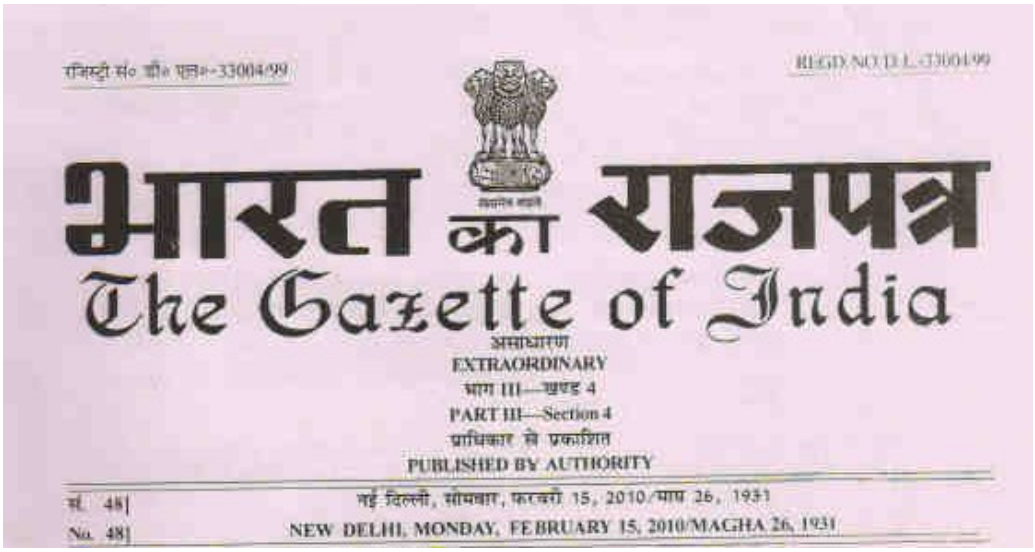



**NOTIFICATION**
**Gurgaon, 11th February, 2010**

**No. JERC-9/2009--** In exercise of the powers conferred on it by Section 181 of the Electricity Act, 2003 (36 of 2003) and all the powers enabling it in this behalf, the Joint Electricity Regulatory Commission for the State of Goa and the Union Territories, after previous publication, hereby makes the following regulations, namely :-

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## 1. Short Title, Commencement and Extent

(i) These regulations may be called the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Open Access in Transmission and Distribution) Regulations, 2009.

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

(iii) These regulations extend to the whole of the State of Goa and the Union Territories of Andaman and Nicobar Islands, Lakshadweep, Dadra & Nagar Haveli, Daman & Diu, Puducherry and Chandigarh.

## 2. Definitions

(1) In these regulations, unless the context otherwise requires:

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

(b) ”Commission" means the Joint Electricity Regulatory Commission for the State of Goa and the Union Territories;

(c) “existing beneficiary” means a person who is a user of the transmission system or distribution network on the date of commencement of these regulations either as a generating company or as a transmission licensee or distribution licensee;

(d) "nodal agency" means the nodal agency defined in Regulation 8 of these regulations;

(e) "open access user" means a person permitted to use intra-State transmission system or receive supply of electricity from a person other than the distribution licensee of his area of supply, and the expression includes a generating company and a licensee, who has availed of or intends to avail of open access;

(f) "State" means the State of Goa, and includes a Union Territory, but does not include the Union Territory of Delhi.

(2) Words and expressions occurring in these regulations and not defined herein but defined in the Act shall bear the same meanings as respectively assigned to them in the Act and the words and expressions used herein but not specifically defined herein or in the Act shall have the meanings generally assigned to them in the electricity industry.

**3. Categorization of Open Access Users**

(i) The open access users shall be divided into two categories, namely: -

(a) Long-term open access users, and
(b) Short-term open access users.

(ii) The persons availing or intending to avail open access for a period of twenty-five years or more shall be the long-term open access users:

Provided that the existing beneficiaries shall be deemed to be the long-term open access users of the transmission system or the distribution network, as the case may be.

(iii) The open access users other than the long-term open access users shall be the short-term open access users:

Provided that the maximum duration for the short-term open access allowed at a time shall not exceed one year:

Provided further that the short-term open access users shall be eligible and re-eligible to obtain fresh reservation after expiry of their term.

