

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION*****NOTIFICATION*****(TRANSMISSION OPEN ACCESS) REGULATIONS, 2014**

ELECTRICITY ACT, 2003.

No./MERC/Tech/Open Access Transmission/Regulations/2014/561.— In exercise of the powers conferred by sub-section (1) and sub-section (2) of section 181 read with sub-section (47) of section 2, section 30, sub-section (3) of section 32, clause (d) of sub-section (2) of section 39 and clause (c) of section 40 of the Electricity Act, 2003 (36 of 2003), the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations for Open Access in the Intra-State Transmission System in the State.

**PART A PRELIMINARY****1. Short Title, Applicability and Commencement**

- 1.1. These Regulations may be called the Maharashtra Electricity Regulatory Commission (Transmission Open Access) Regulations, 2014.
- 1.2. These Regulations shall apply for Open Access to and use of the Intra-State Transmission System in the State of Maharashtra.
- 1.3. These Regulations shall come into force from the date of their publication in the *Official Gazette*.

**2. Definitions**

- 2.1. In these Regulations unless the context otherwise requires,—
  - (a) “**Act**” means the Electricity Act, 2003 (36 of 2003);
  - (b) “**Allotted Capacity**” means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a long-term/medium-term Open Access consumer on the Intra-State Transmission System and the expression “allotted capacity” shall be construed accordingly;

- (c) **“Applicant”** means such person who has made an application for Grant of connectivity and/or Open Access to the Intra-State Transmission System in accordance with these Regulations;
- (d) **“Authorised Representative”** means all such officers, staff or representatives of the Transmission Licensee, State Transmission Utility or the State Load Despatch Centre, discharging functions under the general or specific authority of the Transmission Licensee, State Transmission Utility or the State Load Despatch Centre, as the case may be;
- (e) **“Bilateral transaction”** means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a Trading Licensee or discovered at Power Exchange, from a specified point of drawal for a fixed or varying quantum of power (MW) for any time period;
- (f) **“Bulk Power Transmission Agreement”** means an executed agreement that contains the terms and conditions under which a Transmission System User is entitled to the access to an Intra-State Transmission System of a Transmission Licensee and State Transmission Utility;
- (g) **“Central Commission”** means the Central Electricity Regulatory Commission referred to in section 76 of the Act;
- (h) **“Commission”** means the Maharashtra Electricity Regulatory Commission;
- (i) **“Congestion”** means a situation where the demand for transmission capacity exceeds the Available Transfer Capability;
- (j) **“Connectivity”** for a generating station, including a captive generating plant, a consumer or an Intra-State Transmission Licensee means the state of getting connected to the Intra-State transmission system;
- (k) **“Consumer”** shall carry the same meaning as in the Act, but shall be restricted to such consumers within the State of Maharashtra to whom these Regulations will apply;
- (l) **“Contract demand”** means demand in kilowatt (kW) or megawatt (MW) or horse power (HP) or kilovolt ampere (KVA) or megavolt ampere (MVA), mutually agreed between the Distribution Licensee and the consumer as entered into:
- (i) in the agreement for supply of electricity; or
- (ii) in the Connection and Use of Distribution System Agreement; or

(iii) as agreed through other written communication:

Provided that unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW;

- (m) **“Day”** means the day starting at 00:00 hours and ending at 24:00 hours;
- (n) **“Detail procedure”** means the procedure issued by the Nodal agency as referred to in Regulation 10 to 14, hereof;
- (o) **“IEGC”** means Indian Electricity Grid Code specified by Central Electricity Regulatory Commission under clause (h) of sub-section (1) of Section 79 of the Act, and as amended from time to time;
- (p) **“Long-term Open Access”** means the right to use the Intra-State Transmission System for a period exceeding 12 years but not exceeding 25 years;
- (q) **“Medium-term Open Access”** means the right to use the Intra-State Transmission System for a period exceeding three (3) months but not exceeding three (3) years;
- (r) **“Month”** means a calendar month as per the Gregorian calendar;
- (s) **“Nodal agency”** means the nodal agency as defined in Regulation 3 of these Regulations
- (t) **“Open Access Consumer”** means a consumer, Licensee or a generating company who has been granted Open Access under these Regulations;
- (u) **“Partial Open Access Consumer”** means a consumer who has been granted Open Access under these Regulations to source power from a generating company or generating companies or other Licensee or through Power exchange and at the same time maintains partial demand with Distribution Licensee (in whose area of supply the consumer is located) to cater its load requirement;
- (v) **“Short-term Open Access”** means the right to use the Intra-State Transmission System for a period not exceeding one (1) month at a time;
- (w) **“SLDC”** means the State Load Despatch Centre in Maharashtra established under sub-section (1) of Section 31 of the Act;
- (x) **“Special Energy Meters”** means meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, specified by the Central Electricity Authority, as amended from time to time;

- (y) **“State Grid Code”** means the State Grid Code specified by the Commission under clause (h) of sub-section (I) of section 86 of the Act, applicable on the date of commencement of these Regulations, as amended from time to time;
- (z) **“State Transmission Utility (STU)”** means the Government Company notified by the Government of Maharashtra under sub-section (I) of Section 39 of the Act;
- (aa) **“Stranded Transmission capacity”** means the transmission capacity in the Intra-State Transmission System which is likely to remain unutilised due to relinquishment of access rights by a long-term Open Access consumer in accordance with Regulation 32 of these Regulations;
- (bb) **“Transmission System User”** means a person who has been allotted transmission capacity rights to access an Intra-State Transmission System pursuant to a Bulk Power Transmission Agreement, except as provided in Regulation 5.1 below;
- (cc) **“Transmission Capacity Rights”** means the right of a Transmission System User to transfer electricity in MW, under normal circumstances, between such points of injection and drawal as may be set out in the Bulk Power Transmission Agreement;
- (dd) **“Time Block”** means the time block of 15-minute each for which special energy meters record specified electrical parameters and quantities with first time block starting at 00-00 hours.

- 2.2. Words and expressions used herein whether defined or not defined in these Regulations but defined in the Act or IEGC or the State Grid Code or the Rules and Regulations made under the Act shall have the meaning as assigned to them under the Act or the IEGC or the State Grid Code or the Rules and Regulations, as the case may be.

### 3. Provision of non-discriminatory Open Access

- 3.1. A Transmission Licensee shall provide non-discriminatory Open Access to the Intra-State Transmission System of such Transmission Licensee in accordance with these Regulations.
- 3.2. Requirement of connectivity to be established prior to grant of Open Access:

- (i) The grant of, Long-term, Medium-term and Short-term Open Access, in respect of Intra-State Transmission System, will be subject to obtaining grant of connectivity under Part B of these Regulations :

Provided that a generating station, including captive generating plant or a consumer, seeking connectivity to the Intra-State Transmission System cannot apply for Long-term Open Access or Medium-term Open Access or Short-term Open Access without applying for connectivity :

Provided that a person may apply for connectivity and Long-term or Medium-term Open Access simultaneously :

Provided further that an application seeking Long-term Open Access or Medium term Open Access or short term Open Access which is pending on the date of notification of these Regulations shall be required to seek the grant of connectivity.

### 3.3. Identification of Nodal Agency.-

- (i) The nodal agency for grant of connectivity, Long-term Open Access and Medium term Open Access to the Intra-State Transmission System shall be the State Transmission Utility:

Provided that the nodal agency for grant of Short term Open Access shall be the SLDC under this Regulation:

Provided, further that once the Distribution Licensee issues the consent for Distribution Open Access, the consumer shall coordinate with SLDC or State Transmission Utility for grant of Transmission Open Access.

## 4. Eligibility to seek Open Access

### 4.1. A

- (i) Generating Company which owns or operates or intends to own or operate a generating station in the State;
- (ii) Person who has constructed, maintains and operates or intends to construct, maintain and operate a captive generating plant in the State for his own use;
- (iii) Distribution Licensee; and
- (iv) Trading Licensee.

shall be eligible to apply for Open Access to the Intra-State Transmission System in accordance with these Regulations.

4.2. A consumer shall be eligible to apply for Open Access to the Intra-State Transmission System upon such Open Access being introduced and specified by the Commission in accordance with the provisions of sub-section (2) of Section 42 of the Act:

Provided that such consumer shall be also subject to such conditions as may be specified in the Regulations notified by the Commission in that behalf, in addition to the conditions specified in these Regulations:

Provided further that a person who is not a consumer within the meaning ascribed under Section 2(15) of the Act and whose premises are not connected for the purpose of receiving electricity with the works of a Licensee, would be eligible to seek grant of connectivity and to seek grant of Open Access to the Intra-State Transmission System under these Regulations:

Provided further that such consumer, who is connected to the Intra-State Transmission System (including dedicated transmission line) and is a consumer of a Distribution Licensee, the conditions mentioned in Regulations 3.1, 4.2.1 and 4.2.2 of Distribution (Open Access) Regulations, 2014, shall be mandatory conditions for seeking Transmission Open Access.

4.3. The transmission Open Access users shall be divided into three categories, namely: -

(a) Long-term Open Access user;

(b) Medium term Open Access user;

(c) Short term Open Access user.

Provided that the duration of Open Access for Long term, Medium term and Short term shall be as provided in Regulation 10.1.2.

4.4. Open Access Customer may seek Open Access to the transmission system for either receiving or supplying power through Power Exchange.

4.5. Notwithstanding anything contained in these Regulations, the provision of Open Access under these Regulations shall be subject to settlement of all dues of the State Transmission Utility /State Load despatch Centre:

Provided further that where there is a dispute between the State Transmission Utility /State Load Despatch Centre and the Open Access applicant relating to any charge for electricity or sum other than a charge for electricity claimed by the State Transmission Utility /State Load Despatch Centre from such an Open Access applicant, then the said applicant shall be allowed Open Access pending disposal of such dispute only upon deposit of the disputed amount with the Transmission Licensee, in accordance with Section 56 of the Act:

Provided also that the State Transmission Utility /State Load Despatch Centre shall pay interest at a rate equivalent to the bank rate of the Reserve Bank of India for the portion of deposit that is returned to the Open Access applicant on resolution of the dispute:

Provided further that a person having been declared insolvent or bankrupt at the time of application shall not be eligible for Open Access:

Provided also that where any undisputed dues are existing for more than two billing cycles, then such an Open Access applicant shall be allowed Open Access only upon

deposit of the dues with the State Transmission Utility /State Load Despatch Centre in accordance with Section 56 of the Act.

## **5. Transmission System User**

5.1. A user of an Intra-State Transmission System on the date of notification of these Regulations shall be deemed to be a Transmission System User of such Intra- State Transmission System:

Provided that the Government Company or the Company referred to in sub-section (2) of Section 131 of the Act shall be deemed to be an Intra-State Transmission System User of Intra-State Transmission System used by the Board with effect from the date on which a transfer scheme is prepared in accordance with that Section:

Provided further that a user who has been granted Long-term Open Access by State Transmission Utility of an Intra-State Transmission System including a deemed Intra-State Transmission System User shall enter into a Bulk Power Transmission Agreement with the Transmission Licensee(s) within sixty (60) days from the date of notification of these Regulations.

5.2. A Transmission System User under Regulation 5.1 above shall be deemed to have transmission capacity rights in an Intra-State Transmission System equivalent to the total generation capacity contracted or otherwise arranged, with the approval of the Commission, by such Transmission System User as on date of notification of these Regulations for injection into such transmission system:

Provided that the duration of such transmission capacity rights as on date of notification of these Regulations shall be the remainder of the period of the contract or arrangement under which such generating capacity is procured by the Transmission System User:



Provided further that a Transmission System User under the first proviso to Regulation 5.1 above shall be deemed to have transmission capacity rights in an Intra-State Transmission System equivalent to the generation capacity allocated to such a Transmission System User under the terms of the transfer scheme and for the duration comprised therein:

Provided also that where a Transmission Licensee is undertaking system strengthening in order to meet a Transmission System User's future requirement as at on date of notification of these Regulations, then such Transmission System User shall be entitled to be allocated the transmission capacity rights over the capacity created as a result of such system strengthening, upon such capacity becoming available.

