission charges for intra-state and inter-state transmission.

6.12. The wheeling charge would be based on 'postage stamp' method and shall include the costs of distribution licensee (s) for its 'pure wires' business. This cost shall be computed voltage wise. The cost so calculated, shall be reduced by the amount of revenue derived from any 'other/ non core' business of the distribution licensee (s), as specified by the Commission.

6.13. The wheeling charge for each voltage level shall be computed taking into consideration energy (kWh) projected to be wheeled through each voltage network for energy to be wheeled to consumers connected at that voltage level and at lower voltage levels. The

Commission shall determine the wheeling charges in its tariff order for the Distribution Licensee (s). The wheeling charges shall be applicable as per Annexure 2 to these regulations if the injection and drawl points are at different voltage levels and /or these happen to be located in different Distribution Licensees.

- 6.14. The open access customer for wheeling transactions shall compensate in 'kind' the distribution licensee for the losses up to the respective voltage at which wheeled energy is delivered. The Commission shall specify the losses applicable to each voltage level in its tariff order for Distribution Licensees. The wheeling losses shall be compensated as per Annexure 1 to these regulations if the injection and drawl are at different voltage levels and/ or these happen to be in different Distribution Licensees.
- 6.15. In case the State Government desires to allow wheeling of power from a non-conventional source to any person (s) at lesser rates than allowed by the Commission, it can do so, only if it agrees to compensate the respective distribution licensee (s) for the loss of revenue, as per the methodology that may be prescribed by the Commission.
- 6.16. The wheeling charges shall be calculated as per formula given in the table below:

Item	Components	Derivation
1		
a.	ARR (net of other income) including the voltage level for which wheeling charge is to be determined.	HERC approved expense
b.	Energy wheeled at that voltage level	kWh
c.	Wheeling Charge	a/b
2		
a.	Volume of Energy allowed to be wheeled according to the contract/agreement by the distribution license(s)	kWh
b.	Applicable distribution Loss (As per the voltage level at which the OA customer is connected)	Kwh
c.	Actual volume of Energy Wheeled	2a+2b
	WHEELING CHARGE	(2c)*1c

### **Cross Subsidy Surcharge**

- 6.17. In addition to transmission charges and wheeling charges, a consumer availing open access to the transmission system and or distribution system shall pay a cross subsidy surcharge determined in the manner laid down hereunder;
- 6.18. 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 it 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;
- 6.19. The Commission in its tariff order shall determine cross subsidy surcharge to compensate for the loss of cross subsidy from consumer or category of consumers who opts for 'open access' to take supply from a 'person' other than the distribution licensee of its area. Such

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 the destination of its own use.

### **Additional Surcharge**

6.20. Where 'long term or medium open access' is availed by a consumer to receive supply of electricity from a person other than the distribution licensee of its area of supply, in addition to cross subsidy surcharge, the Commission may determine 'additional surcharge,' payable by such consumers on the charges of wheeling to meet the fixed costs of the distribution licensee (s) arising out of his obligation to supply;

6.21. The Distribution Licensee whose consumer intends to avail open access shall submit to the Commission within fifteen days of receipt of submission of application to the nodal agency under clause 4.8 of these regulations, an account of fixed cost which the licensee is incurring towards its obligation to supply;

The Commission shall scrutinize the statement of account submitted by the Distribution 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.

Provided that if the Commission is satisfied that the capacity released on account of a consumer changing from the Distribution Licensee(s) of its area to another person is productively utilized, and hence no stranded costs are involved, additional surcharge shall not be applicable

6.22. The additional surcharge shall be levable for such period as the Commission may determine but not normally exceeding one year.

Provided that no additional surcharge shall be levable on Short term Open Access consumer.

### **Interface Meters**

6.23. Interface meters shall be installed by the STU/Distribution Licensee for and at the cost of all Open Access Customers.

6.24. Interface meters for the intra-State entities shall be open for inspection by any person authorized by the STU or the SLDC.

### **Phasing of Open Access**

6.25. Open Access is allowed to all categories of consumers with contract demand of 500 kVA & above with effect from the date of notification of these regulations.

6.26. The Commission may allow open access to consumers with contract demand of less than 500 kVA at such time it may consider feasible having regard to operational constraints and other factors.

### **Dispute Resolution**

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

## **CHAPTER IV –Long term and Medium Term Open Access**

### **7. Criteria for granting long term access or medium term open access**

- 7.1. Before awarding long-term access, the nodal agency shall have due regard to the augmentation of intra-State transmission system proposed under the plans made by the STU and other Transmission Licensees and approved by the Commission.

Provided further that the nodal agency shall have due regard to the augmentation of distribution system proposed under the plans made by the Distribution Licensees and approved by the Commission.

