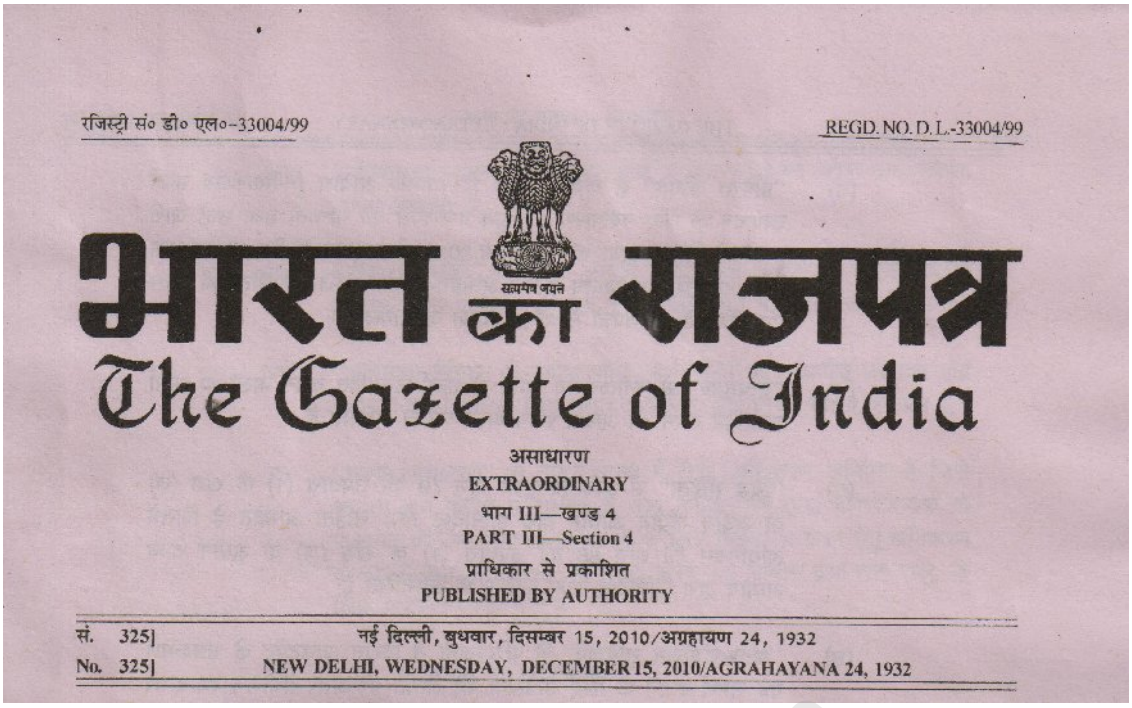


Dated: 30th November, 2010

NOTIFICATION

No.: JERC-14/2010:- In exercise of powers conferred under sections 61, 66, 86 (1) (e) and 181 of the Electricity Act, 2003 and all powers enabling it in this behalf, Joint Electricity Regulatory Commission (for state of Goa & Union Territories) hereby makes the following regulations for the development of power generation from renewable energy sources and for procurement of energy from renewable sources by distribution licensee.

1. Short title, commencement and extent of application

(i) These regulations may be called the Joint Electricity Regulatory Commission for state of Goa & Union Territories (Procurement of Renewable energy) Regulations, 2010.

(ii) These regulations shall come into force from the date of their publication in the official gazette.

(iii) These regulations shall apply to the whole of the state of Goa and the Union Territories of Andaman and Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Laksha Dweep and Puducherry.

2. Definitions

In these regulations, unless the context otherwise requires,

(a) "**Act**" means the Electricity Act, 2003 (Act 36 of 2003);

(b) "**Commission**" means the Joint Electricity Regulatory Commission for the state of Goa and Union Territories constituted by the Central Government under sub-section (5) of section 83 of the Act;

(c) "**Eligible Entity**" means a generating plant generating electricity from renewable sources and which has obtained necessary accreditation from the Central/State Agency.

(d) "**Forbearance price''** means the ceiling price as determined by the Central Commission in accordance with CERC (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) regulations, 2010 with in which only the certificates can be dealt in the power exchange. "**Generator**" means the person(s) generating or intending to generate energy from renewable sources;

(e) "**Grid code**" means the grid code specified by the Central Commission under clause(h) of sub-section (1) of section 79 of the Act and includes the State Code specified by the State Commission under clause (h) of sub-section (1) of section 86 of the Act;

(f) "**Interconnection facilities**" means all the facilities which shall include, without limitation, switching equipment, control, protection and metering devices etc. for the incoming bay (s) for the project line(s), to be installed and maintained by the licensee at the Inter-Connection Point at the cost of the generator to enable evacuation of electrical output from the Project;

(g) "**Interconnection point**": means the physical touch point where the project line(s) and the allied equipment forming a part of the interconnection facilities are connected to the licensee's power system;

(h) "**Licensee**" means a person who is granted a license or is a deemed licensee under section 14 of the Act;

(i) "**MNRE**" means the Ministry of New and Renewable Energy;

(j) "**Obligated Entity**" means the entity mandated under clause (e) of sub-section (1) section 86 of the Act to fulfill the renewable purchase obligation under these Regulations.