## **6. Transmission System Planning**

- 6.1. The State Transmission Utility shall, within one hundred and eighty (180) days from the date of notification of these Regulations, publish on its internet website the Transmission System Plan for the Intra-State Transmission System and shall also make the same available to any person upon request:

Provided that the Transmission System Plan shall be prepared in compliance with Regulation 6 of these Regulations till such time the Commission specifies the planning code through a separate Planning code or Regulations.

- 6.2. Such Transmission System Plan shall cover a period of five (5) years commencing from the financial year immediately following the year in which it is published:

Provided that the transmission system plan shall be updated by the State Transmission Utility each year and published in the manner specified in Regulation 6.1 by the 30<sup>th</sup> day of September each year and shall cover a period of five (5) years commencing from the financial year immediately following the year in which it is published.

- 6.3. The transmission system plan shall describe the plan for the Intra-State Transmission System and shall include the proposed intra-State transmission schemes and system strengthening schemes for the benefit of all Transmission System Users.
- 6.4. The State Transmission Utility may, for the purpose of preparing the transmission system plan under these Regulations, seek such information as may be required by it, including generation capacity addition, system augmentation and long-term load forecast and all applications for Open Access under Regulations 8, 12 and 13:

Provided that the State Transmission Utility shall consider, but shall not be bound by, the information provided under this Regulation in preparing the transmission system plan:

Provided further that where the State Transmission Utility departs from the transmission system plan based on information received in terms of Regulation 6.4, the State Transmission Utility shall record the reasons for such departure in writing.

- 6.5. The State Transmission Utility shall also consider the following for the purpose of preparing the transmission system plan under these Regulations -
- (i) Plans formulated by the Authority for the transmission system under the provisions of clause (a) of Section 73 of the Act;
  - (ii) Plans formulated by the Central Transmission Utility;
  - (iii) Electric Power Survey of India report of the Authority;
  - (iv) Grid Standards specified by the Authority under clause (d) of section 73 of the Act;
  - (v) Recommendations/inputs, if any, from Maharashtra Energy Development Agency on implementation of Renewable Energy projects in the State; and
  - (vi) Recommendations/ inputs, if any, of the Regional Power Committee;
  - (vii) Grid Coordination Committee;
  - (viii) Maharashtra State Power Committee.

- 6.6. The State Transmission Utility shall, while submitting its application under subsection (1) of Section 64 of the Act to the Commission for approval, also submit therewith its investment plan based on the identified Intra-State transmission schemes and system strengthening schemes projected in the transmission system plan.
- 6.7. Where the investment plan of the State Transmission Utility does not cover all of the identified Intra-State transmission schemes or system strengthening schemes comprised in the transmission system plan, the Commission may, at its discretion, issue such Orders or directions for the purpose of implementing such schemes not included in the investment plan, which may include any of the following: -
- (a) Invite any other Transmission Licensee situated in such area of transmission to implement such scheme; or
  - (b) Invite applications for new Transmission Licensees for the implementation of such schemes on such conditions as the Commission may in its discretion considers appropriate.
- 6.8. The cost of the transmission system planning study undertaken in accordance with this Regulation shall be allowed in the determination of the charges of the State Transmission Utility under clause (b) of sub-section (1) of Section 62 of the Act.

## Part B: CONNECTIVITY

### **7. Grant of Connectivity**

- 7.1. A consumer having load of 5 MW and above or a Generating Station having capacity of 5 MW and above shall be eligible to obtain connectivity to the Intra-State Transmission System, and shall apply for connectivity, in accordance with the provisions in this chapter:

Provided that the STU shall grant connectivity to the generator getting connected to an EHV substation through a dedicated feeder emanating from an EHV substation irrespective of voltage level and the capacity:

Provided further that such connecting feeders would be part of the transmission lines as defined in Section 2(72) of the Act.

- 7.2. Applicant shall apply to the STU for connectivity in the Form prescribed in the detailed procedure to be laid down by the STU.
- 7.3. The Application for connectivity shall be accompanied by a non-refundable fee of Rupees Two lakh through Demand Draft :

**Provided that in case of application made by a Renewable energy based generation plant, the non-refundable fee shall be Rupees One lakh.**

- 7.4. The application for connectivity shall contain details such as, proposed geographical location of the applicant, quantum of power to be interchanged that is 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 by the consumer, with the Intra-State Transmission System and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided that in cases where once an application has been filed and thereafter there has been any material change in the location of the applicant or change, by more than ten percent (10%) in the quantum of power to be interchanged with the Intra-State transmission system, the applicant shall make a fresh application, which shall be considered in accordance with these Regulations.

## **8. Processing of Application**

8.1. On receipt of the application, the STU shall, in consultation and through coordination with other agencies involved in Intra-State Transmission System to be used, including the Distribution Licensee of the area, if the Distribution Licensee's network is likely to be used, process the application and carry out the necessary interconnection in compliance with Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007, as amended from time to time.

8.2. While granting connectivity, the STU 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 STU shall specify the point of connection and name of the line at which connectivity is to be granted. The STU shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line:

Provided that the time line for phasing of construction of the dedicated transmission line by the STU shall be so as to match the coming up of generation facilities or the facilities of the applicant.

Provided further that STU shall indicate the cut-off time and the conditions subsequent to be fulfilled by the generator or the applicant. In case the generator or the applicant is unable to fulfil its commitments before the cut-off time, the STU shall cancel the proposed connectivity to the generator or the applicant:

Provided further that the generator or the applicant for connectivity shall submit its application so as to provide adequate time for development of the dedicated transmission line.

8.3. The applicant and all Intra-State Transmission Licensees including the State Transmission Utility shall comply with the provisions of Central Electricity Authority

(Technical Standards for Connectivity to the Grid) Regulations, 2007 as amended from time to time.

- 8.4. The applicant shall sign a connection agreement with the 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 a consumer is granted to the Intra-State Transmission Licensee other than the State Transmission Utility, 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 STU and such Intra-State Transmission Licensee:

Provided further that the State Load Despatch Centre shall also be provided with a copy of the above mentioned Connection Agreement by the STU or such other Intra-State Transmission Licensee.

- 8.5. The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains Long-term Access, Medium-term Access or Short-term Open Access as the case may be.
- 8.6. A generating station, including a captive generating plant which has been granted connectivity to the Intra-State Transmission Grid shall be allowed to undertake testing including full load test 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 concerned State Load Despatch Centre, which shall keep grid security in view while granting such permission. The charges for testing and Tariff of 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 MERC (Multi Year Tariff) Regulations, 2011 as amended from time to time. The power injected into the grid from other generating stations as a result of such

test shall be charged either at the rates for imbalance determined by the Commission under the Intra-State ABT mechanism or at average variable charge of long term power purchase as approved by the Commission in the prevailing Tariff Order of the Distribution Licensee, to which the generator intends to sell, whichever is lower:

Provided that a unit of a generating station, including a captive generating plant which has been granted connectivity to the grid shall be allowed to inject infirm power into the Grid during testing including full load test before its COD for a period not exceeding six months from the date of first synchronization after obtaining prior permission of the State Load Despatch Centre and the Transmission Licensee:

Provided further that the Commission may allow extension of the period for testing including full load test, and consequent injection of infirm power by the unit, beyond six months, in exceptional circumstances on an application made by the Generating Company at least two months in advance of completion of six month period:

Provided also that the onus of proving that the injection of infirm power from the unit(s) of the generating station is for the purpose of testing and commissioning shall lie with the Generating Company, and the SLDC shall seek such information on each occasion of injection of power before COD. For this, the generator shall provide the SLDC sufficient details of the specific testing and commissioning activity, its duration and intended injection etc.:

Provided that before injecting infirm power, the generating station including captive generating plant, shall have an agreement with a distribution Licensee to supply infirm power.

Provided further that in case the generator does not have an agreement for sale of power with any Licensee then the charges for infirm power injected into the grid shall be reduced to zero and this infirm power shall be credited to the Distribution Licensees under the provisions of Intra-State ABT mechanism operating in the state.

- 8.7. The STU shall convey its decision on grant of connectivity or otherwise within a period of 45 days from the date of receipt of application. Provided that no application shall be rejected unless the applicant has been given an opportunity to make representation against the proposed rejection of application. Provided further that in case of rejection of an application, the STU shall provide the reasons to the applicant in writing. Provided also that an applicant who is aggrieved by a rejection of his application seeking grant of connectivity may make a representation to the Commission:

Provided further that a generator or a captive generating plant or a consumer already connected to Intra-State Transmission System or for which connectivity is already granted under the present arrangement shall not be required to apply for connectivity for the same capacity:

Provided further in case of enhancement of capacity of generator including, a captive generating plant, or increase in power requirement of the consumer, including captive user, it shall be required to make fresh application for seeking connectivity as per the provisions of Regulations.

## Part C: GENERAL PROVISIONS FOR OPEN ACCESS

### **9. Criteria for granting Long-term Open Access or Medium term Open access or Short term Open Access**

- 9.1. Where capacity is available in the Intra-State Transmission System, the Nodal agency shall consider applications for Open Access on a “first come, first served” basis.
- 9.2. Where two or more applications are received on the same day an application for longer duration shall take precedence over an application for a shorter duration of access to the Intra-State Transmission System:



Provided that two or more applications for the same duration of access received on the same day shall be treated pari passu for allotment of transmission capacity rights and in case of insufficient available capacity to accommodate all applications, the applicants shall be allotted a pro rata share in the available capacity proportionate to the capacities applied for.

- 9.3. Upon receipt of an application the Nodal agency shall undertake a system study and intimate the applicant as to whether Open Access can be allowed within the time-frame provided in Regulation 11 below.
- 9.4. Before awarding Long-term Open Access, the State Transmission Utility shall have due regard to the augmentation required for the Intra-State Transmission System proposed under Regulation 12 of these Regulations.
- 9.5. Medium-term Open Access or Short-term Open Access shall be granted if the resultant power flow can be accommodated in the existing transmission system or the transmission system under execution:

Provided that no augmentation or any reconfiguration or any switching operation shall be carried out to the transmission system for the sole purpose of granting Medium term Open access or Short-term Open Access:

Provided that the construction of a dedicated transmission line shall not be construed as augmentation of the transmission system for the purpose of this Regulation:

Provided that the intimation referred to under this Regulation shall not be deemed to create any transmission capacity rights in an Intra-State Transmission System in favour of the applicant until such time as the capacity created through the system strengthening becomes available:

Provided further that, in determining whether transmission strengthening is required, the State Transmission Utility shall use such methods of assessment as may be approved by the Commission from time to time:

Provided also that such methods of assessment shall take account of the stability and proper operation of the Intra-State Transmission System, be transparent and take account of the requirements of the State Grid Code.

- 9.6. Where transmission capacity rights have been allotted to an applicant in accordance with this Regulation, the applicant shall, to the extent of the transmission capacity rights so allotted and subject to the limitations specified in these Regulations and in the State Grid Code, rank pari passu with all other Transmission System Users as regards access to the Intra-State Transmission System of the Transmission Licensee.
- 9.7. Every Transmission System User shall, at the time of allotment of transmission capacity rights to him, enter into a Bulk Power Transmission Agreement (BPTA) with the Transmission Licensee for access to and use of the Intra-State Transmission System of the Transmission Licensee.
- 9.8. Every Transmission Licensee shall put up, on its internet website, necessary guidelines, procedure and form of Bulk Power Transmission Agreement within ninety (90) days of notification of these Regulations:

Provided further in case of a consumer opting for Open Access on the network of a Transmission Licensee other than the STU, a tripartite agreement shall be entered between the Open Access applicant, the STU and such other Intra State Transmission Licensee.

- 9.9. The Nodal agency shall ensure that connectivity has been established prior to signing of the BPTA.