- 7.2. Medium-term open access shall be granted if the resultant power flow can be accommodated in the existing transmission/distribution system or the transmission/distribution system under execution;

Provided that no augmentation shall be carried out to the transmission or distribution system for the sole purpose of granting medium-term open access;

Provided further that the existing transmission and or distribution system may be augmented or if the need arises a dedicated transmission and or distribution system may be constructed for medium term open access at the cost of customer subject to the approval of such medium term open access customer:

Provided further that construction of such a dedicated transmission or distribution system shall not be construed as augmentation of the transmission or distribution system for the purpose of this regulation,

### **Relative Priority**

- 7.3. Applications for long-term access or medium-term open access shall be processed on first-come-first-served basis separately for each of the aforesaid types of access:

Provided that applications received during a month shall be construed to have arrived concurrently;

Provided further that while processing applications for medium-term open access received during a month, the application seeking access for a longer term shall have higher priority.

### **Application for long-term access**

- 7.4. The application for grant of long-term access shall contain details such as name of the entity or entities to whom electricity is proposed to be supplied or from whom electricity is proposed to be procured along with the quantum of power and such other details as may be laid down by the nodal agency in the detailed procedure:

Provided further that in case augmentation of transmission or distribution system is required, the applicant shall bear the cost of augmenting transmission and or distribution system;

Provided also that in cases where there is any material change in location of the applicant or change by more than 10% of the quantum of power to be interchanged using the intra-State transmission system or change in the interconnection point from which electricity is to be

procured or supplied, a fresh application shall be made, which shall be considered in accordance with these regulations.

Provided further that in cases where there is any material change in location of the applicant or change by more than 10% in the quantum of power to be interchanged using the distribution system or change in the interconnection point from which electricity is to be procured or supplied, a fresh application shall be made, which shall be considered in accordance with these regulations.

- 7.5. The applicant shall submit any other information sought by the nodal agency including the basis for assessment of power to be interchanged using the intra-State transmission or distribution system and power to be delivered to or from various entities or connection points to enable the planning of the intra-State transmission and or distribution system in a holistic manner.

### **System Studies by the Nodal Agency**

- 7.6. On receipt of the application, the nodal agency shall, in consultation and through coordination with other licensees (including STU) involved in the open access transaction, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant long-term access is arrived at within the timeframe specified in clause 4.8 of these regulations:

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

- 7.7. Based on the system studies, the nodal agency shall specify the intra state transmission and or distribution system that would be required to give long-term access. In case augmentation to the existing intra-State transmission and or distribution system is required, the same will be intimated to the applicant.

### **Communication of estimate of Transmission charges, Wheeling charges etc.**

- 7.8. While granting long-term access, the nodal agency shall communicate to the applicant, the date from which long-term access shall be granted and an estimate of the transmission charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the Commission;

Provided further that if the open access involves distribution system the nodal agency shall also inform the applicant an estimate of the wheeling charges likely to be payable based on the prevailing costs, prices and methodology of sharing of wheeling charges specified by the Commission;

Provided further the nodal agency shall also inform to the applicant, if applicable, the cross subsidy surcharge, additional surcharge and T&D losses as determined of the Commission;

Provided that the nodal agency shall also intimate the applicant the cost of transmission and or distribution system strengthening and the cost of dedicated system to be payable based on the prevailing costs.

## **Execution of Long-term Access Agreement**

7.9. The applicant shall sign an agreement for long-term access with the STU in case long-term access is granted by the nodal agency, in accordance with the provision as may be made in the detailed procedure. While seeking long-term access to an intra-State transmission licensee, other than the STU, the applicant shall sign a tripartite long-term access agreement with the STU and the intra-State transmission licensee. 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 system, if any, required. 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.

Provided that the applicant shall also sign an agreement for long-term access with the Distribution Licensees if their networks are being utilized for injection and drawal of power, in accordance with the provision as may be made in the detailed procedure. The long-term access agreement shall contain the date of commencement of long-term access, the point of injection of power and point of drawal from the network and the details of dedicated distribution lines, if any, required. In case augmentation of distribution system is required, the long-term access agreement shall contain the time line for construction of the facilities of the applicant and the distribution licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

## **Information to the SLDC**

7.10. Immediately after grant of long-term access, the nodal agency shall inform the SLDC so that the same can be considered while processing requests for grant of short-term open access received under these regulations.

## **Renewal of Term for Long-term access**

7.11. On the expiry of the period of long-term access, the long-term access shall stand extended on a written request provided by the long-term open access customer in this regard to the nodal agency mentioning the period for extension that is required:

Provided that such a written request shall be submitted by the long-term open access customer to the nodal agency at least six months prior to the date of expiry of the long-term access;

Provided further that in case no written request is received from the long-term customer within the timeline specified above, the said long-term open access shall stand withdrawn.