**4. Publication of Details of Existing Beneficiaries**

The transmission /distribution licensees shall publish the details of the existing beneficiaries (including self-use and use by unbundled agencies which were previously integrated) either on their own website or on the website of the State Load Dispatch Centre within 180 days from the date of commencement of these regulations.

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**5. Criteria for Long-term and Short-term Open Access**

(i) Long-term open access shall be allowed in accordance with the transmission planning criterion stipulated in the State Grid Code.

(ii) Short-term open access shall be allowed, if the request for open access can be accommodated by utilizing: -

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.

**6. Future Requests for Open Access**

All future requests for use of the transmission system and distribution network shall be handled in accordance with these regulations.

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**7. Allotment Priority of Long-term Open Access User**

Allotment priority of a long-term open access user shall be higher than reservation priority of a short-term open access user:

Provided that within a category (long-term open access users or short-term open access users), there shall be no discrimination between open access users and self-use by an integrated entity.

**8. Nodal Agency**

(i) The nodal agency for arranging the long-term open access within the State shall be the State Transmission Utility (STU).

(ii) The nodal agency for the short-term open access within the State shall be the State Load Dispatch Centre (SLDC).

**9. Detailed Procedure**

The nodal agency shall issue detailed procedure, guidelines, and the form of application within 30 days from the date of commencement of these regulations.

**10. Procedure for Long-Term Open Access**

(i) An application for long-term open access shall be submitted to the concerned nodal agency in accordance with the detailed procedure issued under Regulation 9.

(ii) The application shall contain the details, such as capacity needed, point(s) of injection, point(s) of drawal, duration of availing open access, peak load, average

load and such other additional information that may be specified by the nodal agency:

(iii) The application shall be accompanied by a non-refundable application fee of Rs fifty thousand payable in the name and in the manner to be decided by the nodal agency;

(iv) Based on system studies conducted by the nodal agency in consultation with other agencies concerned, including other transmission and distribution licensees, the nodal agency shall, within 30 days of receipt of the application, intimate to the applicant whether or not the long-term open access can be allowed without further system strengthening:

Provided that where the long-term open access can be allowed without further system strengthening, this shall be allowed immediately after entering into commercial agreements.

(v) If, in the opinion of the nodal agency, further system strengthening is essential before providing the long-term access, the applicant may request the nodal agency to carry out the system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening;

(vi) The nodal agency shall carry out the studies immediately on receipt of request from the applicant under sub-regulation (v) and intimate results of the studies to the applicant within 90 days of receipt of request .

(vii) The applicant shall reimburse the actual expenditure incurred by the nodal agency for carrying out the system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening:

Provided that the fee of Rupees fifty thousand paid by the applicant shall be adjusted against the actual expenditure to be reimbursed by the applicant.

**11. Bulk Capacity Agreement**

(i) A long-term open access user shall enter into Bulk Power Transmission / Distribution Capacity Agreement with the transmission / distribution licensee for use of their transmission system and distribution network.

(ii) The agreement shall provide, amongst other things for the eventuality of premature its termination and its consequences on the contracting parties.

(iii) After agreement has been entered into and copies furnished to State Load Dispatch Centre, the State Load Dispatch Centre shall inform the open access user the date from which open access is likely to be available:

Provided that the date of availability of open access shall not be later than 3 days from the date of furnishing of agreements.

**12. Exit Option**

(i) A long-term open access user shall not relinquish or transfer his rights and obligations under the Bulk Power Transmission / Distribution Capacity Agreement, without prior approval of the Commission.

(ii) The relinquishment or transfer of rights and obligations by a long-term open access user shall be subject to payment of compensation, as may be determined by the Commission.

**13. Procedure for Short-Term Open Access**

(i) A short-term open access user shall submit an application for transmission/distribution access to the State Load Dispatch Centre.

(ii) The application shall contain the details such as capacity needed, point(s) of injection, point(s) of drawal, duration of availing open access, peak load, average load and such other additional information that may be specified by the State Load Dispatch Centre;

(iii) The application shall be accompanied by a non-refundable application fee of Rupees five thousand payable in the name and in the manner to be decided by the State Load Dispatch Centre;

(iv) The reserved capacity shall not be transferred by a short-term open access user to any other person.

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**14. Reservation of Capacity for Short-term Users**

(i) In case of short-term open access users, at given point of time, if the capacity sought to be reserved is less than the available capacity , each short-term open access user shall pay the transmission or wheeling charges in accordance with Regulation 16.