**Part D: APPLICATION PROCEDURE AND APPROVAL****10. Category of Open Access**

## 10.1. Categories of Open Access

The application procedure, application fee and the time frame of processing request by eligible consumers seeking Open Access shall be based on the following criteria.

## 10.1.1. Inter-se location of drawal and injection points

- (a) Within the State but in different distribution system;
- (b) In different States.

## 10.1.2. Duration of Open Access

(a) Long-term Open Access

The person availing or intending to avail access of Intra-State Transmission System for a period exceeding 12 years but not exceeding 25 years shall be term as Long-term Open Access users:

Provided that the existing long term beneficiaries of an Intra-State Transmission System shall be deemed to be the Long-term Open Access users of the particular system.

(b) Medium-term Open Access

The person availing or intending to avail access of Intra-State Transmission System for a period exceeding 3 months but not exceeding 3 years shall be termed as Medium term Open Access users.

(c) Short-term Open Access

The person availing or intending to avail access of Intra-State Transmission System for a period not exceeding one (1) month shall be termed as Short-term Open Access users :

Provided further that the Short-term and Medium-term Open Access user shall be eligible and re-eligible to obtain Open Access after expiry of his term.

## 11. Application procedure for Open Access

- 11.1. All applications for Open Access shall be made in the prescribed Form and submitted to the Nodal agency in accordance with these Regulations.
- 11.2. The Nodal agency, Application fee, Documents to accompany the application and time frame for disposal of application shall be as specified in the following Tables :

Consumer seeking Transmission Open Access						
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for processing the application (days from receipt of application)
1	Short-Term Open Access	Both within the State (in the Intra-State Transmission System)	SLDC	7500	Proof of payment of Application fee, Proof of firm energy contract, consent from the Distribution Licensee in case of a consumer of Distribution Licensee) and procedure prescribed by SLDC	7 working days in case STOA applied for first time. 3 working days on subsequent STOA applications.
2		Injection/ drawal point in the distribution system within the State	SLDC	7500	Consent from concerned Distribution Licensee, Proof of firm energy contract, Proof of payment of Application fee, and procedure prescribed by SLDC	7 working days in case STOA applied for first time. 3 working days on subsequent STOA applications.
3		Injection/ drawal point in different States	RLDC of the region where consumer is located	7500	Consent from concerned SLDCs and Distribution Licensee as applicable, Proof of payment of Application fee, and procedure prescribed by SLDC	As per Central Commission's Regulations
4		Consumer opting to avail power supply from/to Power exchange	SLDC	7500	Consent from the Distribution Licensee to whom the consumer is connected, , Proof of payment of Application fee, and procedure prescribed by SLDC	Seven (7) working days in case STOA applied for first time. Three (3) working days on subsequent STOA applications.
5	Medium-Term Open Access	Both within the State (in the intra-State transmission system)	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA	20 working days

Consumer seeking Transmission Open Access						
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for processing the application (days from receipt of application)
6		Injection/drawal point in the distribution system within the State	STU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned Distribution Licensee	20 working days
7		Injection/drawal in different States	CTU	100000	Proof of payment of Application fee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned SLDCs and Distribution Licensee as applicable	As per Central Commission's Regulations
8	Long - Term Open Access	Both within the State (in the Intra-State Transmission System)	STU	200000	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA	120 days where augmentation of transmission system is not required. 150 days, where augmentation of transmission system is required.

Consumer seeking Transmission Open Access						
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for processing the application (days from receipt of application)
9		Injection/drawal point in the distribution system within the State	STU	200000	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, Consent from concerned Distribution Licensee	120 days where augmentation of transmission system is not required. 150 days, where augmentation of transmission system is required.
10		Injection/ drawal point in different States	CTU	200000	Proof of payment of Application fee, Bank Guarantee, PPA or Sale-purchase agreement of power, In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, Consent from concerned STU and Distribution Licensee as applicable	As per Central Commission's Regulations

Provided that where a consumer of Distribution Licensee is connected to the transmission system seeking Intra-State Transmission Open Access, the operating charges or any other charge as stipulated by the Commission for the concerned Distribution Licensee shall be payable by the consumer to the Distribution Licensee in whose Licence area that consumer is located.

## 12. Procedure for Long Term Open Access

### 12.1. Involving Inter-State Transmission System:

Notwithstanding anything contained in Regulation 12.2 below, procedure for Inter-State Long-term Open Access shall be as per Central Electricity Regulatory Commission

(Grant of Connectivity, Long-term Open Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 as amended from time to time.

**12.2. Involving only Intra-State Transmission System:**

Subject to the provisions of Regulation 12.1 above, intra-State Long-term Open Access involving only Intra-State Transmission System shall be in accordance with the provisions of sub-clause (a) to (l) herein below:

(a) The application for grant of Long-term Open Access shall contain details such as name of the entity or entities to whom the 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 State Transmission Utility in the detailed procedure. The model application form to be included in the detailed procedure for Long term / Medium term Open Access is provided at Annexure-II.

In case where augmentation of transmission system is required for granting Open Access, if the quantum of power has not been firmed up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the applicant shall indicate the quantum of power it proposes to be interchanged using the Intra-State transmission system:

Provided also that the exact source of supply or destination of off-take, as the case may be, shall have to be firmed up and accordingly notified to the nodal agency at least 3 years prior to the intended date of availing Long-term Open Access, or such time period estimated by State Transmission Utility for augmentation of the transmission system, whichever is lesser, to facilitate such augmentation:

Provided further that in cases where there is any material change in location of the applicant or change by more than ten percent (10%) in the quantum of power to be interchanged using the Intra-State Transmission system, a fresh application shall be made, which shall be considered in accordance with these Regulations.

- (b) 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 System and power to be transmitted to or from various entities or regions to enable the nodal agency to plan the Intra-State Transmission System in a holistic manner. Provided that no application shall be rejected on the ground of non-submission of any information specified in this Regulation.
- (c) The application shall be accompanied by a bank guarantee of Rs 10,000/- (Rupees Ten thousand) per MW of the total power to be transmitted. The bank guarantee shall be in favour of the nodal agency, in the manner laid down under the detailed procedure.
- Provided in case of Renewable energy based transaction the bank guarantee shall be at the rate of Rs. 5000/- (Rupees five thousand) per MW of the total power to be transmitted.**
- (d) The bank guarantee as provided at Regulation 12.2 (c) above, shall be kept valid and subsisting till the execution of the BPTA, in the case when augmentation of transmission system is required, and till operationalisation of Long-term Open Access when augmentation of transmission system is not required.
- (e) The bank guarantee may be encashed by the nodal agency, if the application is withdrawn by the applicant or the Long-term Open Access rights are relinquished prior to the operationalisation of such rights when augmentation of transmission system is not required.
- (f) The aforesaid bank guarantee will stand discharged with the submission of bank guarantee required to be given by the applicant to the State Transmission Utility during construction phase when augmentation of transmission system is required, in accordance with the provisions in the detailed procedure.
- (g) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in Intra-State Transmission System to be used, 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 Open



access is arrived at within the timeframe specified in clause 2 of Regulation 11 herein above:

- (h) Based on the system studies, the nodal agency shall specify the Intra-State Transmission System that would be required to give Long-term Open Access. In case augmentation to the existing Intra-State Transmission System is required, the same will be intimated to the applicant.
- (i) While granting Long-term Open Access, the nodal agency shall communicate to the applicant, the date from which Long-term Open 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.
- (j) The applicant shall sign the BPTA for Long-term Open Access with the State Transmission Utility in case Long-term Open Access is granted by the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking Long-term Open Access to an intra-State Transmission Licensee, other than the State Transmission Utility, the applicant shall sign a tripartite BPTA with the State Transmission Utility and the Intra-State Transmission Licensee. The BPTA shall contain the date of commencement of Long-term Open Access charges the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required. In case augmentation of transmission system is required, the BPTA 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.
- (k) Immediately after grant of Long-term Open Access, the nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for grant of Short-term Open Access, received under these Regulations.
- (l) On the expiry of the period of Long-term Open Access, the same shall stand extended on a written request by the consumer, to the State Transmission Utility, submitted at

least six months prior to such expiry, mentioning the period for which extension is required:

Provided that in case no written request is received from the consumer within the timeline specified above, the said Long-term Open Access shall stand terminated on the date up to which it was initially granted.

### **13. Procedure for Medium term Open Access**

#### **13.1. Involving Inter-State Transmission System:**

Notwithstanding anything contained in Regulation 13.2 below, procedure for Inter-State Medium-term Open Access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in Inter-State Transmission and related matters) Regulations, 2009 as amended from time to time.

Provided that in respect of a consumer connected to a distribution system seeking Inter-State Medium-term Open Access, the STU, before giving its consent to the RLDC as required under the Central Commission's Regulations, shall require the consumer to submit the consent of the Distribution Licensee concerned in accordance with Regulation 15 of these Regulations.

#### **13.2. Involving only Intra-State Transmission System:**

Subject to the provisions of Regulation 13.1 above, Intra-State Medium-term Open Access involving Intra-State Transmission System shall be in accordance with the provisions of clause (a) to (f) herein below:

- (a) 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. A model application form for Medium term Open Access is provided at Annexure-II;
- (b) 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.

For example, application for grant of Open Access commencing for 1<sup>st</sup> Jan shall be received up to 31<sup>st</sup> day of July of the previous year. Similarly, the application for grant of Open Access if submitted on 31<sup>st</sup> day of July of the previous year shall not be for a period commencing 1<sup>st</sup> August of the subsequent year;

- (c) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in Intra-State Transmission, 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 (2) of Regulation 11 herein above;
- (d) On being satisfied that the requirements specified under clause (2) of Regulation 11 are met, the nodal agency shall grant Medium-term Open Access for the period stated in the application:

Provided that for reasons to be recorded 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 BPTA for Medium term Open Access with the State Transmission Utility, 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 State Transmission Utility, the applicant shall sign a tripartite Medium-term Open Access agreement with the State Transmission Utility 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, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure;

- (e) Immediately after grant of Medium-term Open Access, the nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for Short-term Open Access received under these Regulations;

- (f) On expiry of the period of the Medium-term Open Access, the consumer shall not be entitled to any overriding preference for renewal of the term.

## **14. Procedure for Short-term Open Access**

### **14.1. Involving Inter-State Transmission System:**

Notwithstanding anything contained in Regulation 14.1 below, procedure for Inter-State Short-term Open Access shall be as per Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008, as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking Short-term Open Access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's Regulations, shall require the consumer to submit the consent of the distribution Licensee concerned in accordance with Regulation 15 of these Regulations.

### **14.2. Involving only Intra-State Transmission System:**

Subject to the provisions of Regulation 14.1 above, the Short-term Open Access on Intra-State Transmission System shall be in accordance with the provisions of sub clause 14.2.1 to 14.2.6 herein below:

#### **14.2.1. Open Access in advance:**

- (i) Application may be submitted to the Nodal Agency seeking Short-term Open Access up to the fourth month, considering the month in which an application is made being the first month;
- (ii) Separate application shall be made for each month and for each transaction in a month;
- (iii) The application to the Nodal agency shall be on the prescribed form given in Annexure-I [format ST-1] containing such details as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other additional information as may be required by the Nodal agency. The application

shall be accompanied by a non-refundable application fee in cash or by demand draft in favour of the officer so notified by Nodal agency;

- (iv) An application for grant of Open Access commencing in any month may be submitted in a cover marked “Application for Short-Term Open Access – in advance” up to 15<sup>th</sup> day of the preceding month.