## **Relinquishment of access rights**

7.12. A long-term customer may relinquish the long-term access rights fully or partly before the expiry of the full term of long-term access, by making payment of compensation as follows:-

(a) **Long-term customer who has availed access rights for at least 12 years**

**(i) Notice of one (1) year** – If such a customer submits an application to the Nodal Agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights, there shall be no charges.

**(ii) Notice of less than one (1) year** – If such a customer submits an application to the Nodal Agency at any time lesser than a period of 1 (one) year prior to the date from which such customer desires to relinquish the access rights, such customer shall pay an amount equal to 66% of the estimated transmission charges and or wheeling charges for the for the period falling short of a notice period of one (1) year.

**(b) Long-term customer who has not availed access rights for at least 12 (eighteen) years** – such shall pay an amount equal to 66% of the estimated transmission charges and or wheeling charges (net present value) for the period falling short of 12 (twelve) years of access rights:

Provided that such a customer shall submit an application to the nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights;

Provided further that in case a customer submits an application for relinquishment of long-term access rights at any time at a notice period of less than one year, then such customer shall pay an amount equal to 66% of the estimated transmission charges and or wheeling charges for the period falling short of a notice period of one (1) year, in addition to 66% of the estimated transmission charges and or wheeling charges (net present value) for the period falling short of 12 (twelve) years of access rights.

- 7.13. The discount rate that shall be applicable for computing the net present value as referred to in sub-clause (a) and (b) of clause (1) above shall be the discount rate to be used for bid evaluation in the Central Electricity Regulatory Commission's Notification issued from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by the Ministry of Power.
- 7.14. The compensation paid by the long-term customer shall be used for reducing transmission and or wheeling charges payable by other long-term customers and medium-term customers in the year in which such compensation payment is due in the ratio of transmission charges and or wheeling charges payable for that year by such long-term customers and medium-term customers.

## **8. Medium Term Open Access**

### **Application for Medium-term Open Access**

- 8.1. The application for grant of medium-term open access shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawal from the grid and the quantum of power for which medium-term open access has been applied for.
- 8.2. The start date of the medium-term open access shall not be earlier than 5 months and not later than 1 year from the last day of the month in which application has been made.

### **System Studies by the Nodal Agency**

- 8.3. On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in open access transaction, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term open access is made within the timeframe specified in clause 4.8 of these regulations:

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

### **Grant of Medium-term Open Access**

- 8.4. On being satisfied that the requirements specified under clause 7.2 of these regulations are met, the nodal agency shall grant medium-term open access for the period stated in the application:

Provided that for reasons to be stated in writing, the nodal agency may grant medium-term open access for a period less than that sought for by the applicant;

Provided further that the applicant shall sign an agreement for medium-term open access with the STU in case medium-term open access is granted by the nodal agency, in accordance with the provision as may be made in the detailed procedure. While seeking medium-term open access to an intra-State transmission licensee, other than the STU, the applicant shall sign a tripartite medium-term open access agreement with the STU and the intra-State transmission licensee. 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, and other details in accordance with the detailed procedure.

Provided also that the applicant shall sign an agreement for medium-term open access with the Distribution Licensees if their network is to be utilized for injection and drawal of power with the provision as may be made in the detailed procedure. 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 network and point of drawal from the network, the details of dedicated distribution system required, if any, and other details in accordance with the detailed procedure.

- 8.5. Immediately after grant of medium-term open access, the nodal agency shall inform the SLDC so that it can consider the same while processing requests for short-term open access received under these regulations.

### **Execution of dedicated Transmission and or Distribution system**

- 8.6. Medium-term open access customer may arrange for execution of the dedicated transmission and or distribution system at its own risk and cost before the start date of the medium-term open access.

### **No overriding preference**

- 8.7. On the expiry of period of the medium-term open access, the medium-term customer shall not be entitled to any overriding preference for renewal of the term.

- 8.8. A medium-term customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the nodal agency:

Provided that the medium-term customer relinquishing its rights shall pay applicable transmission and or wheeling charges for the period of relinquishment or 30 days which ever is lesser. The compensation paid shall be used for reducing transmission charges payable by other long and medium-term open access customers in the year in which such compensation is due in the ratio of transmission and or wheeling charges payable for that year by such long-term customers and medium customers.

## **9. Conditions of Long term and Medium term Open Access**

### **Non-Utilisation of open access capacity**

- 9.1. The SLDC may in accordance with the guidelines framed by the nodal agency and approved by the Commission, cancel or reduce the capacity allocated to a long term or medium term open access customer when such an open access customer frequently under-utilises the allocated capacity or fails to inform the nodal agency of its inability to utilize the allocated capacity. However, before doing this, opportunity would be given to the customer to explain its position.
- 9.2. The surplus capacity available as a result of reduction or cancellation of allocated capacity of a long term or medium term open access customer by the SLDC may be allocated to other long term and or medium term open access customer.
- 9.3. Consequent to reduction or cancellation of allocated capacity by the SLDC the long term or medium term open access customer shall be required to pay compensation at 150% of the amount computed as per the applicable clause 7.12 or 8.8 of these regulations.

