

**BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION, SHIMLA**

IN THE MATTER OF:

Approval of Detailed Procedure for Short Term Open Access in intra-State transmission and/or distribution system as per Regulation 5 of the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010.

CORAM
SUBHASH C. NEGI
CHAIRMAN

ORDER

Regulation 5 of the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010 (hereinafter referred to as “the Regulations”), provides for approval of detailed procedure for Short Term Open Access in intra-State transmission and distribution system to be adopted by the Nodal Agency.

2. As per these Regulations, the State Load Despatch Centre (SLDC) has been designated as Nodal Agency for arranging Short Term Open Access in intra-State transmission and/or distribution System.

3. In compliance to the provisions in the Regulations, the SLDC prepared a draft detailed procedure and a copy of the same was made available to all the stakeholders. A public notice inviting comments was also published in the “The Tribune” and the “Amar Ujala” on 23.09.2013. The SLDC revised the draft detailed procedure after incorporating the comments of the various stakeholders and submitted the same to the Commission on 25.04.2014 for its approval.

4. The Commission observes that some of the comments of the stakeholders, to the extent these pertain to finalization of procedure, have neither been incorporated by SLDC in the draft submitted to the Commission nor any appropriate justification has been given for not doing so. The Commission further observes that, apart from requirement of considering the comments of the stakeholders which have not been fully accepted by SLDC, the detailed procedure proposed by SLDC also requires certain additional changes so as to make it simpler and more transparent and also to avoid any conflict with the Regulations. The main comments requiring specific consideration and the main features on which such modifications are required to be incorporated in the detailed procedure, along with the views/decisions of the Commission, are discussed below:-

- (a) In order to avoid any difficulty to the generating plants, a provision needs to be made to the effect that the generating plants will be entitled to avail open access irrespective of quantum and the limit of one MW shall be applicable to other open access customer only. This also takes care of the comment given by one of the stakeholders that the procedure for generating plants should be relaxed.
- (b) The draft procedure submitted by SLDC provides for installation of meters by the customers. This is contradictory to the provisions in the Regulations.

Accordingly, this needs to be modified to provide that the Special energy meters (SEMs) shall be installed by the concerned licensee at the cost of the open access customer. However, the customer will also be entitled to purchase and install his own SEMs with the approval of the licensee.

- (c) Even though the format-III attached with the draft procedure envisages concurrence from the licensee for the intended transactions, the procedure for seeking such concurrence from the licensee had not been included. This needs to be done now.
- (d) The draft procedure circulated by SLDC envisages signing of a Short Term Open Access Agreement between HPSEBL and open access customer. However, the format of such agreement had not been furnished. Some of the stakeholders have however stressed that there should not be any need for any such agreement. The SE, SLDC has accordingly, while submitting to the Commission, deleted the provision regarding execution of agreement from the draft of the detailed procedure and instead, has incorporated a provision for furnishing an undertaking by open access customer. The HPSEBL has however, suggested that the provision for signing of agreement should be retained in the procedure and subsequently also furnished a proposed draft of such agreement. The SE, SLDC, while forwarding the said draft agreement to the Commission, has stated that most of the clauses contained in the agreement have been incorporated in the proposed final draft of the procedure which also envisages submission of undertaking by the open access customer in duplicate, instead of execution of agreement. In view of foregoing, the Commission also feels that submission of undertaking by the customer shall adequately serve the desired purpose. The Commission, accordingly, decides to not to make any provision for execution of any such agreement. This shall also facilitate simplification of the procedure. The provision of format -V "Undertaking to be furnished by the customer for Short Term Purchase/Sale of power under open access" shall however, be rationalized. The applicant shall submit such undertaking on plain paper to the licensees also at the time of seeking their concurrence. However, the provisions regarding submission of the same to SLDC at the time of submitting the request for scheduling shall remain unchanged.
- (e) Para 4.1 of the draft procedure provides that the STOA customer shall seek concurrence of STU and/or transmission licensee and/or distribution licensee involved in the transaction on the prescribed format. Further, para 4.2 provides that the STU and/or transmission licensee and/or distribution licensee involved in a STOA transaction shall issue the concurrence, or the reason for withholding the concurrence, within fifteen (15) working days of the receipt of the request for concurrence. Some stakeholders have suggested that concurrence from STU and other licensee should not be necessary and the SLDC should coordinate the same internally with them. The Commission feels that the provision for prior concurrence from transmission/distribution licensee(s) shall only expedite the concurrence of the SLDC lest the application submitted to SLDC for Short Term Open Access remains unprocessed for want of adequate inputs. The Commission, however, decides to restrict the proposed timelines of 15 days for the concurrence by the licensees, to 7 days so as to facilitate expeditious processing.
- (f) Para 5.5 of the draft procedure relating to advance scheduling provides that the SLDC shall convey its acceptance or otherwise to the Applicant in five days from the last date of submission in the prescribed format. Some stakeholders have suggested that the rejection may not be made without giving opportunity of hearing to the applicant. The Commission feels that it

may not be feasible of giving opportunity of hearing in case of Short Term Open Access. The Commission, however, decides that in case of rejection, or curtailment of the application, the SLDC shall convey to the applicant, the reasons for such rejection, or curtailment, in writing, within the time frame.