(ii) In case of short-term open access, if the capacity sought to be reserved by the open access users is more than the available capacity at that point of time, reservation of capacity shall be considered in accordance with the following procedure, namely –

(a) The State Load Dispatch Centre concerned shall invite snap bids through fax/e-mail.

(b) The floor price for the bidding shall be the price determined in accordance with Regulation 16.

(c) The bidders shall quote price in terms of percentage points above the floor price.

(d) The reservation of capacity shall be made in decreasing order of the price quoted.

(e) In case of equal price, if required (e.g., due to capacity being short), the reservation of capacity shall be made *pro rata* to the capacity sought.

(f) The open access user getting reservation for a capacity less than the capacity sought by him shall pay charges for the capacity allotted at the rate quoted by him.

(g) The State Load Dispatch Centre shall, within 45 days, formulate a detailed procedure for reservation of transmission and distribution capacity to short-term open access users, including the detailed procedure for bidding.

**15. Non-Utilization of Reserved Capacity by Short-Term Open Access User**

(i) In case a short-term open access user is unable to utilize, full or substantial part of the reserved capacity, he shall inform the State Load Dispatch Centre along with reasons for his inability to utilize the reserved capacity and may surrender the reserved capacity;

(ii) The State Load Dispatch Centre may reduce or cancel the reserved capacity of a short-term open access user when such a short-term open access user frequently under-utilizes the reserved capacity;

(iii) The short-term open access user, who has surrendered the reserved capacity under sub-regulation (i) or whose reserved capacity has been reduced or cancelled under sub-regulation (ii), shall bear the transmission / wheeling charges and the scheduling and system operation charge based on the original reserved transmission capacity for seven days or the period of reservation surrendered or reduced or cancelled, as the case may be, whichever period is shorter.

(iv) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the State Load Dispatch Centre under sub-regulation (i) or sub-regulation (ii), may be reserved for any other short-term open access user in accordance with these regulations.

**16. Open Access Charges**

The charges for open access shall consist of one or more of the following components, namely:-

**(i) Transmission / Distribution (Wheeling) Charges**

The charges for use of the system of the licensee for intra-State transmission or distribution except intervening transmission facilities shall be regulated as under, namely:-

(i) The annual charges shall be determined by the Commission in accordance with the terms and conditions of tariff notified by the Commission from time to time and after deducting the adjustable revenue from the short-term

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open access users, these charges shall be shared by the long-term open access users;

(ii) (a) The charges payable by a short-term open access user shall be calculated in accordance with the following methodology:

ST RATE = 0.25 x [TSC/ Av CAP]/ 365

Where:
ST RATE is the rate for short-term open access user in Rs per MW per day.
"TSC" means the Annual Transmission / Distribution Charges of the transmission or distribution licensee for the immediately preceding financial year.

"Av CAP" means the average capacity in MW served by the system

The capacity of the transmission licensee in the previous financial year and shall be the sum of the generating capacities connected to the transmission system and contracted capacities of other transactions handled by the system of the transmission licensee.
The capacity of the distribution licensee in the previous financial year shall be the sum of the distributed load for the licensee.

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(b) The transmission charges payable by a short-term open access user in case of un-congested transmission corridor shall be levied as under, namely:-

(1) Up to 6 hours in a day in one block: 1/4th of ST RATE
(2) More than 6 hours and up to 12 hours in a day in one block: ½ of ST RATE
(3) More than 12 hours and upto 24 hours in a day in one block: equal to ST RATE

(c) Every licensee shall declare rate in Rs per MW per day, which shall remain fixed for a period of one year:

Provided that where reservation of capacity has been done consequent to bidding in the manner specified in Regulation 6, the ST RATE shall be taken as the floor price for bidding.

(iii) 25% of the charges collected from the short-term open access users shall be retained by the open access providers (electrical lines) and the balance 75% shall be adjusted towards reduction in the charges payable by the long-term open access users (electrical lines).

(iv) The rates, charges and terms and conditions for providing the use of intervening transmission facilities may be mutually decided by the licensees:

Provided that any dispute on the extent of surplus capacity available or disagreement on the rates, charges and terms and conditions, shall be adjudicated upon by the Commission. However the rates, charges and terms and conditions shall be fair and reasonable and may be allocated in proportion to the use of such facilities.