### **Curtailment**

- 9.4. When for the reason of transmission or distribution constraints or in the interest of grid security, it becomes necessary to curtail power flow on a transmission corridor or distribution system, the transactions already scheduled may be curtailed by the SLDC.
- 9.5. Subject to provisions of the Haryana Grid Code and any other regulation specified by the Commission, the short-term customer shall be curtailed first followed by the medium-term customers, which shall be followed by the long-term customers and amongst the customers of a particular category, curtailment shall be carried out on pro rata basis.

### **Over injection/withdrawal from the network**

- 9.6. In case an open access customer injects or withdraws more than the allocated capacity in the transmission and or distribution system network the open access customer shall pay 150% of the applicable transmission and/ or wheeling charges for this excess injection/withdrawal. The charges for this excess injection/withdrawal shall be levied in accordance with the guidelines framed by the nodal agency and approved by the Commission.
- 9.7. In case an open access customer frequently injects or withdraws more than the allocated capacity than the nodal agency may revise the allocated capacity in the transmission and or

distribution system in accordance with the guidelines framed by the nodal agency and approved by the Commission. However, before doing this, opportunity would be given to the customer to explain its position.

### **Transmission Charges**

- 9.8. The Transmission charges for use of the transmission system of the Transmission Licensee (including STU) shall be payable by an open access customer as determined by the Commission in terms of the regulations framed by the Commission for determination of transmission tariff.

Provided that the transmission charges for long term and the medium term open access shall be same.

Provided where a dedicated transmission system used for open access has been constructed for exclusive use of an open access customer, the cost of such dedicated system shall be borne entirely by such open access customer till such time the surplus capacity is used for other persons or purposes. When such transmission system is shared by other person such person shall share the current cost of the transmission system computed on the date of grant of connection, in ratio of the open access capacity granted. The current cost shall be determined taking into consideration the amount paid by the first customer and the escalation rate determined by the Commission. The amount paid by subsequent customers shall be refunded to the first customer. The refund to the first open access customer shall be in accordance with the guidelines framed by the nodal agency and approved by the Commission.

- 9.9. In case intra state transmission system is used by an open access customer in addition to inter-state transmission system, transmission charges shall be payable for use of intra-state system in addition to payment of transmission charges for inter-state transmission.
- 9.10. The transmission charges shall be applicable as per the table given in annexure 2 to these regulations if the injection and drawl points are located in different Distribution Licensees.

### **Wheeling Charges for Distribution Open Access**

- 9.11. The wheeling charges shall be payable by the long term or medium term open access customer for use of the distribution system of the Distribution Licensee as per clauses 6.10 to 6.16 of these regulations.

### **Detailed Procedure by the nodal agency (ies)**

- 9.12. Subject to the provisions of these regulations, the nodal agency (ies) shall submit detailed procedure to the Commission for approval within 60 days of notification of these regulations in the Official Gazette:

Provided that prior to submitting the detailed procedure to the Commission for approval, the nodal agency (ies) shall make the same available to the public and invite comments by putting the draft detailed procedure on its website and giving a period of one month to submit comments;

Provided further that while submitting the detailed procedure to the Commission, the nodal agency(ies) shall submit a statement indicating as to which of the comments of stakeholders have not been accepted by it along with reasons thereof.

9.13. The detailed procedure submitted by the Nodal Agency(ies) shall, in particular, include—

(a) The proforma for the connection agreement, referred to in clause 5.7 of these regulations.

(b) The proforma for the long-term open access agreement referred to in clause 7.9 of these regulations:

Provided that the Transmission Service Agreement issued by the Central Government as part of standard bid documents for competitive bidding for transmission in accordance with section 63 of the Act shall be a part of this Agreement along with necessary changes;

Provided further that in case transmission system augmentation is undertaken through the process of competitive bidding in accordance with section 63 of the Act, the Transmission Service Agreement enclosed as part of bid documents shall be used as a part of the proforma agreement to be entered into between the applicant and the STU for long-term open access.

(c) The time line for phasing of construction or modification of the transmission elements by the STU/Transmission Licensee, as the case may be, and the coming up of generation facilities or facilities of bulk consumer, as the case may be, so as to match the completion times of the two;

Provided that the time period for construction of the transmission elements shall be consistent with the timeline for completion of projects included as [Annexure-II to the Haryana Electricity Regulatory Commission \(Terms and Conditions of Tariff\) Regulations, 2010](#).

(d) Aspects such as payment security mechanism during the period of operation.

(e) The proforma for the medium-term open access agreement, referred to in the second proviso to clause 8.4 of these regulations.