- (g) The time limit for receiving requests for open access transaction at various stages (i.e. advance scheduling, first- come first- served basis) needs to be rationalized by taking into account the particular time upto which such application will be received on the last day for each block.
- (h) Para 8.1 of the procedure provides that in the event of a contingency, the buyer or in its behalf a trader, may locate, a source of power to meet short-term contingency requirement and make an application to the SLDC. The HPSEBL has suggested that in case consumer is purchasing power both from HPSEBL and through open access, purchase through open access, in case of contingency, should be subject to consent of HPSEBL. The Commission feels that the right of the buyer to locate power from any source of his choice cannot be curtailed. In any case, the power requirements of existing consumers of the HPSEBL, in case of contingency situations, have to be met by HPSEBL only. Further, SLDC shall only endeavor to incorporate such changes in the schedule and it shall not be obligated for SLDC to do so. The matter can otherwise also be coordinated by HPSEBL with the buyer if so required.
- (i) The Commission feels that the procedure for intimation about the operational constraints in the system by the concerned licensee to SLDC needs to be incorporated to make it more transparent.
- (j) The provisions regarding downloading/reading of the SEMs and its communication to SLDC as well as for preparation of the energy accounts by SLDC should essentially find a place in the detailed procedure and should be incorporated now. Such accounts shall be prepared on weekly basis in case of generators/sellers and monthly basis in case of buyers, in accordance with the billing schedule of HPSEBL. These accounts shall also indicate the imbalance charges payable/recoverable by the concerned users.
- (k) The provision for the application fee needs to be clarified to provide that the fee shall have to be deposited with each application for a month and not for each transaction in a month.
- (l) A provision also needs to be incorporated for provisional billing in case the SLDC is unable to issue the final account for a month before the normal date of billing for the consumers of distribution licensee.
- (m) The proposal of SLDC to link the imbalance charges with the highest tariff for any permanent consumer category in case of over drawal and the lowest tariff for any permanent category/sub-category in case of under drawal, have not been found to be acceptable as the Commission finds the same to be against the spirit of the Regulations. The Commission observes that the Central Electricity Regulatory Commission (Unscheduled Interchange Charges and related matters) Regulations, 2009 have been repealed by way of notification of a new set of Regulations namely Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014. The Commission accordingly decides to rationalize the imbalance charges based on the provisions of the CERC (Deviation Settlement Mechanism and related matters) Regulations, 2014 which provide for deviation charges, additional charges for deviation as well additional charges in case of frequency below 49.7 Hz.
- (n) The issues related to energy accounting under open access are of vital importance and need a special attention while finalizing the detailed

procedure. Various stakeholders, including HPSEBL, have given their comments which are at variance with each other. Some stakeholders have also suggested that the existing consumers should be entitled to seek open access even beyond their sanctioned Contract Demand. As a matter of fact, some such issues were also discussed during the interactive session with the representatives of Industrial Associations, officers of HPSEBL and SLDC on 26.11.2013, wherein the representative of industrial association had stressed that they should not be asked to submit any schedule for drawal of power as consumer of HPSEBL. After detailed discussions, it was decided that existing consumers of HPSEBL shall be required to submit the schedule for drawal against open access only within their sanctioned Contract Demand and no schedule for drawal as a normal consumer of HPSEBL shall be required. The Commission observes that, unlike Long Term or Medium Term Open Access, a consumer of the distribution licensee availing the Short Term Open Access essentially continues to be a consumer of the distribution licensee. The obligation of the distribution licensee to supply power upto his sanctioned Contract Demand as well as the obligation of the consumer to pay the fixed charges corresponding to the sanctioned Contract Demand does not get diluted in any way. The Commission, accordingly, decides that there shall be no need for submission of any daily schedule for drawal of power as a consumer of the distribution licensee and such schedule shall be required only for drawal as an Open Access Consumer. The Commission, however, also feels that some other provisions, as contained in the draft procedure submitted by SLDC, which are of specific relevance to such open access buyers who are consumers of the distribution licensee, also need to be further rationalized. The Commission, after carefully balancing the various aspects, decides to incorporate the separate provisions for over drawal/under drawal by a buyer who is also a consumer of HPSEBL on the following lines:

- i. A consumer will be entitled to draw the total power within its sanctioned Contract Demand irrespective of its purchase of power through open access. However, where the consumer has revised his Contract Demand temporarily within the total sanctioned Contract Demand as per the provisions of Supply Code and relevant tariff order, he shall be entitled to draw power within such revised Contract Demand only until he further revises the Contract Demand. In case, the consumer desires to draw power in excess of his sanctioned Contract Demand, he shall have to get his sanctioned Contract Demand increased in accordance with the provisions of Supply Code and other relevant Regulations notified by the Commission from time to time.
- ii. Demand Charges shall be payable by the consumer on the sanctioned Contract Demand/revised Contract Demand irrespective of its purchase of power through open access, to the licensee as per relevant Schedule of the tariff order. The additional charges on the average demand (Rs./kVA/month) during peak load hours shall also be payable on the basis of the total consumption during the peak load hours in respect of the billing month irrespective of the quantum of energy availed through open access or otherwise.
- iii. Consumer availing Short Term Open Access shall submit the schedule only for drawal of power through open access and no schedule for drawal of power as a normal consumer of distribution licensee shall be required.
- iv. The total recorded drawal by the consumer for the different tariff blocks (i.e. peak, night and normal hours) in the billing month shall be reduced

by the total scheduled entitlement for various time blocks in the respective tariff blocks in the billing month as per the schedules under Open Access arrangement, irrespective of actual drawal by the consumer in the respective time blocks but subject to the provisions under succeeding sub-paragraph. The balance energy shall be treated as supplied by the distribution licensee to the consumer as per the relevant tariff order of the Commission. In case the total drawal, including the same under the Open Access arrangement, exceeds the sanctioned Contract Demand or the reduced Contract Demand, as applicable, at any time during the billing period, such over drawal shall be considered as violation of the Contract Demand in accordance with the provisions of normal schedule of tariff and the Contract Demand Violation Charges shall also be charged accordingly in addition to the energy charges as per the schedule of Tariff.

- v. In case of time blocks where the total recorded drawal of the consumer is less than the scheduled entitlement of the consumer in that time block, such under drawal by the consumer shall be deemed to have been sold by the consumer and purchased by the distribution licensee at the point of supply to the consumer. In lieu of the same the distribution licensee shall make payment to the consumer, by way of adjustment in the monthly bill of such consumer, at the rates applicable in case of under drawal by the buyers. However, the consumer shall not be entitled for any relief in the demand charges on account of any such under drawal. In case such under drawal has been received by a person, other than distribution licensee, as per the accounts of the SLDC, the payment shall be made by such recipient to the consumer who has under drawn the energy.
- (o) The provisions for over injection and under injection by the seller shall also be rationalized on the same pattern as applicable for under drawal and over drawal by the buyers (other than those who are also consumers of HPSEBL) as stated above.
- (p) HPSEBL has also expressed concerns about the problems experienced by them in power management in certain situations relating to short term open access transactions. The HPSEBL's concerns are that once a Short Term Open Access Consumer applies for scheduling to SLDC under intimation to HPSEBL on day-ahead basis for certain quantum of power against his sanctioned Contract Demand, it is prudent for it to arrange to dispose of the surplus power pursuant to applied schedule. However, if the consumer fails to firm up the supplier, he draws power from the HPSEBL system. In such a system, on the one hand there may be under recovery from such mode of disposal vis-à-vis the recoveries as per tariff and on the other hand drawal of power may entail HPSEBL to pay higher charges in the deviation system. Such mechanism entails not only operational problems but also revenue loss to HPSEBL and the Customer has no risk or cost in venturing into such mechanism. HPSEBL's further concern is that choice and scheduling in Short Term Open Access necessarily eventuates from lower market rates of power vis-à-vis tariff and when it actually materialises, HPSEBL will suffer losses due to under recovery from disposal of surplus power either on short term basis or under deviation/balancing mechanism. These are genuine concerns and therefore Commission needs to address them, within the framework of the Act, Tariff Policy and Regulations. The implications and solutions to such situations are twofold, one relating to operational aspects and the other relating to revenue shortfalls and Commission's views are as under:-