For example, application for grant of Open Access commencing in the month of July shall be received up to 15<sup>th</sup> day of June;

- (v) The applications for grant of Short-term Open Access for the second month received after the date specified in clause (iv) above and the applications for grant of Short-term 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;

- (vi) Nodal agency shall acknowledge receipt of the application by indicating time and date on “Acknowledgement” to the applicant;
- (vii) A consumer of Distribution Licensee intending to avail Open Access shall also furnish a copy of his application to the Distribution Licensee of his area of supply;
- (viii) Based on the type of transactions Nodal agency shall take a decision on the applications for Short-term Open Access in the manner provided herein below;
- (ix) All applications received under sub-sub-clause (iv) above shall be taken up for consideration together and processed as per allotment priority criteria specified under Regulation 17 of these Regulations;
- (x) Nodal agency shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction;

- (xi) Nodal agency shall convey grant of Open Access or otherwise in format Annexure- I [FORMAT-ST2] alongwith schedule of payments to the consumer latest by 19<sup>th</sup> day of such preceding month;
- (xii) Nodal agency shall assign specific reasons if Open Access is denied under sub-clause (xi) above:

Provided that Open Access shall not be denied unless an opportunity of representation is provided to the applicant.

Provided further that any dispute arising from denial of Open Access shall be referred to the Commission for adjudication.

#### **14.2.2. Day-Ahead Open Access**

Day-ahead Open Access of Transmission system shall be permitted, in case there is availability of surplus capacity in the Transmission licensee's system, which has been expressly surrendered whole or part thereof, or not in use for more than three days in past:

- (i) An application for grant of day ahead Open Access may be received by Nodal agency only a day in advance, prior to the date of scheduling but not later than 13:00 Hours of the day immediately preceding the day of scheduling for day-ahead transaction :

Provided that any application received after 13:00 hrs. shall be considered in contingency for Day ahead or same day if it is received on the day of scheduling and the application processing fees for such contingency applications shall be five times of applicable application processing fees.

For example, application for day-ahead Open Access of Transmission system on 25<sup>th</sup> day of July shall be received only on 24<sup>th</sup> day of July and upto 13:00 hours of the day ;

- (ii) Nodal agency shall check for congestion and convey grant of approval or otherwise in the same format of Annexure- I [FORMAT-ST2] as provided in sub-sub-clause (xi) of clause 14.2.1 above latest by 14:00 Hours. All other provisions of application for Short-term Open Access shall apply;

- (iii) In case the Nodal agency does not grant its approval in terms of sub-clause (ii) above, it shall provide the reasons in writing :

Provided that Open Access shall not be denied unless an opportunity of representation is provided to the applicant :

Provided further that any dispute arising from denial of Open Access shall be referred to the Commission for adjudication.

#### **14.2.3. Bidding Procedure**

- (i) If the capacity sought by the consumers for Open Access in Advance for the following month is more than the available capacity or SLDC perceives congestion of any element of transmission and distribution system involved in the transaction, the allocation shall be made through electronic bidding procedure ;
- (ii) The decision of SLDC in respect of an expected congestion shall be final and binding ;
- (iii) SLDC shall convey information of congestion and decision for invitation of bidding indicating floor price on format of Annexure I [FORMAT-ST3] to the applicants ;
- (iv) SLDC shall also display bidding information on its website ;
- (v) The floor price of transmission and wheeling charges determined on the basis of relevant Orders of the Commission shall be indicated in format of Annexure I [FORMAT-ST3] ;
- (vi) The Bids shall be accepted on format of Annexure I [FORMAT-ST4] up to the “bid closing time” as indicated in bidding invitation of Annexure I [FORMAT-ST3]. Modification / amendment to a bid, once submitted shall not be entertained ;
- (vii) If any consumer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed ;

- (viii) SLDC shall not entertain any request for extension of time/date for submission of bids ;
- (ix) The bidders shall quote price (rounded-off to whole number) in denomination in which floor price has been determined ;
- (x) The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is exhausted ;
- (xi) In case of equal price quoted by two or more consumers, the allocation from the residual available capacity at any stage under sub-sub-clause (x) above shall be made in proportion to capacity being sought by such consumers ;
- (xii) All consumers, in favour of whom full capacities have been allotted, shall pay the highest price obtained from bids ;
- (xiii) The consumers, who are allotted less capacity, shall pay the price as quoted by them ;
- (xiv) SLDC shall reject bid which are incomplete, vague in any manner or not found in conformity with bidding procedure ;
- (xv) The successful bidder, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding under sub-sub clause (xii) or (xiii) of this clause.

14.2.4. The reserved capacity by a Short-term Open Access consumer is not transferable to others.

14.2.5. The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the State Load Despatch Centre, may be reserved for any other Short-term Open Access consumer in accordance with these Regulations.

14.2.6. On expiry of the period of the Short-term Open Access, the Short-term consumer shall not be entitled to any overriding preference for renewal of the term.



## 15. Consent by STU, SLDC or Distribution Licensee

### 15.1. Inter-State Open Access :

The STU in the case of application for grant of Long-term and Medium term Open Access and the SLDC in the case of grant of Short-term Open Access shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in Inter-State Transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008, respectively or their statutory re-enactments, as amended from time to time. In case the applicant is a consumer of a distribution Licensee, the said distribution Licensee shall convey its consent or rejection on the factors mentioned in Regulation 15.2(a) (i) and (ii) within the following timelines:—

- (i) Within seven (7) working days, of the receipt of the request of the applicant, in case of Short term Open Access;
- (ii) Within ten (10) working days, of the receipt of the request of the applicant, in case of Medium-term and Long term Open Access.

### 15.2. Intra-State Open Access :

(a) While processing the application seeking consent for Open Access, the Nodal Agency shall verify the following, namely:—

- (i) Existence of infrastructure necessary for 15 minute time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and;
- (ii) Availability of capacity in the Intra-State Transmission system;
- (iii) Copy of PPA/EPA with power purchase rate mentioned;
- (iv) Seller/Buyer consent as the case may be;
- (v) Consent for Distribution Open Access from concerned Distribution Licensee/Licensees;
- (vi) In case of Generator, real-time visibility at SLDC;
- (vii) In case of Generator, date of Commercial Operation (COD) prior to commencement of scheduling/Open Access.

- (b) Where existence of necessary infrastructure and availability of capacity in the Intra-State Transmission System has been established, the Nodal Agency shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within three (3) working days of receipt of the application.
- (c) In case the Nodal Agency finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application.
- (d) In case the application has been found to be in order but the Nodal Agency refuses to give consent on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the Intra-State Transmission System, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) working days from the date of receipt of the application, along with reasons for such refusal.
- (e) In case the applicant is a consumer of a Distribution Licensee, the said Distribution Licensee shall convey its consent or rejection on the factors mentioned in Regulation 15.2(a)(i) and (ii) within the following timelines:
- (i) Within seven (7) working days, of the receipt of the request of the applicant, in case of Short term Open Access;
- (ii) Within ten (10) working days, of the receipt of the request of the applicant, in case of Medium-term and Long term Open Access.

## **16. Consideration of application from defaulters**

- 16.1. Notwithstanding anything contained in these Regulations, the Nodal Agency shall be at liberty to reject an application for Open Access on the ground of non-compliance of the provisions of these Regulations, more specifically the provisions relating to timely payment of the charges leviable hereunder with such reasons being recorded in writing:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard:

Provided that whenever an application is rejected, the reasons for such refusal shall be recorded in the refusal letter and informed to the applicant in writing.

16.2. In case of rejection of the application under Regulation 16.1 above, the revised application may be submitted by the applicant:

Provided that such revised application to be submitted by the applicant shall be with the appropriate charges and fees payable as defined in the Regulation 11 of these Regulations and the same shall be considered as a fresh application.

## **17. Allotment Priority**

17.1. The priority for allotment of Open Access in Intra-State Transmission System shall be decided on the following criteria:

- (a) A distribution Licensee shall have the highest priority in allotment of Open Access capacity irrespective of whether the Open Access request is for Long-term, Medium-term or Short-term;
- (b) The Long-term Open Access applicants shall have the priority next to the Distribution Licensee;
- (c) The Medium-term Open Access applicants shall have the priority next to the Long-term Open Access applicants;
- (d) The Short-term Open Access applicants shall have the priority next to the Medium-term Open Access applicants;
- (e) Allotment priority for Short-term Open Access applicants shall be decided subject to capacity availability;
- (f) When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement to the available capacity, the request of applicant having next lower priority shall be taken up for consideration.

## Part E: OPEN ACCESS CHARGES

### 18. Transmission Charges

Open Access consumer using transmission system shall pay the charges as stated hereunder:

- 18.1. For use of Inter-State transmission system – As specified by the Central Commission from time to time.
- 18.2. For use of Intra-State Transmission System – Transmission charges payable to State Transmission Utility / Transmission Licensee by an Open Access consumer for usage of their system shall be determined as under the Tariff Regulations issued from time to time.

Provided that transmission charges shall be payable to the Nodal agency as under:

- (i) In case of Short term Open Access the charges shall be payable based on actual energy flow.
- (ii) In case of Medium term and Long term Open Access the charges shall be payable on the basis of capacity for which Open Access has been granted.

Provided further the charges for Medium-term Open Access shall be at par with the Long-term Open Access charges and is to be paid on monthly basis.

Provided further that where a dedicated transmission system used for Open Access has been constructed for exclusive use of an Open Access consumer, the transmission charges for such dedicated system shall be worked out by Transmission Licensee for their respective systems and got approved by the Commission and shall be borne entirely by such Open Access consumer till such time the surplus capacity is allotted and used for by other persons or purposes.

- 18.3. The charges for the use of the Intra-State Transmission System shall be determined and settled on a monthly basis.
- 18.4. The bill with respect to such charges shall be despatched by the STU by the tenth (10<sup>th</sup>) day of each month and shall reflect the charges determined for the preceding month.
- 18.5. A Transmission System User shall also be liable to pay an additional Regulatory charge at the rate of twenty five (25) percent of the transmission charges for the use of an Intra-

State Transmission System which is in excess of the transmission capacity rights allotted to such user.

- 18.6. Such consumers who have supply contract with Distribution Licensee, however, connected to Intra-State Transmission System are also required to pay Cross Subsidy Surcharge.
- 18.7. The amount so collected by way of Regulatory charge in accordance with Regulation 18.5 above shall be utilised by the Transmission Licensee to reduce the transmission charges payable by Transmission System Users.
- 18.8. A Transmission System User shall not be entitled to a refund of the transmission charges paid for capacity rights not utilized by such user.
- 18.9. The Open Access user shall pay the relevant charges as per the Commission's SLDC Budget Order issued from time to time in accordance with MERC (MYT) Regulations, 2011, as amended from time to time.
- 18.10. The existing Intra-State Transmission System Open Access consumers shall pay charges as determined by the Commission from time to time.

## **19. Scheduling and system operation charges**

Scheduling and system operation charges shall be payable by the Open Access consumers at the following rates:

### **19.1. In respect of Inter-State Open Access**

- (a) Long-term Open Access and Medium-term Open Access
  - (i) Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as specified by the Central Commission under Section 28(4) of the Act;
  - (ii) State Load Despatch Centre charges as specified by the Commission under sub-section (3) of Section 32 of the Act.
- (b) Short-term Open Access
  - (i) Regional Load Despatch Centre and State load despatch centre charges as specified by the Central/State Commission.

19.2. In respect of Intra-State Open Access

The operating charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule and collection and disbursement of charges.

The SLDC fees and charges payable by the Distribution Licensee shall be shared with the Open Access consumer based on the ratio of scheduled demand of Open Access sought to the total demand of Distribution Licensee on a pro-rata basis for Long-term and Medium-term Open Access consumers. The scheduling and other operating changes as approved by the Commission shall be levied for Short-term Open Access consumers.

Provided, further that in case of any specific methodology for charging SLDC fees and charges as approved by the Commission from time to time through separate Order or any other Regulations shall be followed.

The State Load Despatch Centre shall issue bills to generating companies and Open Access consumers not later than the tenth (10<sup>th</sup>) day of each month in respect of fees and charges payable for the previous month.

## Part F: SCHEDULING, METERING, REVISION AND LOSSES

### **20. Scheduling**

- 20.1. Notwithstanding anything contained in the succeeding clauses of this Regulation, scheduling of Inter-State Open Access transactions shall be as specified by the Central Electricity Regulatory Commission.
- 20.2. Subject to the foregoing clause, Intra-State Open Access transactions in respect of consumers of load 1 MW and above and all generating stations irrespective of the capacity shall be scheduled by SLDC in accordance with the provisions of the State Grid Code.