(f) Provisions for collection of the transmission charges in case of excess injection/withdrawal as provided in clauses 9.6 and 9.7 of these regulations.

(g) Provision for refund of charges as provided in clause 9.8 of these regulations.

(h) Provisions for collection of the transmission charges for intra State transmission system from the long-term customers or medium-term customers, by the transmission licensee or the STU as and when so designated in accordance with the first proviso to clause 9.15 of these regulations and disbursement to the STU and or the transmission licensees.

(i) Provisions for collection and disbursement of the wheeling charge, cross subsidy surcharge and additional surcharge for open access from the long-term customers or medium-term customers, by the Distribution licensee (s) as and when so designated in accordance with the first proviso to clause 9.15 of these regulations.

(j) Provisions for metering, synchronization & commissioning, operation & maintenance and interchange of power with intra-state transmission and or distribution system.

### **Fees and charges for the SLDC**

9.14. The fees and charges for the SLDC shall be payable by the long-term customer or medium-term customer as specified by the Commission.

### **Payment of transmission charges, wheeling charges, cross subsidy surcharge, additional surcharge and fees and charges for the SLDC**

9.15. The transmission charges in respect of the long-term customer or medium-term customer shall be payable directly to the transmission licensee:

Provided that the applicable fees and charges of the SLDC shall be payable directly to the SLDC;

Provided further that the wheeling charges in respect of the long-term customer or medium-term customer shall be payable directly to the Distribution licensees whose network are being used in the open access transactions as provided in annexure 2 of these regulations;

Provided also that the applicable cross subsidy surcharge and additional surcharge shall be paid to the Distribution Licensee in whose licensed area the drawl point of the open access consumer is located.

Provided also that the nodal agency shall disburse the transmission charges to all the intra-state transmission licensees in the ratios of their approved Aggregate Revenue Requirement.

### **Reactive Energy charges**

9.16. The reactive energy charges shall be payable by the Long term or the Medium term open access consumer (including Distribution Licensee) in accordance with the Intra-State ABT Regulation and Haryana Grid Code notified by the Commission.

### **Unscheduled Inter-change (UI) Charges**

9.17. Scheduling of all transactions pursuant to grant of long-term access and medium-term open access shall be carried out on day-ahead basis in accordance with the Intra-State ABT regulations notified by the Commission.

9.18. Based on net metering at the interface points with the Transmission Licensee composite accounts for Unscheduled Interchanges shall be issued for each Open Access Customer at intervals as specified in the Intra-State ABT regulations notified by the Commission.

### **Transmission & Distribution Losses**

9.19. The buyers of electricity shall bear apportioned losses in the transmission system as estimated by the SLDC.

9.20. The buyers of electricity shall bear distribution losses in the distribution network as determined by the Commission in its tariff order and as provided in annexure 1 to these regulations.

9.21. The buyers of electricity shall bear both transmission and distribution losses in case both the transmission and distribution networks are involved in the open access transaction as provided in annexure 1 to these regulations.

## **Information System**

9.22. The nodal agency shall post the following documents/information on its website in a separate web-page titled "Long-term access and Medium-term open access information":

- (a) These regulations
- (b) Detailed procedure;
- (c) List of applications, separately, for long-term access and medium-term open access received by the nodal agency along with necessary details.
- (d) Separate lists for long-term access and medium-term open access granted, indicating-
  - (i) Name of customers;
  - (ii) Period of the access granted (start date and end date);
  - (iii) Point or points of injection;
  - (iv) Point or points of drawal;
  - (v) Transmission systems used;
  - (vi) Distribution Licensees involved and Distribution systems used
  - (vii) Capacity (MW) for which access has been granted.
- (e) List of applications where approval for connectivity or long-term access or medium-term open access has not been granted along with reasons thereof. Provided further that it shall be a constant endeavour of the nodal agency to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public.
- (f) Detailed load flow analysis used for the grant of long term/medium open access.

## **CHAPTER V –Short Term Open Access**

### **10. Scope**

- 10.1. The short term customer shall be eligible for short term open access over the surplus capacity available on the intra-State transmission system and or distribution system after use by the long term and the medium term customers, 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;
  - (d) Margins available due to in-built spare distribution capacity created to cater to future load growth:

### **The Nodal Agency for grant of short term Open Access**

- 10.2. The SLDC shall be the nodal agency for grant of short term open access and all application seeking short open access shall be addressed to it.

### **Detailed Procedure**

- 10.3. Subject to provisions of these regulations, the nodal agency, shall after obtaining prior approval of the Commission, issue a detailed procedure to operationalise short term open access and on any residual matter not detailed under these regulations.