- (i). In the context of operational problems, the Commission feels that such situations, which entail problems in the power management, cannot be allowed to occur very frequently. At the same time, the Customers may also have practical problems in giving a firm schedule. While the licensee has the obligation to supply, yet the Customer should also be prudent and fair in his Open Access dealings and operations. Therefore, in order to have a balanced approach on the issue, the Commission decides to incorporate a provision to the effect that if the Open Access transactions proposed by any such Open Access Customer, who is also a consumer of HPSEBL, do not fully materialise for reasons other than the corridor constraints for two consecutive days, the further scheduling shall not be allowed to such consumer for next three (3) consecutive days unless he furnishes an unconditional commitment from the seller for supply of power to him. The Commission also feels that since the distribution licensees of other States must also be experiencing similar situations where the Open Access Customers, after submitting the day-ahead schedule, is unable to tie up its power requirement from the power exchange, sincere efforts should be made by the concerned authorities responsible for finalizing the schedule to evolve amicable systemic solutions to the problem. It will be helpful if the system of scheduling addresses such issues concerning the distribution in a greater depth. It should be explored as to whether the distribution licensees, which have to carry on the power management in their respective States, can be allowed a last stage limited opportunity to revise/update their day-ahead schedules, after the availability of power to the various Open Access Customer from the power exchanges for the day-ahead gets firmed up, so as to enable them to revise and manage their schedules efficiently. The Commission, accordingly, expects the SLDC authorities to explore various possible solutions and take up, expeditiously, the matter relating to uncertainty about availability of power from the exchanges with the appropriate regional forums so as to arrive at amicable solution.
- (ii). As regards the shortfall in recoveries, the Commission observes that the Section 42(4) of Electricity Act, 2003 and para 8.5.4 of the Tariff Policy, which entitle the distribution licensee to recover additional surcharge, with the approval of the Commission, to meet the fixed cost of distribution licensee arising out of its obligation to supply, adequately safeguard the financial interest of the distribution licensee for such eventualities. In case of Long Term Open Access, and also for Medium Term Open Access in some cases, involving long term /medium term commitments of the Open Access Customers, the licensee's obligation to supply gets extinguished to such extent. Consequently, the stranded costs corresponding to the power requirements of such customers, as well as the quantum of additional surcharge, shall obviously also get tapered down over the time, starting from the date on which each such customer starts availing such Open Access. However, in case of Short Term Open Access, since the consumer retains his full Contract Demand, the distribution licensee has to continue arranging power for him and also to carry on the other power management activities to cater to the requirements of the consumer in spite of the uncertainties about the quantum of power to be availed by the Open Access Customer. Such uncertainties prevail

not only on daily basis but also for each time block of 15 minutes. The stranded costs/shortfalls in recoveries related with the power procurement and disposal thereof in such cases, shall therefore continue to prevail as a regular feature without any tapering. As such, the quantum of additional surcharge in case of Short Term Open Access shall take into account the shortfalls likely to be suffered by the distribution licensee on an average basis for the consumer category, corresponding to various power scenarios, in the process of catering to Short Term Open Access. Thus, in order to safeguard its interest in terms of shortfalls due to stranding of power purchase commitments or unavoidable obligations, the HPSEBL is entitled to file separate petitions, for charging additional surcharge from Long Term/Medium Term/Short Term Open Access Customers which, in case of Short Term Open Access Customers, shall duly take into account the average impacts of such variations under various power scenarios.

- (q) In order to avoid any anomaly about the rate at which late payment surcharge shall be applicable, a provision shall be made that in case of default in the payment of the amount billed by the distribution licensee, late payment surcharge shall be payable at the rate mentioned in the relevant tariff order.
- (r) Some stakeholders have suggested that there should be no Renewable Power Purchase Obligation for open access customers. This is not acceptable for inclusion in the procedure as the same does not fall under its purview. The Commission, however, finds it appropriate to clarify in the detailed procedure that the open access customer can, apart from other available modes, meet their Renewable Power Purchase Obligation by purchase of renewable power from HPSEBL also.
- (s) In order to facilitate linkage of the format-VII: Daily Power Injection Report Provision, a substantive provision shall be made in the procedure to the effect that the STOA customer selling power shall furnish daily/monthly abstract of all power injection in each block of 15 minutes as per said format.
- (t) A new format-II "Application for seeking concurrence from the Transmission licensee or the Distribution licensee" needs to be added. Other formats also require to be suitably rationalized.
- (u) The other suggestions for doing away with certain provisions like one time registration of the STOA customers, cross subsidy surcharge for peak hours, submission of schedule for open access transactions, submission of schedule by 3.00 pm of the previous day, Transmission/Wheeling Charges during the notice period of two days in cases of revision/curtailment of schedule by the Open Access Customer, powers of SLDC to take view on the application, restricting the amount of wheeling charges, provisions of SEMs in addition to the ToD meter in case of consumers of HPSEBL, connection of SEMs through a separate core, the customer's entitlement to seek open access for different quanta during different time blocks of the same day, have also been considered and not found to be acceptable for inclusion in this procedure. The suggestion for allowing the facility of banking of power to the Renewable Power Generators has also not been incorporated as the same does not fall in purview of this procedure.

5. The Commission has finalized the detailed procedure as per Annexure-I to this order, after considering the viewpoints of all the stakeholders and incorporating the modifications on above lines as well as on some other aspects which are not

been specifically discussed in the above paras. The Commission hereby grants approval to the same in accordance with the provisions of the Regulations.

6. The SLDC is hereby directed to upload the approved detailed procedure on their website and also take all necessary actions required as per the approved detailed procedure.