(k) "**Project**" means the generation project for producing power from renewable sources including the transmission line (s) from the generation station and interconnection facilities;

(l) "**Project line(s)**" means the transmission line(s) from the generating station to the interconnection point

(m) **"Power Exchange"** means any exchange operating as the power exchange for electricity in terms of the orders issued by the Central Commission.

(n) **"Preferential Tariff"** means the tariff fixed by appropriate Commission for sale of energy from a generating station based on renewable energy sources.

(o) **"Renewable Energy Sources**" in this context means electricity generating sources recognized or approved by the MNRE.

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(p) "**State Agency**" means the agency *in the concerned state* as may be designated by the Commission to act as the agency for accreditation and recommending the renewable energy projects for registration with Central Agency and to undertake such functions as may *be* assigned by the Commission.

(q) "**Year**" means a financial year

Words or expression occurring in these regulations and not expressly defined herein shall bear the same meaning as respectively assigned to them in the Act.

1. Quantum of Renewable Purchase Obligation (RPO)

(1.1) Each distribution licensee shall purchase electricity (in kWh) from renewable energy sources, at a defined minimum percentage of the total consumption of all the consumers in its area during a year.

The defined minimum percentages are given below in the Table – 1.

Table – 1

Year	Minimum quantum of purchase (in %) from renewable energy sources (in kWh)		
	Total	Solar	Non-Solar
2010-11	1%	0.25%	0.75%
2011-12	2%	0.30%	1.70%
2012-13	3%	0.40%	2.6%

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(1.2) The RPO specified in the financial year 2012-13 shall be continued beyond 2012-13 till any revision is effected by the Commission in this regard.

2. Certificates under the Regulations of the Central Commission

2.1 Subject to the terms and conditions contained in these regulations the Certificates issued under the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 shall be the valid instruments for the discharge of the mandatory obligations set out in these regulations for the obligated entities to purchase electricity from renewable energy sources.

Provided that obligated entity fulfilling the renewable purchase obligation by purchase of certificates, the obligation to purchase electricity from generation based on solar as renewable energy source shall be fulfilled by purchase of solar certificates only, and the obligation to purchase electricity from generation based on renewable energy other than solar can be fulfilled by purchase of non –solar certificates.

2.2 Subject to such direction as the Commission may give from time to time, the obligated entity shall act consistent with the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 notified by the Central Commission in regard to the procurement of the certificates for fulfillment of the Renewable Purchase Obligation under these regulations.

2.3 The Certificates purchased by the obligated entities from the power exchange in accordance with sub -clause (2.1) above shall be deposited by the obligated entities to the appropriate agency in accordance with the detailed procedure to be issued by the Central Commission/ Central Agency.

3. State Agency

3.1 The Commission shall designate an agency as State Agency for accreditation and recommending the renewable energy projects for registration and to undertake functions under these regulations.

3.2 The State Agency shall function in accordance with the directions issued by the Commission and shall act in consistent with the procedures/rules laid by Central Agency for discharge of its functions under the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010.

3.3 The State Agency shall submit quarterly status to the Commission in respect of compliance of renewable purchase obligation by the obligated entities in the format as stipulated by the Commission and may suggest appropriate action to the Commission if required for compliance of the renewable purchase obligation.

3.4 The Commission may from time to time fix the remuneration and charges payable to the State Agency for discharge of its functions under these regulations to be recovered from the accredited entities and obligated entities.

3.5 If the Commission is satisfied that the State Agency is not able to discharge its functions satisfactorily, it may by general or special order, and by recording reasons in writing, designate any other agency to function as State Agency as it considers appropriate.

4. Consequences of default

If the obligated entity does not fulfill the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligated entity to deposit into a separate fund, to be created and maintained by State Agency, such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price. It

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shall also be liable for penalty as may be provided by the Commission under Section 142 of Electricity Act, 2003.

Provided

1. That the fund so created shall be utilized as may be directed by the Commission for purchase of the certificates.
2. Further that the Commission may empower an officer of the State Agency to operate the fund and procure from the Power Exchange the required number of certificates to the extent of the shortfall in the fulfillment of the obligations, out of the amount in the fund.
3. That the obligated entities shall be in breach of its license condition if it fails to deposit the amount directed by the Commission within 15 days of the communication of such direction.
4. That in case of genuine difficulty in complying with the renewable purchase obligation because of non availability of certificates, the obligated entity can approach the Commission for carry forward of compliance requirement to the next year:

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5. Power to remove difficulties

If any difficulty arises in giving effect to any of these Regulations, the Commission, may, by general or specific order, direct the generating company / licensee to do or undertake things which in the opinion of the Commission are necessary or expedient for removing the difficulties.

6. Power to amend

The Commission, may, at any time, vary, alter, modify or amend any provisions of these Regulations.

7. Review of regulations

The Commission, at the end of every three years from the date of publishing these Regulations or even earlier if considered just, proper and desirable by it considering the circumstances then prevailing, shall undertake a comprehensive review of these Regulations with the objective of improvement in the principles, procedures and methodologies.

(J. S. Sehrawat)
Secretary