Provided for partial Open Access Consumers of a distribution Licensee, the consumer shall submit the schedule to the Distribution Licensee and shall not be required to submit it to SLDC.

- 20.3. Renewable Energy generating plants identified as 'Non-firm power' under the MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time, shall be exempted from scheduling till such time the Commission amend this condition by amendment in Regulation or through any general or specific Order:

Provided further that if a consumer opts for Open Access to avail 'Non-firm power' from a Renewable energy generator as defined in MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time, and for such energy supplied to extent of retained Contract Demand maintained by the consumer with the Distribution Licensee, the charge payable shall be tariff applicable for the category applicable to such consumer and appropriate penalty shall be levied on exceeding Contract Demand in accordance with the Orders of the Commission.

## **21. Metering and Communication**

- 21.1. In case of Open Access consumer and all generating stations irrespective of capacity, Special Energy Meters shall be installed by the State Transmission Utility, for and at the cost of the consumer.
- 21.2. Special Energy Meters installed shall be capable of time-differentiated measurements for time-block-wise active energy and voltage differentiated measurement of reactive energy in accordance with the State Grid Code.
- 21.3. Special Energy Meters shall always be maintained in good condition by the Transmission Licensee or the distribution Licensee, as applicable, to whom the Open Access consumer is connected.
- 21.4. Special Energy Meters shall be open for inspection by any person authorized by the State Transmission Utility or the State Load Despatch Centre.

- 21.5. All the Open Access consumers shall abide by the metering standards of CEA. Provided all the interface points and/or metering points in the Intra-State Transmission System shall comply with the State Metering Code:  
Provided further such interface and/or metering points which are not defined in the State Metering Code shall be defined by the SLDC to facilitate State Energy Accounting for the State.
- 21.6. The responsibility of providing the energy meter data to the SLDC shall jointly remain with the consumer and the Transmission Licensee or the distribution Licensee to whom the consumer is connected.
- 21.7. The Open Access user shall ensure visibility of his generation at SLDC for real time monitoring
- 21.8. The Energy meter data shall be communicated on-line to SLDC for energy accounting purpose.
- 21.9. The RTU-DC shall be open for inspection by any person authorised by the STU and/or the SLDC.
- 21.10. The Open Access consumer shall provide for or bear the cost of communication to be defined by Nodal Agency and/or SLDC for real time communication.
- 21.11. The Open Access consumer shall have the facilities of telephone/mobile, fax and email. The details of their communication systems shall be provided to the Nodal agency and/or SLDC.

## **22. Revision**

Revision of scheduled energy shall be permitted in accordance with the provisions of IEGC or the State Grid Code as the case may be.

## **23. Energy losses**

### **23.1. Inter-State Transmission:**

- (i) Long-term Open Access and Medium-term Open Access: The buyers shall bear apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.



(ii) Short-term Open Access: The Open Access consumer shall be levied energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

23.2. Intra-State Transmission:

The normative transmission losses for the Intra-State system, as determined by the Commission in the MYT / APR / Tariff Orders for the applicable years, shall be apportioned in proportion to the actual energy drawal by the Open Access consumers and shall be payable in kind (adjusted in energy drawal/injected in kWh terms) .

## Part G: IMBALANCE AND REACTIVE ENERGY CHARGES

### 24. Imbalance Charge

24.1. Scheduling of all transactions pursuant to grant of Long-term Open Access or Medium-term Open Access or short-term Open Access shall be carried out on day-ahead basis in accordance with the relevant provisions of IEGC for Inter-State transactions and in accordance with State Grid Code/Commission's Orders for Intra-State transactions.

Provided that the provisions of the Regulation 24 of these Regulations are not applicable for Open Access generators and consumers who are participants of State Pool and for them the provisions of energy balancing and settlement as specified in Final Balancing and Settlement Mechanism or any other Balancing Settlement Mechanism stipulated by the Commission from time to time, shall be applicable.

24.2. Deviations between the scheduled and the actual injection/drawal in respect of Open Access consumer shall be settled as under:

24.2.1. Over drawal:

The over drawal by an Open Access consumer shall be settled at higher of the below two options:

(i) The System Marginal Price (SMP) plus other Incidental charges (Net UI charges, additional UI) or any other Intra-State ABT settlement charges as

identified under the Intra-State ABT mechanism operating in the State from time to time or;

- (ii) The Energy charge or Variable Charge of temporary Tariff, whichever is applicable, as identified in the Tariff schedule as determined by the Commission from time to time for the concerned Distribution Licensee.

24.2.2. Under drawal:

In the event of under drawal, the Open Access consumer will not be paid any charges by the distribution Licensee:

Provided that if any penal charges are levied under the Inter-State UI mechanism, on account of under drawal by the Open Access consumer, this charge shall be recovered from the Open Access consumer on a pro-rata basis.

24.3. Over-drawal and Under-drawal of Open Access transactions

- (a) The scheduled energy (in kWh) at consumption point for Open Access Consumer shall be calculated for each time block from the scheduled capacity (kW) at the consumption point, as provided in the drawal schedule, by multiplying it with the period of time block.
- (b) The scheduled demand at consumption point shall be calculated by dividing the scheduled capacity (kW) at consumption point by the power factor for the time block, for which purpose the Power factor shall be considered as unity.
- (c) Calculation of over drawal or under drawal shall be as under:
- (i) Overdrawal by the Open Access Consumer = (Recorded drawal of consumer in each time block) – Minimum of (Scheduled demand /energy at consumption point, Actual demand/energy made available to a consumer from Open Access Generator at that consumption point) – Scheduled demand/energy entitlement from the Distribution Licensee.

(ii) Underdrawal by the Open Access Consumer = Minimum of (Scheduled demand /energy at consumption point, Actual demand/energy made available to a consumer from Open Access Generator at that consumption point) – (Recorded drawal of consumer in each time block).

24.4. Out of the recorded drawal, the scheduled entitlement as an Open Access consumer will first be adjusted and the balance will be treated towards the contract demand of the consumer. The variation in recorded maximum drawal will be accounted for/charged as under: -

(a) When over drawal is identified on the contract demand as a consumer of the distribution Licensee, the extent of over drawal after reconciliation under Regulation 24.3 above, would be levied as demand surcharge on the consumer in a manner similar to the provision of the retail Tariff applicable to such consumer. Settlement of energy over drawal of a consumer will be as per Regulation 24.2.1 above.

(b) When the recorded drawal of a consumer is less than the scheduled entitlement as an Open Access consumer, it will be treated as a case of under drawal as per Regulation 24.2.2 above.

24.5. Deviations between the schedule and the actual injection and/or drawal in respect of Open Access taken by a generator / trading Licensee shall be settled as under:

#### 24.5.1 Over injection

If any over injection than that scheduled by the generator/trader leads to benefit of the grid then such over injection will be settled either at UI charge applicable under the Inter-state ABT mechanism or the SMP plus other Incidental charges (Net UI charges, additional UI) identified under the Intra-state ABT mechanism or any other intra-State ABT settlement charges as identified under the Intra-State ABT mechanism operating in the State from time to time or at the weighted average cost of Long-term power purchase sources excluding Renewable sources and Liquid fuel based generation of the Distribution Licensee, whichever is lower.

If any over injection than that scheduled by the generator/trader is detrimental to the grid, then for such over injection the OA generator/trader shall pay to the state pool either at UI charge applicable under the Inter-state ABT mechanism or the SMP plus other Incidental charges (Net UI charges, additional UI) or any other Intra-State ABT settlement charges as identified under the Intra-State ABT mechanism operating in the State from time to time, whichever is higher.

#### 24.5.2 Under injection

Any under injection, save and except in case of force majeure under Regulation 38 below, than scheduled, to be complied by the Open Access generator, will be met from the grid, subject to safety of grid, and will be paid by the generator/trader to the distribution Licensee at UI charge applicable under Inter-state ABT mechanism or the SMP plus other Incidental charges (Net UI charges, additional UI) or any other intra-State ABT settlement charges as identified under the Intra-state ABT mechanism, whichever is higher. In addition, the congestion charge and/or penalty, if any as identified either by RLDC and/or SLDC to fulfil the obligations of the Open Access Generator will also be payable to the distribution Licensee.

Provided that the wheeling charge and wheeling loss would not be loaded on any generator/trader if it is connected directly to the Intra-State Transmission System and if the point of injection is in the Intra-State Transmission system.

Provided further that if the under injection persists for 2 days continuously, the SLDC shall give notice to the generator/trader for revision of its schedule. If the generator/trader fails to inject according to the Open Access schedule, in such a case the generator/trader should immediately revise the schedule or else it shall be liable to pay for the penalty equivalent to two times the System Marginal Price (SMP) plus other Incidental charges (Net UI charges, additional UI) or any other Intra-State ABT settlement charges as identified under the Intra-State ABT mechanism operating in the State from time to time. The generator/trader will

however be liable to pay the Open Access charges for the full reserved capacity for the entire period.

24.6. As and when the Generators in the State are declared as participants of Intra-State ABT regime, the following would be applicable:

(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 identified as the SMP plus other Incidental charges (Net UI charges, additional UI) under Intra-state ABT mechanism for such excess generation above the declared capacity of Scheduled Generation (SG).

(b) For any generation beyond the prescribed limits, the State Load Despatch Centre shall investigate so as to ensure that there is no gaming, and if gaming is found by the State Load Despatch 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.

Provided that the above condition may be modified/alterd by the Commission by any specific/general Order or Regulations from time to time.

24.7. Payment of imbalance charges shall have a high priority and the concerned constituents (including the Licensees or the Open Access consumers as the case may be) shall pay the indicated amounts within 7 (seven) days of the issue of the statement, into a State imbalance pool account operated by the SLDC. The person who has to receive the money on account of imbalance charges would then be paid out from the State imbalance pool account, within three (3) working days.

- 24.8. If payments against the above imbalance charges are delayed by more than two days, i.e., beyond twelve (12) days from the date of issue of statement, the defaulting party shall have to pay simple interest @ 0.04% for each day of delay. The interest so collected shall be paid to the person who had to receive the amount, payment of which got delayed. Persistent payment defaults, if any, shall be reported by the SLDC to the Commission, for initiating remedial action.
- 24.9. This Regulation 24 shall not be applicable in case an Open Access consumer arranges supply from renewable energy generating plant identified as 'Non -firm power' in the MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time.

Provided that for sourcing power from renewable energy generating plant identified as 'Non -firm power' in the MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time (Wind generating plant, Solar generating plant, small hydro and any other source as approved by the Commission), the surplus power after set off with Open Access consumer's consumption shall be applicable with following conditions:

- (1) Credit for energy injected should be provided strictly on the basis of 15 minute time block basis.
- (2) The surplus energy after set off with Open Access Consumer's consumption in the same 15 minutes time block shall purchased by the Distribution Licensee at the approved Average Power Purchase Cost of the Distribution Licensee by the Commission for respective year.

Provided that the distribution Licensee would be able to meet its Renewable Purchase Obligations through purchase of such surplus energy.

*Explanation* - for the purpose of these Regulations, 'average power purchase cost' means the weighted average price at which the distribution Licensee has purchased the electricity including cost of self generation, if any, approved by the Commission in the Tariff Order or Truing Up Order or any other general or

specific Order. In case of absence of any such Order, last approved 'average power purchase cost' shall be used for settlement purpose.

## 25. Reactive Energy Charge

- 25.1. In respect of generating station, the methodology for payment of the reactive energy charges by Open Access consumers shall be in accordance with provisions stipulated in the State Grid Code and MYT Regulations, 2011 as amended from time to time.
- 25.2. In respect of Open Access consumers, the incentive/disincentive for maintaining the reactive energy balance in the transmission system shall be in accordance with principles laid down in the MYT Regulations, 2011 as amended from time to time.
- 25.3. In respect of Renewable energy generators the reactive energy charges shall be applicable in accordance with charges as approved in the respective Tariff Orders.