Place: Shimla
Dated: 19th September, 2014.

sd/-
(Subhash C. Negi)
Chairman

DETAILED PROCEDURE FOR
SHORT TERM OPEN ACCESS
IN INTRA-STATE TRANSMISSION
AND DISTRIBUTION SYSTEM

*(PURSUANT TO REGULATION 5 OF HIMACHAL PRADESH ELECTRICITY REGULATORY
COMMISSION (SHORT TERM OPEN ACCESS) REGULATIONS, 2010)*

State Load Despatch Centre
(Himachal Pradesh Load Despatch Society)

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1. OUTLINE:

- 1.1 This detailed procedure (“the procedure”) has been framed in pursuance of the provisions of the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access) Regulations, 2010, hereinafter referred to as “the Regulations”.
- 1.2 This procedure covers guidelines, terms & conditions and application formats for availing Short Term Open Access in Intra-State transmission and/or distribution system of the licensee(s) in the State i.e. H.P. Power Transmission Corporation Ltd. (HPPTCL) and/or Himachal Pradesh State Electricity Board Ltd. (HPSEBL).
- 1.3 This procedure shall apply to the applications made for Short Term Open Access (STOA) by Open Access Customers. For this purpose “Open Access Customer” means a person, who has availed or intends to avail open access under the Regulations, and includes a Short Term Open Access Customer or a generating company (including the captive generating plant) or a licensee or a consumer permitted by the Commission to receive supply of electricity from a person other than distribution licensee of his area of supply, or a State Government entity authorised to sell or purchase electricity. Other eligibility conditions have been incorporated in para 2 of this procedure.
- 1.4 This procedure shall also be applicable to Open Access Customers who use intra-State transmission and/or distribution system of the HPPTCL/HPSEBL in conjunction with the inter-State transmission system through bilateral or collective transactions through power exchanges in line with HPERC and/or CERC Regulations for Short Term Open Access, as amended from time to time.
- 1.5 All correspondence shall be addressed to the following officer of the State Load Despatch Centre (SLDC):
Superintending Engineer (SLDC)
SLDC Complex, H P Load Despatch Society,
Totu, Shimla-171011.
Tel.:0177-2837649; Fax:0177-2837649
E-mail: sehpslde@gmail.com

2. PRE-REQUISITES:

- 2.1 The Short Term Open Access Customer hereinafter referred to as the “STOA Customer” shall have to get registered with the nodal agency (i.e. SLDC) by applying on the prescribed format. (Format I: Application for registration as Short Term Open Access Customer).
- 2.2 The STOA shall be permissible to the Open Access Customer connected with the intra-State transmission and/or distribution system. In case of distribution system, the Open Access Customer, except generating plants, shall be entitled to avail open access only for one (1) MW and above. However, the generating plants will be entitled to avail open access irrespective of the quantum. For the consumers of distribution licensee, the demand in MW shall be computed based on sanctioned Contract Demand (CD) and Power factor as 0.9 for the limited purpose of determining the eligibility for availing Short Term Open Access.
- 2.3 An Open Access Customer shall be eligible to obtain connectivity with the intra-State system at the voltage level specified in the Electricity Supply Code of the licensee approved by the Commission, unless already connected, and shall apply for connectivity in accordance with the State Grid Code/Regulations.
- 2.4 The consumer/buyer or generating station/sellers seeking STOA should normally be connected to transmission/distribution system of HPPTCL/HPSEBL through a dedicated feeder. In case where a customer is not having dedicated feeder and is

connected with the intra-State transmission/distribution system through a mixed feeder, he shall have to abide by the rostering/load restrictions as may be imposed by the concerned licensee(s) on such mixed feeder.

- 2.5 **Special Energy Meters.**- (i) Subject to the provisions of paras 2.6 and 2.7, Special Energy Meters (SEMs) along with telemetry connection shall be installed, for and at the cost of the Open Access Customers by the State Transmission Utility for open access in transmission system and by the distribution licensee for open access in distribution system.
(ii) Special Energy Meters installed shall be capable of time-differentiated measurements for time block wise active energy and voltage-differentiated measurements of reactive energy in accordance with the HPERC Grid Code and shall also be compliant with the provisions of the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006.
(iii) Special Energy Meters shall always be maintained in good condition.
(iv) Special Energy Meters for the Open Access Customer shall be open for inspection by any person authorised by the State Transmission Utility/ the distribution licensee or the State Load Despatch Centre.
(v) The Special Energy Meters shall have to be in place and functional before registration and in any case before scheduling of any open access transaction.
- 2.6 The SEMs, as aforesaid, shall be installed along with the already installed consumer meters. In case spare core in the existing CT/PT is available then the connection shall be made from the existing CT/PT, otherwise new dual core CT/PT shall be installed at the cost of the customer. STOA Customer may with the approval of the licensee, purchase and install his own SEMs of specifications detailed above after its testing from the labs of licensees or any other Government recognised test house.
- 2.7 The STOA Customer shall bear the cost or shall himself provide communication/telemetry connections up to the nearest point of the distribution/ transmission utility or to SLDC and the requirement for the same shall be finalized by SLDC. To communicate with SLDC, or the Distribution Control Centre of HPSEBL, an Open Access Customer shall be required to provide a round the clock control room at its premises with the facilities of telephone/mobile (with STD), fax (transmission and receipt) and e-mail.

3. CONCURRENCE OF TRANSMISSION AND DISTRIBUTION LICENSEES:

- 3.1 The STOA customer shall seek concurrence of transmission licensee and/or distribution licensee, for the intended transactions, on the prescribed format. (Format II: Application for seeking concurrence from transmission licensee and/ or distribution licensee). Separate application shall be submitted for the transaction in each month. The application on this format, along with the documents, duly signed, as required to be submitted as per the requirements of the said format, shall be submitted to the following officers of the transmission licensee and/ or distribution licensee, as the case may be:-
- (a)The General Manager, HPPTCL, Barowalias House, Khalini, Shimla- 171002.
PhoneNo.0177-2625784,E-mail:gmproj.hpptcl@gmail.com,Fax No.0177-2626284
(b)The Chief Engineer (SO&P), HPSEBL, Vidyut Bhawan, Shimla – 171004.
PhoneNo.0177-2657901,E-mail:cesop@hpseb.in, Fax No.0177-2653656
- 3.2 The application along with the requisite documents may be sent by post or in person. In order to facilitate advance action, this can also be sent through e-mail along with the proof of having sent the same through registered/speed post.
- 3.3 The transmission licensee and/or distribution licensee involved in a STOA

transaction shall issue the concurrence, within seven (7) days of the receipt of the request for concurrence on the prescribed format. (Format III: Concurrence from the transmission licensee or distribution licensee). In case where concurrence cannot be given, or is curtailed, for any specific reasons beyond the reasonable control of the licensee, the reasons for withholding the concurrence shall be recorded on the aforesaid Format-III.