**(ii) Cross-Subsidy Surcharge**

In addition to transmission charges and wheeling charges, a consumer availing open access to the transmission system or the distribution network shall pay the cross-subsidy surcharge.

The open access users, except those availing open access facility to transfer power from their captive generating plants to the destination of their own use, shall pay the cross-subsidy surcharge to the distribution licensee of their area, as determined by the Commission from time to time under sub-section (2) of Section 42 of the Act, in accordance with the National Electricity Policy and Tariff Policy.

The amount of surcharge shall be so calculated as to meet the current level of cross-subsidy from that category of consumers and shall be paid to the distribution licensee of area of supply where the consumer is located. In case surcharge so calculated is negative, it shall be treated as nil.

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**(iii) Additional Surcharge**

(a) A consumer availing open access and receiving supply of electricity from a person other than the distribution licensee of his area of supply shall pay to the distribution licensee an additional surcharge, in addition to wheeling charges and cross-subsidy surcharge, to meet the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of section 42 of the Act.

(b) The additional surcharge for obligation to supply shall become payable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such contract.

(c) The distribution licensee whose consumer intends to avail open access shall submit to the Commission within thirty days of receipt of application an account of fixed cost paid by such open access user which the licensee is incurring towards his obligation to supply and demonstrate if any part of the fixed cost has become stranded.

(d) The Commission shall scrutinize the statement of accounts submitted by the licensee and obtain objections, if any, of the consumer and determine the amount of additional surcharge, if any, payable by the consumer.

(e) The additional surcharge shall be liable for such period not normally exceeding one year as the Commission may determine.

**(iv) Scheduling and System Operation Charges**

(a) The scheduling and system operation charges payable to State Load Dispatch Centre by long–term open access users shall be same as determined by the Commission in accordance with the Regulations that may be notified by it under Section 32 of the Act.

(b) The scheduling and system operation charges of Rs.1000/-per day or part of the day shall be paid by a short-term open access user to State Load Dispatch Centre

(c) The scheduling and system operation charges collected by the State Load Dispatch Centre in accordance with sub-regulation (b) above shall be in addition to charges determined by the Commission under Section 32 of the Act. These will be however adjusted in the subsequent ARR of SLDC.

**Explanation**

Scheduling and system operation charges shall be payable by a supplier as well as his consumer availing open access under these Regulations.

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**(v) Reactive Energy Charges**

The payment for the reactive energy charges for the open access user shall be calculated in accordance with the scheme applicable.

**(vi) Other Charges**

In addition to the charges specified under clauses (i) to (v), any other charges as may be specified by the Commission from time to time shall be payable by the open access user.

**17. Unscheduled Interchange Charges under Intra-State Availability Based Tariff (ABT)**

The commercial settlement of Unscheduled Interchange charges (UI charges) under intra- State ABT shall be in the manner applicable for Inter-State transactions with the following additions/variations:-

Under section 9 of Electricity Act, 2003, Captive power plants are entitled for open access without payment of cross-subsidy surcharge, to carry their generation to the point of their own use. In addition to this:

(i) A generating station with a total capacity of generation up to 15 MW may operate under UI regime and inject power into the state pool and will be paid for such injection of generation into grid at the UI rate from the state pool account.

(ii) However the generating stations with a total capacity above 15 MW shall be regulated as follows according to CERC stipulations to avoid gaming:

(a) Any generation up to 105% of the declared capacity in any time block of 15 minutes and aggregated averaging up to 101% of the average declared capacity over a day shall not be construed as gaming, and the generator shall be entitled to UI charges for such excess generation above the declared capacity scheduled generation (SG).

(b) For any generation beyond the prescribed limits, the State Load Dispatch Centre shall investigate so as to ensure that there is no gaming, and if gaming is found by the State Load Dispatch Centre, the corresponding UI charges due to the generating station on account of such extra generation shall be reduced to zero and the amount shall be adjusted in UI account of beneficiaries in the ratio of their capacity share in the generating station.

(iii) A consumer opting for open access shall continue to be treated according to the rules applicable to a normal consumer in the equivalent category of the distribution licensee. Thus he will be penalized for deviating from his scheduled drawal which may be detrimental to the grid either by way of frequency or voltage of the grid. At the same time he will not be paid any UI charges for changing his schedule even if it be helpful to the grid.