## Part H: COMMERCIAL MATTERS

### 26. Billing, Collection and Disbursement

Billing in respect of the charges payable under these Regulations shall be made as per the following procedure:

#### 26.1. Inter-State transactions:

##### 26.1.1. Short-term Open Access

- (i) Collection and disbursement of transmission charges for use of CTU and STU systems and operating charges payable to RLDCs and SLDCs towards Short-term Open Access shall be made by the nodal RLDC in accordance with the procedure specified by the CERC.

##### 26.1.2. Long-term Open Access and Medium-term Open Access

- (i) Billing, collection and disbursement of charges payable to RLDC including Unified Load Despatch and Communication Scheme shall be in accordance with the procedure specified by the CERC.

- (ii) Bills shall be raised by the STU/SLDC directly to the Open Access consumer before the 3<sup>rd</sup> working day of the succeeding calendar month.
- (iii) Open Access consumer connected to the STU shall pay the bills within five (5) working days of receipt of the bill.

26.2. Intra-State transactions:

26.2.1. Short-term Open Access

The short-term Open Access consumer shall deposit with SLDC the transmission charges and operating charges in accordance with Regulation 19.2 above.

26.2.2. Long-term and Medium-Term Open Access

STU shall raise the bill with the Open Access consumer, together with the charges receivable by it, in accordance with Regulation 18.4 above. The Open Access consumer shall pay the charges within 7 days from the date of receipt of the bill. STU shall disburse the charges payable to SLDC and the applicable Transmission Licensee on a monthly basis.

## 27. Late payment surcharge

In case the payment of any bill for charges payable under these Regulations is delayed by a Open Access consumer beyond the due date, without prejudice to any action under the Act or any other Regulations there under, a late payment surcharge at the rate of one percent (1%) per month shall be levied.

## 28. Default in payment

Non-payment of any charge or sum of money payable by the Open Access consumer under these Regulations shall be considered as non-compliance of these Regulations. The STU or the Transmission Licensee may discontinue Open Access after giving the consumer an advance notice of fifteen days without prejudice to its right to recover such charges by suit.



In case of default in payment of charges due to the SLDC, it may refuse to schedule power to the defaulting Open Access consumer and in case of persistent defaults, may direct the Licensee concerned to disconnect such consumer from the grid.

Provided that an Open Access consumer may refer to the Commission for adjudication any issue arising from refusal to schedule or direction to disconnect.

## **29. Payment Security Mechanism**

In case of Long-term Open Access and Medium-term Open Access, the applicant for Open Access will open an irrevocable Letter of Credit in favour of the agency responsible for collection of various charges for the estimated amount of various charges for a period of two months.

## **30. Flexibility to change points of Injection and Drawal**

30.1. The Long-term Open Access consumer shall have the flexibility to change the point of injection and/or point of drawal twice in a year subject to the results of system impact studies to be carried out by the STU at the behest of such consumers.

Provided while providing this flexibility to the applicant the rights of existing consumers shall not be adversely affected.

30.2. A Medium-Term consumer availing Open Access for one full year may also change entry and/or exit points twice, subject to feasibility.

30.3. The SLDC may allow a Short-term Open Access Customer to change the point or points of injection in case of any contingency arising from outage of generation or its associated network, provided it is technically feasible. Provided further this change would be permitted only once during tenure of the Open Access period.

Provided in case of Long-term Open Access and Medium term Open Access the application by the existing Open Access consumer for change in point of injection and/or drawal shall be submitted at least three (3) months in advance to the STU.

Provided the second change would be permitted only after a lapse of 6 months from the first change being made effective. All expenses incurred by the STU to carry out such studies shall be reimbursed in full by such consumers.

Provided any change in the point of injection and/or the point of drawal would be permitted only if there is no change in the quantum of power to be transacted under Open Access.

- 30.4. Provided further due to such change being effected in the point of injection of a Renewable energy generating company, who is connected or intends to get connected to the Intra-State Transmission System and intends to sell such power to an eligible person as specified in Regulation 3.1 of MERC (Distribution Open Access) Regulations, 2014 or to a Licensee other than Distribution Licensee in whose area of supply the renewable energy generator is situated and **if such power is not drawn by the intended beneficiary then all such energy would be treated as lapsed energy.**

## Part I: INFORMATION SYSTEM

### **31. Information system**

- 31.1. The State Load Centre shall within a period of one hundred and eighty (180) days from the date of notification of these Regulations, provide the following information on its internet website:

- 31.1.1. Terms and conditions for use of the intra-State transmission system, within a period of ninety (90) days from the date of notification of these Regulations, comprising the following:

- (a) The form of application, the procedure and manner of submitting the application form and the fee required to accompany the application form;

- (b) The form of Bulk Power Transmission Agreement and the procedure and manner of executing such agreement;
- (c) The transmission charges; and
- (d) Any other terms and conditions for the use of Intra-State Transmission System.

31.1.2. Status report on the use of Intra-State Transmission System, including:

- (a) Transmission maps depicting the intra-State transmission lines, line capacity and nodes;
- (b) The names of Transmission System Users holding transmission capacity rights over the Intra-State Transmission System, and the capacity, duration, points of injection and drawal for each such user.

31.1.3. Declaration of transmission system availability on a day ahead basis and ex-post availability for the last one (1) day, one (1) month and one (1) year;

31.1.4. Energy losses in the Intra-State Transmission System as a percentage of total energy injected into the system, for each week of the previous fifty-two (52) weeks;

31.1.5. Transmission system plan developed by the State Transmission Utility under these Regulations.

The SLDC shall provide a web link to connect to the Transmission system plan developed by the STU.

31.1.6. The details of planned and approved investments of the Transmission Licensee for the next five years.

31.2. The State Load Despatch Centre shall also post following information on its website in a web page titled “Open Access information” and also issue a monthly and annual report containing such information.

31.2.1. A status report on Long-term Open Access or Medium-term Open Access consumers indicating:

- (i) Name of consumer;
- (ii) Period of Open Access granted (date of commencement and date of termination);

(iii) Point of injection;

(iv) Point of drawal;

(v) Transmission system and/or distribution system used, and

(vi) Open Access capacity used.

31.2.2. A status report on the current Short-term Open Access consumers indicating:

i. Name of consumer;

ii. Period of Open Access granted (date of commencement and date of termination);

iii. Point of injection;

iv. Point of drawal;

v. Transmission system and/or distribution system used, and;

vi. Open Access capacity used.

31.2.3. Peak load flows and capacity available including the reserve capacity on all EHV lines from EHV sub-stations.

31.2.4. The information regarding average loss in transmission for the Intra-State Transmission System.

31.2.5. The information related to applicants whose application for Open Access in Intra-State Transmission System has been rejected.

## Part J: MISCELLANEOUS

### **32. Under – Utilisation or Non - Utilisation of Open Access capacity in Intra-State Transmission System**

#### **32.1. Long-term Open Access:**

A Long-term Open Access consumer may relinquish the Long-term Open Access rights fully or partly before the expiry of the full term of Long-term Open Access, by making payment of compensation for stranded capacity as follows:-

32.1.1. Long-term Open Access consumer who has availed access rights for at least 12 years:

(a) Notice of one (1) year – If such a consumer submits an application to the State Transmission Utility at least 1 (one) year prior to the date from which such consumer desires to relinquish the access rights, there shall be no charges.

- (b) Notice of less than one (1) year – If such a consumer submits an application to the State Transmission Utility at any time lesser than a period of 1 (one) year prior to the date from which such consumer desires to relinquish the access rights, such consumer shall pay an amount equal to 66% of the transmission charges for the stranded transmission capacity for the period falling short of a notice period of one (1) year.

32.1.2. Long-term Open Access consumer who has not availed access rights for at least 12 (twelve) years:

Such consumer shall pay an amount equal to 66% of the estimated transmission charges (net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights:

Provided that such a consumer shall submit an application to the State Transmission Utility at least 1 (one) year prior to the date from which such consumer desires to relinquish the access rights:

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

32.1.3. The discount rate that shall be applicable for computing the net present value as referred to in sub-clause (a) and (b) of clause (32.1.1) above shall be the discount rate to be used for bid evaluation in the CERC'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.

32.1.4. The compensation paid by the Long-term Open Access consumer for the stranded transmission capacity shall be used for reducing transmission charges payable by other Long-term consumers and Medium-term Open Access consumers in the year in which

such compensation payment is due in the ratio of transmission charges payable for that year by such Long-term Open Access consumers and Medium-term Open Access consumers.

### **32.2. Medium-term Open Access:**

A Medium-term Open Access consumer may relinquish Open Access rights, fully or partly, by giving at least 30 days prior notice to the nodal agency:

Provided that the medium-term Open Access consumer relinquishing its Open Access rights shall pay applicable transmission charges for the period of relinquishment or 30 days whichever is lesser.

### **32.3. Short-term Open Access:**

(a) The Short-term Open Access schedules accepted by the nodal agency in advance or 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 Open Access consumer:

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 such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

(b) 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.

- (c) In case of cancellation, operating charges specified in Regulations 19 of these Regulations shall be payable for two (2) days or the period of cancellation in days, whichever is less.

### 33. Computation of capacity availability for Open Access

33.1. The capacity available for the Open Access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:

33.1.1. Available Open Access capacity of a transmission system segment: =  $(DC - (SD + AC + RM)) + NC$

where, DC=Designed capacity of the transmission segment in MW,

SD = Sustained demand in MW recorded in the segment,

RM= Reliability Margin in MW,

AC = Already allotted capacity, but not availed in MW and

NC = New capacity in MW expected to be added.

33.1.2. Available Open Access capacity of a sub-station: =  $(TC - (SP + AC)) + NC$

where, TC= Transformer capacity of the sub-station in MVA,

SP= Sub-station peak in MVA,

AC= Already allotted capacity but not availed in MVA and

NC= New transformer capacity in MVA expected to be added.

33.1.3. The STU shall update these values on monthly basis on the first calendar day of the month and publish it in their website.

### 34. Curtailment Priority

Subject to any technical constraints in the operation of the State grid, if it becomes necessary to curtail the Open Access service of the consumers, subject to the requirements of State Grid Code, the Open Access to a distribution Licensee shall be the last to be curtailed. Among others, Short-term Open Access consumers shall be curtailed first, followed by the Medium-term Open Access consumers followed by Long-term Open Access consumers.

Provided among Short term Open Access transactions, bilateral transactions will be cancelled or curtailed first, followed by Power Exchange transactions.

34.1. Subject to any technical constraints in the operation of the State grid, the State Load Despatch Centre shall adopt the following principles for curtailment, in whole or in part, of the use of the Intra-State Transmission system:

(a) In case of curtailment becoming necessary as result of a breakdown that reduces the available capacity of an Intra-State Transmission System or any part thereof, then the use by Transmission System Users of such Intra-State Transmission System or part thereof, as the case may be, shall be curtailed pro rata to the transmission capacity rights held by each such Transmission System User for such period as the breakdown continues;

(b) In case of curtailment becoming necessary as result of deviation by a Transmission System User from the final despatch and drawal schedule duly intimated to the State Load Despatch Centre, then the use by such Transmission System User of such Intra-State Transmission System shall be curtailed first, to the full extent of such deviation, following which the principle specified in clause (a) above shall apply.

34.2. Notwithstanding the provisions of these Regulations, the State Load Despatch Centre may, in cases of emergency and in order to maintain system security, follow such other principles of curtailment of use as it considers appropriate.

34.3. Notwithstanding the provisions of these Regulations, the State Load Despatch Centre shall follow the directions received from the Regional Load Despatch Centre in respect of curtailment of use in respect of any Transmission System User.

### **35. Other commercial conditions**

Every Transmission Licensee shall, within a period of sixty (60) days from the date of notification of these Regulations or within sixty (60) days from the commencement date of the transmission licence, put up on its internet website, other commercial conditions



for use of the Intra-State Transmission System of such Transmission Licensee in accordance with the Act and these Regulations:

Provided that if any dispute arises with reference to such other commercial conditions, it shall be referred to the Commission for decision.