- 3.4 Application(s) for scheduling of intra-state Short Term Open Access transaction without the requisite concurrence in accordance with the above provisions, will not be entertained.

4 SUBMISSION OF APPLICATION FOR SCHEDULING:

- 4.1 An Application for scheduling of Bilateral Transaction/Collective Transaction through Short Term Open Access in the intra-State transmission/distribution system shall be made on the prescribed format to the State Load Despatch Centre. (Format-IV: Application for scheduling of intra-State Short Term Open Access transactions).

- 4.2 The application shall accompany the following fee/self attested documents, as applicable:

- (a). A non-refundable fee of Rupees 5000/- (five thousands only), payable to the Superintending Engineer (SLDC), HP Load Despatch Society, Totu, Shimla-11 through demand draft or electronic transfer. In case of payment through electronic transfer (RTGS/NEFT), proof of having transferred the amount shall be enclosed.
- (b). Concurrence/ NOC from the Transmission Licensee and/or Distribution Licensee, as the case may be, on Format-III.
- (c) Copy of MoU/Agreement for Sale and Purchase of Power (or reference thereof if the same has already been furnished).
- (d) Acceptance of registration/ registration number issued by SLDC.
- (e). The details of the connectivity with the intra-State Transmission or Distribution system. Single Line Diagram of the electrical system showing detail of metering equipments installed on injection point(s) and drawal point(s).
- (f). An undertaking as per the Format-V.
- (g) The copy of the sanction issued by the Distribution Licensee in his favour indicating the sanctioned Contract Demand. In case of the temporary revision of the Contract Demand as per the provisions of the Supply Code, the copies of relevant communications shall also be enclosed.

Note: Item (g) shall be applicable only where Short Term Open Access is sought by a consumer of the distribution licensee.

- 4.3 The application along with requisite documents may be sent by post or submitted in person. In order to facilitate advance action, the application may also be transmitted to the SLDC electronically i.e. through e-mail. However, in case of application through e-mail, the proof of having posted the application through speed/registered post shall also be sent electronically. The SLDC may also convey its acceptance or response on the application through e-mail.

- 4.4 In case of transmission of application through e-mail, the application shall be deemed to have been received, for the purpose of ascertaining to the adherence to time limits under paras 5, 7 and 8, on receipt of e-mail or otherwise whichever is earlier. However, in any case, the hard copy of the application should also be received well before the intended date of availing Short Term Open Access.

- 4.5 The allotment priority shall be given as per the Regulations, and amendments, issued from time to time.

- 4.6 In case of an Inter–State Short Term Open Access transaction, or transaction on the platform of the Power Exchanges, the relevant Regulations of Central Electricity Regulatory Commission shall be applicable and the detailed procedure as specified by the Regional Load Despatch Centre (RLDC) shall be followed. SLDC will provide the Consent/Concurrence for such transactions on the formats specified in the aforementioned Regulations and procedure made under the said Regulations of CERC.

5 PROCEDURE FOR ADVANCE SCHEDULING FOR SHORT TERM OPEN ACCESS TRANSACTIONS:

- 5.1 An application for advance scheduling for a Short Term Open Access transaction may be submitted to the State Load Despatch Centre up to the fourth month, the month in which an application is made being the first month.
- 5.2 A separate application shall be made for each calendar month (“month”). The Open Access Customer may however, make multiple applications or single application for the transactions in a month.
- (a) An Application for the intra-State scheduling during the fourth month shall be made up to the last day of the month.
- (b) An Application for intra-State scheduling during the third month shall be made up to the five (5) days prior to the close of the month.
- (c) An Application for intra-State scheduling in the second month shall be made up to the ten (10) days prior to the close of the month.
- 5.3 All the Applications received up to 5:00 pm on the last day as mentioned above shall be taken up together for consideration. The applications received after 5:00 pm of any such last day, shall be deemed to have been received on the next day or the next month, as the case may be, for the purpose of determining the priority.

Illustration: Let us say that a consumer needs Short Term Open Access for the month of August, or part thereof, then he has three options to apply under Advance Scheduling:

- i) *The earliest he can apply in the month of May of the same year. However, he will have to apply for Open Access upto 5:00 pm of the last day of that month.*
- ii) *If he does not apply within the time limit as per (i) above, he has the option of applying for Open Access upto 5:00 pm of 25th June of the same year.*
- iii) *If he does not apply within the time limit even as per (ii) above, then he can apply for Open Access upto 5:00 pm of 21st July of the same year.*
- 5.4 The SLDC shall convey its acceptance or otherwise to the Applicant in next five days from the last date of submission on the prescribed format (Format- VI: Acceptance for Scheduling of intra-State Open Access transaction). In case of rejection, or curtailment, of the application, the SLDC shall convey to the applicant, the reasons for such rejection, or curtailment, in writing, within the aforesaid period.
- 5.5 If the application is not made within any of the time limits as per para 5.4, the applicant shall be entitled to make application as per paras 7 or 8, as the case may be.

6 E-BIDDING PROCEDURE:

- 6.1 Where, in the opinion of the SLDC, the grant of open access to all applications at a particular stage of advance scheduling is likely to cause congestion in any portion of the intra-State transmission and/or distribution system to be used, it shall conduct electronic bidding for grant of open access for the available surplus capacity, in the constrained system, among the applicants at that stage.