### **Submission of Open Access Application**

- 10.4. A person intending to avail of short-term open access for use of the transmission system and or distribution system shall make an application to the nodal agency in accordance with these regulations.
- 10.5. The application for a bilateral transaction shall contain details, such as names and location of supplier and buyer, contracted power (MW) to be scheduled and interface at which it is referred to, point of injection, point of drawal, starting time block and date, ending time block and date, and such other information that may be required in the detailed procedure.

### **Application Fee**

- 10.6. An application made for each bilateral transaction shall be accompanied by a non-refundable fee of Rupees five thousand (Rs. 5000/-) only:
- Provided that the fee for bilateral transaction on the day of the application or on the day immediately following the day of the application may be deposited within three working days of submission of the application.

## **Procedure for Advance Scheduling for bilateral transactions**

10.7. An application for advance scheduling for a bilateral transaction may be submitted to the nodal agency up to the fourth month, the month in which an application is made being the first month:

Provided that separate application shall be made for each month and for each transaction.

10.8. The following procedure shall apply for advance scheduling of bilateral short-term open access transactions:

(a) An application for intra-State scheduling during the fourth month shall be made up to the last day of the first month.

(b) All applications received shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the fifth day of the second month.

(d) An application for intra-State scheduling during the third month shall be made up to five (5) days prior to the close of the first month.

(e) All applications received shall be taken up together for consideration.

(f) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the close of the first month:

Provided that while accepting the application, open access granted to any person prior thereto shall not be withdrawn.

10.9. An application for intra-State scheduling in the second month shall be made with the nodal agency up to ten (10) days prior to the close of the first month.

Provided that all applications shall be taken up together for consideration:

Provided that the nodal agency shall convey its acceptance or otherwise to the applicant five days prior to the last day of the first month:

Provided that while accepting the application, open access granted to any person prior thereto shall not be withdrawn.

10.10. Wherever the nodal agency rejects an application, it shall convey its reasons to the applicant in writing.

## **Congestion Management**

10.11. Where in the opinion of the nodal agency, grant of all applications at a particular stage of advance scheduling is likely to cause congestion in one or more of the transmission corridors to be used, it shall conduct electronic bidding for grant of short term open access for the available surplus transmission capacity among the applicants at that stage, in accordance with the detailed procedure:

Provided that if any person does not participate in the bidding process he shall be deemed to have withdrawn his application.

### **Procedure for scheduling of bilateral transactions on first-come-first-served basis**

10.12. The applications for grant of open access for the second month, received after the date specified in clause 10.9 of these regulations and the applications for grant of open access during the first month shall be considered on first-come-first-served basis, and such transactions shall be scheduled subject to availability of the required transmission capacity:

Provided that such applications shall reach the nodal agency at least four (4) days in advance of the date of the bilateral transaction:

Provided further that separate application shall be made for each transaction.

10.13. All these applications shall be processed and decided within three (3) days of their receipt.

### **Procedure for scheduling for day-ahead transactions**

10.14. All applications for bilateral transactions received within three days prior to the date of scheduling and up to 1500 hrs of the day immediately preceding the date of scheduling shall be clubbed and treated at par for processing.

#### **Illustration:**

An application for scheduling a transaction on 25<sup>th</sup> day of a month shall be processed on first-come-first-served basis only if such application is received till 21<sup>st</sup> day of that month. If the application is received on 22<sup>nd</sup> day or 23<sup>rd</sup> day or up to 1500 hrs on 24<sup>th</sup> day, it shall be treated only after processing of the applications for collective transactions received up to 1500 hrs on 24<sup>th</sup> day for scheduling on 25<sup>th</sup> day.

### **Procedure for scheduling of transactions in a contingency**

10.15. In the event of a contingency, the buying utility may locate a source of power to meet short-term contingency requirement even after the cut-off time of 1500 hrs of the preceding day and apply to the nodal agency for open access and scheduling and in that event, the nodal agency shall endeavour to accommodate such request as soon as and to the extent practically feasible, in accordance with the detailed procedure.

### **Revision of Schedule**

10.16. The open access schedules accepted by the nodal agency in advance and 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 cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

- 10.17. 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.
- 10.18. In case of cancellation, operating charges specified under clause 10.25 of these regulations shall be payable for two (2) days or the period of cancellation in days, whichever is less.

### **Curtailed in case of transmission constraints**

- 10.19. The SLDC 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 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.
- 10.20. In case of curtailment of the approved schedule by the SLDC, transmission charges shall be payable pro-rata in accordance with the curtailed schedule:
- Provided that operating charges as provided in clause 10.25 of these regulations shall not be revised in case of curtailment.

### **Over injection/withdrawal from the network**

- 10.21. In case an open access customer injects or withdraws more than the allocated capacity in the transmission and or distribution system network the open access customer shall pay 150% of the applicable transmission and or wheeling charges for this excess injection/withdrawal. These charges shall be levied in accordance with the guidelines to be framed by the nodal agency and approved by the Commission.