### **36. Compliance with State Grid Code**

It shall be the duty of all Transmission System Users to comply with the State Grid Code:

Provided that if any Transmission System User has failed to comply with the State Grid Code, without prejudice to any penalty to which he may be liable under the Act, the transmission capacity rights so reserved for such user shall be liable to be revoked by the Transmission Licensee who may do so after giving such Transmission System User an opportunity of being heard in the matter.

### **37. Existing contracts and first Right of refusal**

Existing Transmission System Users who have been using the Intra-State Transmission System pursuant to a Bulk Power Transmission Agreement shall, upon expiry of such Agreement, have the first right of refusal for extension of the duration of such Agreement:

Provided that such right of refusal may only be exercised by Transmission System Users in respect of Bulk Power Transmission Agreements having a term of not less than one (1) year:

Provided further that such first right of refusal shall only be available where the extension sought is for a duration of not less than one (1) year.

### **38. Force Majeure**

Force Majeure herein is defined as any event which is beyond the control of the Nodal Agency or the applicant or inter-State transmission system or Intra-State Transmission System as the case may be, which could not be foreseen or with a reasonable amount of

diligence could not have been foreseen and which substantially affects the performance of the agreement. Force Majeure events would include:

- (i) Natural phenomenon including but not limited to floods, cyclone, droughts, earthquake and epidemics;
- (ii) War (whether declared or undeclared), mutiny, invasion, armed conflict or act of foreign enemy in each case involving or directly affecting India, revolution, riot, insurrection or other civil commotion, act of terrorism or sabotage in each case within India;
- (iii) nuclear explosion, radioactive or chemical contamination or ionizing radiation directly affecting the generation station, captive generating plant or the consumer, Inter-State Transmission System or Intra-State Transmission System or any facility or system that is integral to and substantial for the performance of this agreement.
- (iv) Any event or circumstances of a nature analogous to any events set forth above within India.

Provided if any person being party to an Open Access agreement is unable to wholly or in part perform on time and as required, any obligation under such agreement or these Regulations because of the occurrence of a force majeure event as identified under Regulation 38.1 above, then, subject to these Regulations, that obligation is suspended to the extent for so long as the affected person's ability to perform such obligation is affected by that force majeure event.

Provided either party shall within fifteen (15) days from the occurrence of such a Force Majeure event notify the other in writing of such event(s).

## **39. Disputes**

39.1. Any dispute under these Regulations shall be adjudicated upon by the Commission.

Provided that the Commission shall take into account the report of the Committee referred to below for adjudication of the dispute.

1. Committee

- (i) The Commission shall constitute a Committee, to be known as the “Transmission Open Access Monitoring and Review Committee”, comprising of one member each of SLDC, the incumbent Transmission Licensee, one person from the Commission’s staff and an authorized Consumer Representative. The Committee shall monitor the progress of Open Access in the Licensee’s area of operation and should meet at least once in three (3) months.
- (ii) The Transmission Licensee shall provide information on Open Access granted the applications pending/rejected by them, etc., to the Committee.
- (iii) The Committee shall submit their observations/suggestions at least once in six (6) months.

#### **40. Power to amend**

The Commission may, at anytime, amend any provisions of these Regulations.

#### **41. 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 Despatch Centre, Intra-State Licensees and the Open Access consumer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

#### **42. Issue of Orders and practice directions**

Subject to the provisions of the Act, the Commission may from time to time issue Orders and practice directions in regard to the implementation of these Regulations.

#### **43. Repeal and Savings**

- 43.1. Save as otherwise provided in these Regulations, the Maharashtra Electricity Regulatory Commission (Transmission Open Access) Regulations, 2005, shall stand repealed from the date of notification of these Regulations.

- 43.2. Notwithstanding such repeal, anything done or purported to have been done under the repealed Regulations shall be deemed to have been done or purported to have been done under these Regulations.
- 43.3. Open Access consumers to the Intra-State Transmission System in the State on the date of coming into force of these Regulations under an existing agreement / contract shall be entitled to continue to avail such access to the transmission system on the same terms and conditions, as stipulated under such existing agreement/contract. Such persons are eligible to avail Long-term Open Access or Medium-term Open Access or Short term Open Access under these Regulations on expiry of such existing agreement/contract.

Provided the wheeling charge, cross-subsidy surcharge, additional surcharge, stand-by charge and any other charge as determined by the Commission would be applicable to all Open Access consumers.

- 43.4. Nothing contained in these Regulations shall invalidate the Commission's powers to exempt any person from the applicability of these Regulations or any part thereof, regardless of whether such power was exercised before or after the notification of these Regulations:

Provided that the Commission may, as far as practicable, give reasonable opportunity to any interested or affected party to make representations before granting such exemption.

- 43.5. Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

Mumbai,  
Date: 2014

ASHWANI KUMAR  
Secretary,  
Maharashtra Electricity Regulatory Commission

Annexure-I  
Format for Short-term  
 Format -STI

<b>Application for Grant of Short Term Open Access</b> (To be submitted by Short Term Open Access Applicant to SLDC)							
1	Customer Application No.:				Date:		
2	Name of the Applicant						
3	Consumer No.:				Existing Supplier (if any):		
4	Meter No.:				Connection Type:		
5	Address for Correspondence:						
	Phone no:		(off.)		(Res.):		(Fax):
	E-mail id:			Mobile no.			
6	Contract details (Agreement / MoU details)						
	Applicant type	Buyer / Seller / Trader / Captive Generator / Renewable Energy Generator					
	With	No.	Date	Valid up to	Capacity in the Contract (MW)	Capacity if contracted to other source (MW)	No. of days Open Access Applied
	Buyer						
	Seller						
Power Exchange							
7	Coordinator details						
	Name and Designation:						
	Phone no:		(off.)		(Fax):		Mobile
	Email id:						
8	Capacity applied						
	Period			Time period			Capacity (MW)
	From (Date)	To (date)		From (hrs.)	To (hrs.)		
9	Details of PPA / PSA / MoU			Date of PPA / PSA / MoU	Validity period		Capacity (MW)
	Name & Address of Parties				Commencement	Expiry	
	Seller	Buyer					
10	Injecting utility details						
	Name :						
	Point of Injection :						
	Name of the concerned Discom / Licensee :						
	Details (path to the nearest sub-station) :						
Meter No.:							

11	Drawing utility details	
	Name:	
	Point of Drawl:	
	Name of the concerned Discom / Licensee:	
	Details (path to the nearest sub-station):	
	Meter No.:	
12	Name of the trader, if any:	
13	Details of application fee payment:	

14. It is hereby, certified that:

- (a) All utilities (including buyer, seller and trader) to the transaction shall abide by the provisions of the MERC (Transmission Open Access) Regulations, 2014 and/or MERC (Distribution Open Access) Regulations, 2014 as the case may be and its amendment from time to time.
- (b) I hereby authorise SLDC to process said application, in case open access capacity allotted, for day-ahead scheduling in accordance with the provisions of Intra-state ABT.
- (c) The applicant hereby agrees to keep SLDC, \_\_\_\_\_ (name of the Distribution Licensee, in case of a consumer of Distribution licensee) indemnified at all times and undertakes to indemnify, defend and save SLDC and \_\_\_\_\_ (name of the Distribution Licensee, in case of a consumer of Distribution licensee) from any damages, losses, claims and actions relating all transactions under this approval.
- (d) The applicant hereby agrees to ensure that total bid in the Power Exchange and with Traders does not exceed the granted quantity.
- (e) (Insert in case of Intra-state Trader) M/s \_\_\_\_\_ has a valid license (ref. no \_\_\_\_\_ issued by \_\_\_\_\_ and valid up to \_\_\_\_\_) for Intra-state Trading and will abide by MERC (Trading Licence Conditions) Regulations, 2004 and its amendment from time to time
- (f) (Insert in case of Inter-state Trader) M/s \_\_\_\_\_ has a valid license (ref. no \_\_\_\_\_ issued by \_\_\_\_\_ and valid up to \_\_\_\_\_) for Inter-state Trading and will abide by CERC (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 and its amendment from time to time

15. The provisions of the 'Procedure for reservation of transmission capacity to Short-term Open Access users' issued by SLDC are hereby agreed

Place :  
Date:

Signature :  
Name and Designation:

**Enclosure:**

- (i) Non refundable application fee in the form of \_\_\_\_\_
- (ii) Self certified copy of PPA / PSA / MoU entered between parties (buyer and seller) of transaction stating contracted power, period of transaction, drawal patter, point (s) of injection and drawal etc.

<b>For use of SLDC (with Reference to Enrolment of application)</b>	
SLDC Reference ID No.:	Date:
SLDC Approval / Refusal no.	
Remarks (Reasons for Refusal to be provided)	

(SLDC may also enclose supporting documents for the reasons of refusal duly signed on each page)

*FORMATS for Short-Term*

**ACKNOWLEDGEMENT**

*(for office use only)*

**APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS**

**(A) < to be filled by the customer >**

<b>1</b>	<b>Customer Application No.</b>	<b>&lt; self generated by customer &gt;</b>	<b>Date</b>	
<b>2</b>	<b>Period of Transaction</b>			
<b>3</b>	<b>Nature of Customer*</b>	<b>&lt; seller/buyer/captive user/trader (on behalf of seller/buyer/captive user) &gt;</b>		
<b>&lt;* In terms of power transfer&gt;</b>				
<b>4</b>	<b>Customer Name</b>			
<b>5</b>	<b>Registration Code</b>		<b>Valid up to</b>	

**< Registration code shall be as provided by SLDC >**

**(B) < to be filled by SLDC >**

<b>Date and Time of Receipt of Application</b>	
--	--

**Place  
Date**

**Signature (with stamp)  
Name & Designation**



**ACKNOWLEDGEMENT***( to be issued by SLDC to the customer immediately on receipt of application duly filled in )***APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS****(A) < to be filled by the customer >**

<b>1</b>	<b>Customer Application No.</b>		<b>Date</b>	
<b>2</b>	<b>Period of Transaction</b>			
<b>3</b>	<b>Nature of Customer*</b>	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >		

*<\* In terms of power transfer>*

<b>4</b>	<b>Customer Name</b>			
<b>5</b>	<b>Registration Code</b>		<b>Valid up to</b>	

*< Registration code shall be as provided by SLDC >***(B) < to be filled by SLDC >**

<b>Date and Time of Receipt of Application</b>	
--	--

**Place****Date****Signature (with stamp)****Name & Designation****N.B.:** This counterfoil may be scored out and issued to the customer.