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**18. Security Deposit and Other Commercial Conditions**

(i) As a payment security towards charges for open access of more than 3 months, a deposit equal to 3 months of the average billing on the basis of agreed contract demand or scheduled drawal shall be maintained with the State Transmission Utility.

(ii) As a payment security towards SLDC charges for open access of more than 3 months, a deposit equal to 3 months of the SLDC charges shall be maintained with the State Load Dispatch Centre.

(iii) As a payment security for open access of more than 3 months towards wheeling charges, surcharge and additional surcharge, a deposit equal to 3 months of average billing for these charges shall be maintained with the distribution licensee of the area of supply.

Provided that for open access less than 3 months, payment security shall be advance payment for the duration of the open access pertaining to the charges as mentioned in this Regulation in sub-regulation (i), (ii) and (iv).

(iv) Such security could be in form of cash deposit, letter of credit etc. However for open access less than 3 months, such security shall be only in form of cash deposit.

(v) Other commercial conditions for transmission & wheeling charges and scheduling and system operation charges, such as, terms of payment, creditworthiness, indemnification, and force majeure conditions shall be standardized within 60 days by the State Transmission Utility for long-term open access user and by the State Load Dispatch Centre for the short-term open access users.

**19. Energy losses**

The open access user shall bear average energy losses in the transmission system and distribution network as specified by the Commission in proportionate to its drawal. The loss in the transmission system and distribution network shall be compensated by additional injection at the injection point(s).

**20. Special Energy Meters**

(i) The open access user shall provide ABT compatible Special Energy Meter as Main Meter capable of time differentiated measurements (15 minutes) of active energy and voltage differentiated measurement of reactive energy as may be specified by the State Transmission Utility or the State Load Dispatch Centre which shall be according to the Metering Code as may be specified by Central Electricity Authority based on voltage, point and period of supply and tariff category.

(ii) Main meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the nodal agency.

(iii) The concerned licensee may provide check meters of the same specifications as main meters.

(iv) The main and check meters shall be periodically tested and calibrated by the concerned licensee in the presence of other party involved. Main and check meters shall be sealed by both parties. Defective meter shall be replaced immediately.

(v) Reading of main and check meters shall be taken periodically at appointed day and hour by authorized officer of the concerned licensee, the generator and the open access user or his representative, as the case may be. Meter reading shall be communicated to SLDC, the open access user and the generating company or trader, as the case may be, by the distribution licensee, within 12 hours of meter reading.

(vi) Readings of the check meters shall be considered when main meters are found to be defective or stopped. Both the main meter and check meter shall be tested for accuracy if difference between the readings of main and check meters vis-à-vis main meter reading exceed twice the percentage errors permissible for relevant accuracy class. The meter found defective shall be replaced immediately.

(vii) If during the test checks or otherwise, both the main meters and the corresponding check meters are found to be beyond permissible limits of error as per the IS specifications, both the meters shall be immediately calibrated and the correction applied to the generation of energy registered by the main meter to arrive at the correct generation of energy registered by

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the main meter to arrive at the correct generation of energy for billing purposes for the period of the month up to the time of such test check. Billing for the period thereafter until the next monthly meter reading shall be as per the calibrated main meter.

(viii) If an open access user requires the licensee to provide main meter it shall provide security to the licensee and shall pay for its rent. The meter shall be maintained by the licensee.

**21. Time-schedule for Processing Application For Open Access**

As far as practicable, the following time schedule shall be adhered to by the nodal agency for processing of the application for grant of open access:

**1. Short-term Open Access**

Up to one week - 2 days
More than a week - 3 days

**2. Long-term Open Access**

Intimation regarding feasibility of access without system strengthening - 30 days

Intimation of results of system strengthening studies with cost estimates and completion schedule - 90 days

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**22 Curtailment Priority**

When because of transmission or distribution capacity constraints or otherwise, it becomes necessary to curtail the the open access already granted, the short-term open access users shall be curtailed first, followed by the long-term open access users:

Provided that within a category, all users shall have same curtailment priority and shall be curtailed *pro rata* to the allotted capacity in the case of long term open access users and the reserved capacity in the case of short-term open access users.

**23. Compliance of State Grid Code**

The open access user shall abide by the State Grid Code, as applicable and instructions given by State Transmission Utility and State Load Dispatch Centre from time to time.