### **Transmission Charges**

- 10.22. For use of the intra-State transmission system, the transmission charges shall be payable by the short term open access customer at same rates as payable by the long term/medium term open access customer for the open access capacity granted by the nodal agency. The Commission shall determine these charges in its transmission tariff.
- 10.23. The transmission charges shall be applicable as given in annexure 2 to these regulations if the injection and drawl points at different voltage levels and or are located in different Distribution Licensees.

### **Wheeling Charges for Distribution Open Access**

10.24. The wheeling charges for use of the distribution system of the Distribution Licensee shall be payable by the short term open access customer as determined by the Commission as per clauses 6.10 to 6.16 of these regulations as given in annexure 2 to these regulations.

### **Operating Charges**

10.25. Operating charges at the rate of Rs. 2,000 /- per day or part of the day for each bilateral transaction shall be payable by the applicant.

#### **Note 1**

The operating charges include fee for scheduling, system operation and collection and disbursement of charges.

#### **Note 2**

The operating charges collected by the nodal agency shall be in addition to the fees and charges specified by the Commission under sub-section (3) of Section 32 of the Act.

### **Cross subsidy surcharge and Additional Surcharge**

10.26. The cross subsidy surcharge shall be payable by the short term open access customer as per clauses 6.17 to 6.21 of these regulations.

Provided that no additional surcharge shall be payable by a Short term Open Access consumer as per clause 6.22 of these regulations.

### **Payment of transmission charge, wheeling charge, cross subsidy surcharge and operating charges**

10.27. The applicant shall deposit with the nodal agency transmission charge, wheeling charge, cross subsidy surcharge and operating charges within three (3) working days of grant of application.

### **Default in payment of open access charges**

10.28. In case of default in payment of the application fee or the charges specified under these regulations, the nodal agency may, in its discretion, decide not to schedule the transaction, or to cancel the scheduling of already scheduled transaction or not to entertain any application of such persons in future until such time the default is cured.

Notwithstanding the above, the person committing default in payment shall pay simple interest at the rate of 0.04% for each day of default.

### **Unscheduled Inter-change (UI) Charges**

- 10.29. Any charges for mismatch between the scheduled and the actual drawal at drawal points and scheduled and the actual injection at injection points for the intra-State entities shall be determined as per the Intra-State ABT regulations notified by the Commission.
- 10.30. No charges, other than those specified under these regulations shall be payable by any person granted short-term open access under these regulations.

### **Reactive Energy Charges**

- 10.31. No reactive energy charge shall be payable by short term open access customer.

### **Transmission & Distribution losses**

- 10.32. The buyers and sellers of the electricity shall absorb apportioned energy losses in the transmission system as estimated by the SLDC, and applied in accordance with the detailed procedure.
- Provided that for apportionment of distribution losses the figure determined by the Commission in its tariff order shall be considered.
- Provided that for short term open access transaction which involves both the transmission and distribution network the applicable losses shall be considered as provided in annexure 1 to these regulations.
- 10.33. The energy losses shall be accounted for by providing a differential between schedules at the points of supply, inter-utility transfer and drawal of electricity.
- 10.34. The applicable transmission losses shall be declared in advance and shall not be revised retrospectively.

### **Compliance of Haryana Grid Code**

- 10.35. The buyers and sellers of energy shall comply with the provisions of the Haryana Grid Code in force from time to time.

### **Collection and Disbursement of transmission charges, operating charges and cross subsidy surcharge**

- 10.36. The transmission charges, operating charges, wheeling charges and cross subsidy surcharge payable by the persons allowed short term open access shall be collected and disbursed by the nodal agency. The nodal agency shall disburse transmission charges to the intra-state transmission licensees of the state in the ratios of their approved Aggregate Revenue Requirement. Similarly the wheeling charges shall be disbursed to the Distribution Licensees whose networks are involved in open access transaction in the ratios of their approved Aggregate Revenue Requirement. The cross subsidy surcharge shall be payable to that Distribution Licensee in whose licensed area the open access consumer is located.
- 10.37. The transmission charges collected, shall be utilized for reduction in monthly transmission charges payable by long-term customers after allowing 25% of the transmission charges to be retained by the STU.

- 10.38. The transmission charges shall be disbursed to the long term customers in proportion to the monthly transmission charges payable by them.
- 10.39. The wheeling charges collected, shall be utilized for reduction in aggregate revenue requirement after allowing 25% of the wheeling charges to be retained by the Distribution Licensee.

**Short term Open Access not to be granted**

- 10.40. When so directed by the Commission, the SLDC shall not grant short term open access to the entities and associates of such entities, who consistently and wilfully default in payment of UI charges, transmission charges, charges for SLDC, wheeling charges, cross subsidy surcharge and additional surcharge.