*FORMATS for Short-Term*

**FORMAT - ST2**

**APPROVAL FOR SHORT-TERM OPEN ACCESS**

(to be issued by SLDC)

<b>Nodal SLDC Approval No.</b>	/ (R-0)	<b>Date</b>	
--------------------------------	---------	-------------	--

< 'R-0' states original approval with revision no. - zero >

<b>1 Customer Application No.</b>	<as provided by customer on FORMAT-ST1>	<b>Date</b>	
<b>2 Period of Transaction</b>			
<b>3 Nature of Customer*</b>	< seller/buyer/captive user/trader (on behalf of seller/buyer/captive user) >		

<\* In terms of power transfer >

<b>4 Customer Name</b>	
<b>5 Registration Code</b>	<b>Valid up to</b>

<b>6 Details of Transaction Party's to Grid</b>			
	<b>Injecting Entity</b>	<b>Drawee Entity</b>	
<b>Name of Entity</b>			
<b>Status of Entity*</b>			
<b>Utility in which it is embedded</b>			

< \* In terms of ownership- State Utility/CPP/IPP/ ISGS/ Discom /Consumer/specify, if any other >

<b>7 Details of Injecting / Drawee Connectivity with Intra-State Transmission System / Distribution system (as applicable)</b>			
	<b>Injecting Entity</b>	<b>Drawee Entity</b>	
<b>Name of Sub-station</b>	<b>Transmission</b>		
	<b>Distribution</b>		
<b>Voltage level</b>	<b>Transmission</b>		
	<b>Distribution</b>		
<b>Name of Licensee (Owner of S/S)</b>			
<b>Intervening Intra-State Licensee</b>			
<b>Intervening Inter-State Licensee</b>			

< Distribution license, if required, may treat interface periphery as its connectivity points >

<b>8 Open Access Approved for ( Period from date _____ to date _____ )</b>	<b>Revision No.</b>	<b>0</b>		
<b>Month</b>	<b>Date</b>	<b>Hours</b>	<b>Capacity (MW)</b>	<b>MWh</b>
	<b>From</b>	<b>To</b>	<b>Applied</b>	<b>Allotted</b>
			<b>Total MWh</b>	

<b>9 Details of Bidding &lt; only in case of Bidding &gt;</b>				
<b>Details of Intra-State System</b>	<b>Date</b>	<b>Hours</b>	<b>Applicable Rate (Rs./kWh)</b>	
	<b>From</b>	<b>To</b>	<b>From</b>	<b>To</b>
<b>Transmission System</b>				
<b>Distribution System</b>				

10. The approval is subject to provisions of MERC (Transmission Open Access) Regulations, 2014 and any other relevant regulation/order/code as amended and applicable from time to time. *< only in case of approval >*

11. No approval is being granted on account of *<only in case of rejection>*

*< SLDC shall convey specific reasons if open access is denied and may also enclose supporting documents to support the same duly signed on each page >*

---

—  
Place  
Date

Signature (with stamp)  
Name & Designation

**Enclosures**

- (1) Schedule of payments *< only in case of approval >*  
(2) If any other

**Copy to along with enclosures**

- (1) Customer  
(2) Officer in charge of transmission substation involved in transaction.  
(3) Officer in charge of distribution substation involved in transaction.  
(4) Any other concerned.

*FORMATS for Short-Term*  
**ENCLOSURE to FORMAT - ST2**

**SCHEDULE OF PAYMENTS**

(to be enclosed for each month by SLDC along with FOMAT-ST2)

<b>Nodal SLDC Approval No.</b>	/ (R-0)	<b>Date</b>	
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< 'R-0' states original approval with revision no. - zero >

<b>1</b>	<b>Customer Application No.</b>	<as provided by customer on FORMAT-ST1>	<b>Date</b>	
<b>2</b>	<b>Period of Transaction</b>			
<b>3</b>	<b>Nature of Customer*</b>	< seller/buyer/captive user/trader (on behalf of seller/buyer/captive user) >		

<\* In terms of power transfer >

<b>4</b>	<b>Customer Name</b>	
<b>5</b>	<b>Registration Code</b>	<b>Valid up to</b>

<b>6</b>	<b>Tentative* Monthly Payment Schedule for Short-Term Open Access Charges</b>			<b>Month</b>	
	( Period: date ____ to date ____ )				
	<b>Payment Chargeable for</b>	<b>Rate (Rs./kWh)</b>	<b>MWh</b>	<b>Total (Rs.)</b>	
	<b>(1) Intra-State Network</b>				
	<b>(a) Transmission Charges</b>				
	concerned Transmission Licensee				
	Intervening intra-State Licensee(if any)				
	<b>(b) Wheeling Charges</b>				
	concerned Distribution Licensee				
	Intervening intra-State Licensee(if any)				
	<b>(c) Surcharge</b>				
	concerned Distribution Licensee				
	<b>(d) Additional Surcharge</b>				
	concerned Distribution Licensee				
	<b>(e) SLDC Charges</b>				
	SLDC				
	<b>(2) Inter-State Network</b>				
	Transmission Charges				
	Intervening inter-State Licensee(if any)				
	<b>Total Monthly Payment Amount (Rs.)</b>				

**Place**  
**Date**

**Signature (with stamp)**  
**Name & Designation**

\* Tentative on the basis of MWh mentioned in application which may vary on actual operation.

*FORMATS for Short-Term***FORMAT- ST3****CONGESTION INFORMATION AND INVITATION OF BIDDING***(to be invited by SLDC)*

SLDC Bidding Invitation No. \_\_\_\_\_

Date \_\_\_\_\_

1	Customer Application No.	<as provided by customer on FORMAT-ST1>	Date	
2	Period of Transaction			
3	Nature of Customer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >		

<\* In terms of power transfer>

4	Customer Name			
5	Registration Code		Valid up to	

**6. The anticipated congestion (transformer and electric line/link) is as follow:**

Network Corridor		Congestion Period				Margin / Capacity Available	Total Capacity Applied by all the Customers
Sub-station with Transformation Capacity	Electric Line / Link with Capacity	Date		Hours			
		From	To	From	To	MW	MW
<b>Intra-State Transmission System</b>							
<b>Intra-State Distribution System</b>							
<b>Inter-State Transmission System</b>							

**7. In view of above please submit bid on format [FORMAT-ST4]. The details for bidding are hereunder:**

(a) Bid Invitation Date		Time					
(b) Bid Submission Date		Time					
(c) Bid Opening Date		Time					
<b>(d) Bids Invited for</b>							
Intra-State Network Corridor		Congestion Period				Margin/Capacity Available for Bidding	Floor Price
Sub-station	Electric Line/Link	Date		Hours			
		From	To	From	To	MW	Rs./kWh
<b>Name of Transmission System</b>							
<b>Name of Distribution System</b>							

**8. In case of non submission of bid, application shall be deemed to have been withdrawn and shall not be processed.**

**Place  
Date**

**Signature (with stamp)  
Name & Designation**

**To: Customers with their reference's < as provided by customers at s. no. 1 on *FORMAT-STI* >**

FORMATS for Short-Term  
**FORMAT - ST4****BID PROPOSAL***(to be submitted by the customer to SLDC)*

Ref: SLDC Bidding Invitation No. \_\_\_\_\_

Date

To: SLDC,

1	Customer Application No.	<as provided by customer on FORMAT-ST1>	Date	
2	Period of Transaction			
3	Nature of Customer*	< seller/buyer/captive user/trader (on behalf of seller/buyer/captive user) >		
<* In terms of power transfer>				
4	Customer Name			
5	Registration Code		Valid up to	

6. In reference to above bidding invitation, I hereby submit my bid as follows:

Bidding Details as provided by SLDC							Bid Price to be Quoted by Bidder	
Intra-State Network Corridor		Congestion Period				Margin/Capacity Available for Bidding MW	Floor Price Paise / kWh	Bid Price Paise / kWh*
Sub-station	Electric Line/Link	Date		Hours				
		From	To	From	To			
Name of Transmission System								
Name of Distribution System								

&lt; \* Bidder shall quote price (rounded-off to whole number) in denotation of floor price &gt;

7. I do hereby agree that determined bid price(s) shall be transmission charges.

Place

Signature (with stamp)

Date

Name &amp; Designation

**MODEL APPLICATION FORM FOR LONG TERM / MEDIUM TERM OPEN ACCESS  
(To be submitted by Open Access Applicant)**

Application No:

Dated:

**1. Name of the Applicant:**

**2. Address for Correspondence:**

Phone Numbers < > Fax No. < > E-Mail < >

**3. Applicant Type: (Buyer / Seller / Trader/ Captive Generator)**

**4. Agreement /MOU/Consent Letter Details:**

With	Reference No	Date	Valid Up to	Maximum Demand (MW)
Buyer				
Seller				

**5. Coordinator Details:**

Name:		
Designation:		
Phone Numbers:	(Off)	(Res)
	(Fax)	(Mobile)
	Email ID:	

**6. Type of Open Access: (Captive or Third party)**

(If Captive usage, provide Chartered Accountant Certificate, exhibiting capital structure and compliance with regard to requirements under the Electricity Act, 2003 read with the Electricity Rules, 2005 and Orders of the Commission)

**7. Details of Power Transfer requirement**

- (i) Quantum of power to be transmitted (MW)
- (ii) Peak load to be transferred (MW)
- (iii) Average load to be transferred (MW)

**8. Expected date of commencement of Open Access.**



**9. Open Access Period Required:**

Period		Time		Capacity (MW)
From Date	To Date	From Hours	To Hours	

**10. Details at Injection Point:**

Name of injecting utility / party / generating station		
Type and generating capacity		
Voltage level		
Point of injection (Name of Sub-station - Discom / MERC)		
Name of location and Discom in whose area located		
Metering arrangement		
Meter details		
a.	Class of Accuracy	
b.	TD Interval	
c.	Parameters	
i.		
ii.		
iii.		
iv.		

**11. Details at Drawal Point (Drawal utility/Consumer details):**

Name of user		
Point of exit		
Voltage level		
Source of feeding for Exit Point (Name of Sub-station - Discom / MERC)		
Name of location and Discom in whose area located		
Metering arrangement		
Meter details		
A	Class of Accuracy	
B	TD Interval	
C	Parameters	
i.		
ii.		
iii.		
iv.		

**12. Is the Consumer at the Exit point an existing consumer of distribution licensee: (Yes or No)**

(If yes provide the consumer number and Contracted Maximum Demand (CMD), Category, whether the open access is for partial load or for full load)

**13. Details of PPAs / Contracts and MOU**

- (i) For Power to be injected
- (ii) For Power to be Drawn
- (iii) For Balancing and Mismatch power requirement
- (iv) For Inter-State Transmission Open Access if involved
- (v) Agreement with traders and Members of Power Exchange if any in above transaction

**14. In case of Generating Station**

- (i) Name of the Promoter
- (ii) Generation Capacity
- (iii) Location of the Generation plant
- (iv) No. of Units & Capacity of each unit
- (v) Type of fuel
- (vi) Base load station or peaking load station
  - a. If peaking load, then what is the estimated hours of running
  - b. If it is a hydro plant, then whether is a Run of the river / Reservoir / Multi-purpose / Pump storage
- i. MU generation in an year in case of Hydro plant
- (vii) Specify the step-up generation Voltage 400kV or 220 kV or any other voltage
- (viii) In case of Hydro Station, whether it is a identified project of CEA

**15. Details of Application Fee (Non-refundable):**

i.	Name of the Bank	
ii.	Draft No. & Date	
iii.	Amount	
iv.	Payable at Bank	

**16. Any other information:**

It is hereby certifying that

1. All utilities (including buyer, seller and trader) to the transaction shall abide by the provisions of the MERC (Transmission Open Access) Regulations, 2014 and/or MERC (Distribution Open Access) Regulations, 2014 as the case may be and its amendment from time to time.
2. The buyer and seller have entered into commercial agreement for the proposed transaction. Payment of the Long Term Open Access charges (if not paid) shall be made by me.

3. The applicant hereby agrees to keep ..... (Name of the Transmission licensee) indemnified at all times and undertakes to indemnify, defend and save the ..... (name of the Transmission licensee) harmless from any and all damages, losses, claims and actions relating to injury to or death of any person or damage to property, demands, suits, recovering costs and expenses, court costs, attorney fees, and all obligations by or to third parties, arising out of or resulting from the transactions under his approval.
4. We shall execute the Long-Term Open Access agreement after receiving the approval from the ..... (Name of the Transmission licensee) with in the 30 days failing which ..... (Name of the Transmission licensee) has right to cancel the approval without any further notice.
5. (Insert in case of Intra-state Trader) M/s ..... has a valid license (ref. no ..... issued by and valid up to ..... ) for Intra-state Trading and will abide by MERC (Trading Licence Conditions) Regulations, 2004 and its amendment from time to time.
6. (Insert in case of Inter-state Trader) M/s ..... has a valid license (ref. no ..... issued by and valid up to ..... ) for Inter-state Trading and will abide by CERC (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 and its amendment from time to time.

Signature of the Applicant

Place:

Date:

Name:

Designation:

Mumbai,  
Date: 25/06/2014

**ASHWANI KUMAR**  
Secretary,  
Maharashtra Electricity Regulatory Commission