**24. Collection and Disbursement of Charges**

(a) In case of open access to consumer, the concerned distribution licensee (or the concerned transmission licensee if the consumer is directly connected to its network), may invoice a consumer in respect of the open access charges (such as

Transmission Charges/Wheeling Charges/Cross Subsidy Surcharge/ Additional Surcharge, as the case may be) as set out in Regulation 15 and the open access user shall pay those charges, in accordance with the procedures set out in the Bulk Capacity Agreement between the licensees and the user:

Provided that the distribution licensee and transmission licensee shall have appropriate back-to-back arrangements in place in order to pass on Open Access Charges, pertaining to the concerned Licensees.

(b) The scheduling and system operation charges in respect of open access shall be paid to the State Load Dispatch Centre by the Open Access users.

(c) The Unscheduled Interchange charges shall be paid in the manner as directed by the State Load Dispatch Centre on weekly basis.

**25. Phasing of Open Access**

(i) Open access shall be allowed in the phase I to all consumers requiring a supply of electricity where the maximum power to be made available at any time exceeds 1 MW subject to the satisfaction of the conditions contained in the Act and these regulations:

(ii) The Commission may allow open access to consumers requiring up to 1 MW contract demand at any time as it may consider feasible having regard to operational constraints, other factors and based on experience of operations of open access in phase I.

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**26. Information System**

The State Load Dispatch Centre shall post following information on their websites in a separate web-page titled "Open access information":

(i) Floor rate in rupees per MW per day for the short-term open access users (ST_RATE)
(ii) A status report on the current short-term open access users indicating:-
(a) Name of open access user;
(b) Period of the access granted (start date and end date);
(c) Point(s) of injection;
(d) Point(s) of drawal;
(e) Transmission / Distribution systems used (in terms of region and ownership);
(f) Reserved capacity; and
(g) Applicable rate (Rs per MW per day).

**Note:** The status report shall be updated upon every change in status.

(iii) Month-wise and year-wise report on past short-term open access users indicating:

(a) Name of the open access user;
(b) Period of the access granted (start date and end date);
(c) Point(s) of injection;
(d) Point(s) of drawal;
(e) Transmission / Distribution systems used;
(f) Reserved capacity;
(g) Applicable rate (Rs per MW per day); and
(h) Actual load factor.

**Note:** All previous reports shall also be available in the web-archives.

(iv) Information regarding usage of the links between various State licensees indicating:

(a) Time of updating;
(b) Name of the link;
(c) Total capacity of the link;
(d) Scheduled capacity use (giving open access user-wise break-up); and
(e) Current capacity of the link in use.

**Note:** This information should be updated at least on hourly basis, and wherever feasible on 15 minute basis.

(v) The information regarding average energy losses for the previous 52 weeks:

Provided that publication of web-based information system shall commence within 180 days of coming into force of these Regulations. Each transmission / distribution licensee shall make available the above information to the SLDC.

All licensees shall declare current long-term open access users using their system (including self-use and use by unbundled entities which are presently or were previously integrated) with details thereof either on their own websites or on the website of the State Load Dispatch Centre concerned, within 180 days.

**Note:** This list shall be updated as and when change in status takes place.

**27. Communicating facility**

The open access users shall meet the communication requirements as the nodal agency may direct from time to time.

**28. Redressal Mechanism**

(i) All disputes and complaints relating to open access shall be made to the State Load Dispatch Centre, which may investigate and endeavor to resolve the grievance within 30 days, and

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(ii) Where State Load Dispatch Center is unable to resolve a grievance, State Grid Code Review Committee constituted under State Grid Code shall endeavor to resolve the grievance within 30 days, and

(iii) Where State Grid Code Review Committee has not been constituted or is unable to resolve the grievance in the time period specified above, the grievance shall be referred to the Commission.

(iv) The responsibilities assigned to the State Load Dispatch Centers for formulation of procedures, guidelines and application forms under these regulations shall be coordinated by the State Transmission Utility.

**29. Powers to Remove Difficulties**

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre , licensees and the open access user, to take such action, as may appear to the Commission to be necessary or expedient for removing the difficulty.

**30. Operationalisation of Open Access**

Open access will require installation of ABT compliant metering system by the open access users, Distribution Licensee-wise Area Load Dispatch Centers and procedure for energy accounting and commercial settlement by SLDC.

**(**J.S. Sehrawat)
Secretary

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