**Information to be shared by the SLDC**

- 10.41. The State Load despatch Centre shall post the following information on their websites in a separate web-page titled "Open access information":
- (a) These regulations;
  - (b) The detailed procedure;
  - (c) A list of bilateral transactions accepted by the nodal agency, to be displayed till the end of the month in which transactions are scheduled, indicating:
    - (i) Name of customers;
    - (ii) Period of the open access granted (start date and end date);
    - (iii) Point or points of injection;
    - (iv) Point or points of drawal;
    - (v) Transmission systems used (in terms of regions and States);
    - (vi) Accepted schedule (MW) with start time and end time;

**Note:** The status report shall be updated daily.

- (d) The information regarding average state energy losses for the previous 52 or as required by the Intra-State ABT order of the Commission;
- (e) The applicable Transmission charges and Transmission losses for the state network;
- (f) The list of short term open access applications for advance scheduling received by the nodal agency which have not been accepted, along with reasons for denial, to be displayed till one month after the scheduling period.
- (g) A list of applications pending for decision

## **CHAPTER VI - MISCELLANEOUS**

### **11. Issue of Orders and Practice Directions**

- 11.1. Subject to the provision of the Act and these Regulations, the Commission may, from time to time, issue Orders and Practice directions in regard to the implementation of these Regulations and procedure to be followed on various matters, which the Commission has been empowered by these Regulations to direct, and matters incidental or ancillary thereto.
- 11.2. Notwithstanding anything contained in these Regulations, the Commission shall have the authority, either suo motu or on a petition filed by any interested or affected party, to determine the tariff of any Applicant.

### **12. Powers to Remove Difficulties**

- 12.1. If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by a general or special order, not being inconsistent with the provisions of these Regulations or the Act, do or undertake to do things or direct the Generating Company to do or undertake such things which appear to be necessary or expedient for the purpose of removing the difficulties.

### **13. Power of Relaxation**

- 13.1. The Commission may in public interest and for reasons to be recorded in writing, relax any of the provision of these Regulations.

### **14. Interpretation**

- 14.1. If a question arises relating to the interpretation of any provision of these Regulations, the decision of the Commission shall be final.

### **15. Saving of Inherent Powers of the Commission**

- 15.1. Nothing contained in these Regulations shall limit or otherwise affect the inherent powers of the Commission from adopting a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure specified in these Regulations.

### **16. Enquiry and Investigation**

- 16.1. All enquiries, investigations and adjudications under these Regulations shall be done by the Commission through the proceedings in accordance with the provisions of the Conduct of Business Regulations.



### **17. Power to Amend**

17.1. The Commission, for reasons to be recorded in writing, may at any time vary, alter or modify any of the provision of these Regulations by specific order.

## **18. Repeal**

18.1. The Haryana Electricity Regulatory Commission (Terms and Conditions for Open Access for Intra-State Transmission and Distribution System) Regulation 2005, shall stand repealed from the date of coming into force of these regulations



**Appendix I – Losses to be considered if injection point and drawal points are located in different Distribution Licensees**

<b>Drawl</b> 	<b>Transmission</b>	<b>D1</b>	<b>D2</b>
<b>Injection</b> 			
<b>Transmission</b>	Transmission losses	Transmission Losses plus losses of D1	Transmission Losses plus losses of D2
<b>D1</b>	Transmission Losses	Losses of D1	Transmission Losses plus Losses of D2
<b>D2</b>	Transmission losses	Transmission Losses plus Losses of D1	Losses of D2

**Note:** The losses shall be considered as indicated in the above matrix as per the location and drawl points. For the above purpose cumulative losses upto the voltage level at which the open access customer is connected shall be considered. For injection and drawal at different voltage levels within the same Distribution Licensee the cumulative losses upto the voltage level at which the energy is drawn shall be considered. The losses to be considered shall be as notified by the Commission in its latest tariff order.

For an example if the Open access customer is connected at 11 kV, the cumulative losses of both 33 kV and 11 kV shall be considered for apportionment.

**Appendix II – Transmission and Wheeling charges to be considered if injection and drawal points are located in different Distribution Licensees**

<b>Drawl</b> 	<b>Transmission</b>	<b>D1</b>	<b><u>D2</u></b>
<b>Injection</b> 			
<b>Transmission</b>	Transmission Charges	Transmission charges plus wheeling charges of D1	Transmission Charges plus wheeling charges of D2
<b>D1</b>	Transmission Charges	Wheeling charges of D1	Transmission charges and Wheeling Charges of D2
<b>D2</b>	Transmission Charges	Transmission charges and Wheeling Charges of D1	Wheeling Charges of D2

**Note:** The transmission and wheeling charges shall be considered as per the above matrix. The charges shall be considered as notified by the Commission in the latest tariff order. Wheeling charges in case of injection and drawal at different voltage levels within the same Distribution Licensee, shall be payable for the voltage level at which the energy is drawn.