- 6.2 Electronic bids shall be invited, from the concerned applicants, for only such period during which congestion is expected to occur. The bid price shall be in addition to the transmission and wheeling charges for intra-State transmission and distribution system. The bidder shall quote price in terms of Rs./MWh.
- 6.3 The SLDC shall convey information of congestion and decision for invitation of bidding to all the concerned applicants through e-mail and SMS.
- 6.4 Any Applicant intending to participate in bidding for Short Term Open Access shall register and obtain the “User ID” and initial “Password” in advance from the SLDC for its Authorized User(s). The “Registered Users” will be issued a system generated “User ID” and initial “Password” by SLDC to enable them to submit their ‘Bid’ electronically. Upon receipt of the User ID and initial password, the User shall immediately change the password. It shall be the responsibility of such Applicant to maintain its confidentiality/security and to prevent its misuse.
- 6.5 The Applicants shall submit their ‘Bid’ electronically through the web site of the SLDC.
- 6.6 The Bids shall be accepted up to the “bid closing time” as indicated on the web-site of SLDC, designated for e-bidding. Modification/amendment to a bid, once submitted, including submission of a second or subsequent bid by an Applicant, shall not be entertained.
- 6.7 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.
- 6.8 In case of equal price quoted by two or more customers, the allocation from the residual available capacity at any stage shall be made in proportion to capacity being sought by such customers.
- 6.9 In case the applicant does not participate in the e-bidding process, his application shall be considered as withdrawn.

7 PROCEDURE FOR SCHEDULING FOR SHORT TERM OPEN ACCESS TRANSACTIONS ON “FIRST-COME, FIRST-SERVED” BASIS:

- 7.1 The applications for Short Term Open Access as are received after the lapse of time for Advance Reservation mentioned in the para 5 above shall be processed on “First-come, first-served” basis provided that such application is received at least four (4) days in advance from the date of commencement of the Open Access transaction.
- 7.2 A separate application shall be made for each calendar month (“month”). The Open Access Customer may however, make multiple applications or single application for the transactions in a month.
- 7.3 All such applications shall be processed and decided within three days of their receipt.

***Illustration:** Let us say that a consumer needs Open Access from 7th August to 30th August of any year, then his application will be treated on “First-come, first-served” Basis if it is received at any time after 5:00 pm on 21th July but upto 5:00 pm on 3rd August of that year.*

8 PROCEDURE FOR SCHEDULING FOR DAY-AHEAD TRANSACTION:

- 8.1 Applications for open access transactions received after the expiry of the time limit

as para 7 but upto 3:00 pm of the day immediately preceding the day of scheduling shall be processed as having been received together, and will be treated at par. The applications received after 3:00 pm of the day, as aforesaid, shall not be considered for scheduling under the provisions of this para.

9 PROCEDURE FOR SCHEDULING OF TRANSACTIONS IN A CONTINGENCY:

- 9.1 In the event of a contingency, the buyer or in its behalf, a trader, may locate, a source of power to meet Short Term contingency requirement even after the cut-off time of 3:00 pm of the preceding day and apply to the SLDC for open access and scheduling.
- 9.2 SLDC shall endeavour to incorporate such transactions in the day-ahead schedule/ same day schedule, as the case may be. In case of same day transactions, efforts shall be made for scheduling the transaction from the 6th time block, counting the block in which acceptance is accorded as the first time block.

10 REVISION OF SCHEDULE:

- 10.1 The Short Term Open Access Schedules accepted by the SLDC in case of “Advance Scheduling” or “First-come, first-served” basis may be cancelled or revised downwards by the Applicant by giving minimum two (2) days notice. The notice period shall be excluding the day on which notice is served and the day from which revised schedules are to be implemented.
- 10.2 The applicant shall not be entitled to cancel or revise the accepted schedules for the day-ahead transactions and transactions except for the provisions under para 9 for the Contingency situations.
- 10.3 During the notice period, the various charges shall be based on the schedule originally accepted and the same for the period beyond the notice period shall be payable as per the revised schedule.

11 CURTAILMENT IN CASE OF OPERATIONAL CONSTRAINTS:

- 11.1 When the transmission licensee and/or the distribution licensee experience or apprehends any operational constraints in their respective systems, which, in their opinion, can lead to problem in implementing the Short Term Open Access transactions for which Short Term Open Access has already been granted, or is in process of being granted, the concerned designated officer(s) shall immediately send communication to SLDC about the constraints in the system. For this purpose, the designated officer shall include the Chief Engineer (SO&P), HPSEBL for distribution licensee and the General Manager, HPPTCL for the transmission licensee, or any other officers specifically authorized by the respective licensees.
- 11.2 When, because of operational constraints as reported to it by the concerned licensees or any other users, or to maintain grid security, SLDC finds it necessary to curtail power flow on a part of the system, the transactions already scheduled, shall be curtailed in the manner, which would relieve such constraints/ enhance grid security. For this purpose, the SLDC shall evolve a rotational load shedding scheme to ensure equitable treatment to all STOA Customers in a category and issue directions for curtailment of power to the Chief Engineer (SO&P), HPSEBL/ General Manager, HPPTCL/IPP and other users of intra-State system.
- 11.3 The curtailment shall be done in reverse order of the allocation priority as per para 4.5 and the Regulations. The Short Term Open Access transactions already scheduled for a category shall generally be curtailed on pro-rata basis unless there are specific reasons for not doing so or the constraint is limited only to a specific portion of the transmission or the distribution system. However, in case of open access to the existing consumers of HPSEBL, they shall be treated at par with other

- consumers with similar loads and fed from the same common system.
- 11.4 The SLDC shall keep record of the details of operational constraints as informed to it by the licensees and other users of intra-State system. The SLDC shall also record all such other events which can disturb grid security, as assessed by it or as per the intimation from Regional Load Despatch Centre.
- 11.5 In case of curtailment of the approved schedule by the State Load Despatch Centre, transmission and wheeling charges shall be payable pro-rata in accordance with the curtailed schedule.
- 11.6 The SLDC Operating charges, as fixed by the Commission from time to time, will be payable irrespective of curtailment, if any.

12 CHARGES FOR OPEN ACCESS:

- 12.1 The charges recoverable/payable for the Short Term Open Access and the related timelines for payment have been briefly listed in succeeding paragraphs:-

12.2 Application Fees (as per sub-Regulation (3) of Regulation 6 of the Regulations)

The applicant shall pay non refundable fee of Rs.5000/- (Rupees five thousand only) alongwith each application:

Provided that the fee for transaction on the day of the application or on the day immediately following the day of the application may be deposited within three working days of submission of the application.

- 12.3 The Applicant shall make the following payments to the SLDC within three working days from the date of acceptance of intra-State Open Access Transaction:

12.3.1 Transmission charges (as per Regulation 16 of the Regulations)

The transmission charges shall be paid by the Open Access Customer at the rate determined by the Commission from time to time for use of intra-State transmission system;

12.3.2 Wheeling charges (as per Regulation 25 of the Regulations)

The wheeling charges shall be paid by the Open Access Customer at the rate determined by the Commission from time to time for the use of the distribution system; and

12.3.3 Operating charges (as per Regulation 26 of the Regulations)

The operating charges at the rate of Rs.2000/- (or any other rate as may be specified) per day or part of the day of each transaction for the entire period of intra-State Short Term Open Access transaction shall be payable by the Applicant.

- 12.4 In addition to the above charges the Applicant shall also have to bear the following charges/losses for intra-State Short Term Open Access transaction:

12.4.1 Surcharge: (as per Regulation 27 of Regulations)

The cross subsidy surcharge and additional surcharge shall be payable by the Open Access Customer at the rate determined by the Commission from time to time;

12.4.2 Imbalance Charges:

The Open Access customer shall have to bear or shall be paid for, as the case may be, the deviation charges on account of mismatch between the scheduled drawal and actual drawal in case of buyer, or over injection/under injection in case of generators for any block of time. These charges shall be worked out in line with accounting procedure set out in detail in para 14 of this procedure;

12.4.3 Reactive Energy Charges:

The Open Access Customer shall have to bear the reactive energy charges for the Open Access transaction in accordance with the relevant provisions of Grid Code as amended from time to time;

12.4.4 Energy Losses:

The transmission and distribution losses as applicable for the intra-State system shall be apportioned in proportion to the actual energy drawal by the Open Access Customer. The energy losses shall be compensated by additional injection at the injection point(s); and

12.4.5 Any Other charges:

The intra-State Short Term Open Access Customer shall have to pay any other charges/taxes determined/levied by the Himachal/Central Government or HPERC or CERC from time to time.

- 12.5 The payments associated with intra-State Short term Open Access transactions as are required to be made to SLDC shall be made by the Applicant to the SLDC through demand draft or electronic transfer.

13. METER READING AND ENERGY ACCOUNTING:

- 13.1 Meter data downloading /reading of SEMs shall be taken by authorized officers of transmission licensee or the distribution licensee, as the case may be, on weekly basis in case of Generators/Sellers and monthly basis in case of buyers. Any change in multiplication factor or CT/PT ratio setting shall also be recorded. The downloaded data in the electronic form and hardcopy printout alongwith a statement of consumption as recorded by Main, Check SEMs and, in case of consumer of HPSEBL, ToD meter also, duly authenticated by concerned Sr Xen of the concerned licensees, shall be sent to SLDC for preparation of Open Access and Imbalance Energy account. In case of the consumers of HPSEBL, the downloaded data shall also be provided to the Open Access Customer on demand.

13.2 Energy Imbalance Accounting (Deviation/UI):

Open Access power consumption and deviation (UI) energy account under Open Access in case of intra-State Open Access Customers shall be prepared, after taking in to account the losses by SLDC based on the data provided to it as per para 13.1 and daily schedule as released by it or obligation reports issued by the concerned power exchange. SLDC shall prepare weekly energy account in case of generators/sellers and monthly energy account in case of buyers, in accordance with the billing schedule of HPSEBL. SLDC shall also send hard copy as well as soft copy (through e-mail) of energy account to the concerned officers for adjustment of Open Access power in the energy bill. Such accounts shall also indicate the various charges, also including the Imbalance Charges, payable and recoverable by the concerned users.

- 13.3 In case, SLDC is unable to issue the final accounts for a month before the normal date of billing for the consumers of distribution licensee, it shall e-mail the scheduled power to the concerned officers responsible for billing to enable them to make provisional billing. In case of provisional billing, the final adjustments shall be made in the bills of succeeding month.

- 13.4 The entitlement at the drawl point for any 15 minute time block shall be worked out after considering the transmission and distribution losses, as applicable.

14. IMBALANCE OF ENERGY DURING DIFFERENT TIME BLOCKS:

- 14.1 The energy account to be issued by SLDC as per para 13.2 shall also indicate the imbalance charges payable/ recoverable by the concerned users. These charges shall

be regulated as per the provisions under paras 14.2, 14.3 and 14.4, as applicable.

14.2 Open Access buyer other than the consumer of HPSEBL

When the Open Access Customer (buyer) is not a consumer of the licensee, the mismatch of scheduled entitlement and actual drawal for any 15 minutes time block shall be met from the grid and will be paid/charged as under:-

14.2.1 Over drawal

(a) The over drawal for each time block of 15 minutes, as projected at the injection point i.e. by loading the T&D loss as applicable, shall be paid for by the person who has made over drawal and shall be recoverable by the person who is deemed to have supplied the energy to the grid in that time block as per the energy account of the SLDC. These charges shall be recoverable/ payable at the rate equivalent to 105% of the summation of the following charges as applicable for the respective time blocks in which over drawal takes places:-

- i) the deviation charges, additional charges for deviation as well as additional charges in case of frequency below 49.7 Hz as applicable for the relevant time block, for inter-State transaction, in accordance with the CERC(Deviations Settlement Mechanism and related matters) Regulations, 2014; and
- ii) Any other charges payable for deviation under CERC/HPERC Regulations or procedure framed thereunder, to the extent the same are not covered in (i) above.

(b) The various charges for inter-State and intra-State systems i.e. transmission charges, wheeling charges, congestion charges and the additional charges, if any, pursuant to E-bidding as per para 6 as well as the applicable T&D losses shall be borne by the buyer on the over drawal also.

14.2.2 Under drawal

(a) In the event of under drawal for any 15 minute time block, such under drawal shall be deemed to be have been purchased by the recipient of the such energy as per the energy account to be prepared by SLDC from the Open Access Customer at the point of supply. In lieu of such purchase, the recipient shall make payment to the Open Access Customer at the rate of 95% of the charges for deviation as applicable for inter-State transaction in accordance with CERC (Deviations Settlement Mechanism and related matters) Regulations, 2014:

Provided that charges payable by the recipient in respect of the deviation for the under drawals by the buyer in a time block in excess of 12% of the schedule shall be zero.

- (b) The additional charges for deviation as applicable for the under drawal in accordance with the aforesaid Regulations of CERC in situation where the frequency is 50.1 Hz or more shall be payable to the HPSEBL by the Open Access customer whose actual drawal is less than the schedule.
- (c) The various charges for inter-State and intra-State systems i.e. transmission charges, wheeling charges, congestion charges and the additional charges, if any, pursuant to E-bidding as per para 6 as well as the applicable T&D losses shall be borne by the buyer on the scheduled quantum irrespective of actual drawal.

14.2.3 Non-drawal of scheduled power due to unscheduled power cut or failure of transmission/distribution system

If an Open Access Customer is unable to draw the scheduled energy due to unscheduled cut or failure of the transmission/distribution system of the licensee but the power has otherwise been injected into the distribution system, the power so injected will be treated as banked power and the Open Access Customer will be allowed to draw the same within a period of 15 days with an advance notice of 48 hours to the licensee. The power will in no case be drawn during peak load hours, unless banked during peak load hours. In case the Open Access Customer is unable

to draw the banked power as per the scheduling of such banked power or does not give any such schedule within the period of 15 days, then he will be paid for by the recipient as per para 14.2.2 for such under drawal.

14.3 Open Access Customer who is a consumer of the licensee

- 14.3.1 A consumer will be entitled to draw the total power within its Sanctioned Contract Demand irrespective of its purchase of power through open access. However, where the consumer has revised his Contract Demand temporarily within the total sanctioned Contract Demand as per the provisions of Supply Code and relevant tariff order, he shall be entitled to draw power within such revised Contract Demand only until he further revises the Contract Demand. In case, the consumer desires to draw power in excess of his sanctioned Contract Demand, he shall have to get his sanctioned Contract Demand increased in accordance with the provisions of Supply Code and other relevant Regulations notified by the Commission from time to time.
- 14.3.2 Demand Charges shall be payable by the consumer on the sanctioned Contract Demand/revised Contract Demand irrespective of its purchase of power through open access, to the licensee as per relevant Schedule of the tariff order. The additional charges on the average demand (Rs./kVA/month) during peak load hours shall also be payable on the basis of the total consumption during the peak load hours in respect of the billing month irrespective of the quantum of energy availed through open access or otherwise.
- 14.3.3 Consumer availing Short Term Open Access shall submit the schedule only for drawal of power through open access and no schedule for drawal of power as a normal consumer of distribution licensee shall be required.
- 14.3.4 The total recorded drawal by the consumer for the different tariff blocks (i.e. peak, night and normal hours) in the billing month shall be reduced by the total scheduled entitlement for various time blocks in the respective tariff blocks in the billing month as per the schedules under Open Access arrangement, irrespective of actual drawal by the consumer in the respective time blocks, but subject to the provisions under the succeeding paragraph 14.3.5. The balance energy shall be treated as supplied by the distribution licensee to the consumer as per the relevant tariff order of the Commission. In case the total drawal, including the same under the Open Access arrangement, exceeds the sanctioned Contract Demand or the reduced Contract Demand, as applicable, at any time during the billing period, such over drawal shall be considered as violation of the Contract Demand in accordance with the provisions of normal schedule of tariff and the Contract Demand Violation Charges shall also be charged accordingly in addition to the energy charges as per the schedule of Tariff.
- 14.3.5 In case of time blocks where the total recorded drawal of the consumer is less than the scheduled entitlement of the consumer in that time block, such under drawal by the consumer shall be deemed to have been sold by the consumer and purchased by the distribution licensee at the point of supply to the consumer. In lieu of the same the distribution licensee shall make payment to the consumer, by way of adjustment in the monthly bill of such consumer, at the rates mentioned in para 14.2.2. However, the consumer shall not be entitled for any relief in the demand charges on account of any such under drawal. In case such under drawal has been received by a person, other than distribution licensee, as per the accounts of the SLDC, the payment shall be made by such recipient to the consumer who has under drawn the energy.
- 14.3.6 The consumer will, however, continue to be governed by the Supply Code and relevant Schedule of Tariff order approved by the Commission.
- 14.3.7 For the purpose of energy accounting, adjustments and billing, the energy scheduled

(computed in kWh), under open access to the consumer of HPSEBL, as projected at the point of supply to that consumer, shall be converted into kVAh by adopting the actual average monthly power factor for the billing month, based on the data recorded by the ToD meter installed by HPSEBL at such point of supply, or 0.9, whichever is higher.

14.4 Open Access by a Generator/Trader

The quantum by which the injected energy exceeds or falls short of the scheduled energy injection (i.e. mismatch between the scheduled and actual injection) for any 15 minutes time block, shall be charged/paid for as under:-

14.4.1 Over injection

(a) In the event of over injection (i.e. injection exceeding the schedule) for any 15 minute time block, such over injection shall be deemed to be have been purchased by the recipient of the such energy as per the energy account to be prepared by SLDC from the Open Access Customer at the point of supply for such recipient. In lieu of such purchase, the recipient shall make payment to the Open Access Customer at the rate of 95% of the charges for deviation as applicable for inter-State transaction in accordance with CERC (Deviations Settlement Mechanism and related matters) Regulations, 2014:

Provided that charges payable by the recipient in respect of the deviation for the over injection by the seller in a time block in excess of 12% of the schedule shall be zero except in case of injection of infirm power.

(b) The additional charges for deviation as applicable for the over injection in accordance with the aforesaid Regulations of CERC in situation where the frequency is 50.1 Hz or more shall be payable to the HPSEBL by the Open Access customer whose actual injection is more than the schedule.

(c) In case of over injection, the various charges for inter-State and intra-State systems i.e. transmission charges, wheeling charges, congestion charges and the additional charges, if any, pursuant to E-bidding as per para 6 as well as the applicable T&D losses shall be borne by the seller on the scheduled quantum irrespective of actual injection.

14.4.2 Under Injection

(a) The under injection (i.e. injection less than the schedule) for each time block of 15 minutes, as projected at the injection point, shall be paid for by the person who has made under injection and shall be recoverable by the person who is deemed to have supplied the energy to the grid in that time block as per the energy account of the SLDC. These charges shall be recoverable/ payable at the rate equivalent to 105% of the summation of the following charges as applicable for the respective time blocks in which under injection takes places:-

- i) the deviation charges, additional charges for deviation as well as additional charges in case of frequency below 49.7 Hz as applicable for the relevant time block, for inter-State transaction, in accordance with the CERC (Deviations Settlement Mechanism and related matters) Regulations, 2014; and
- ii) Any other charges payable for deviation under CERC/HPERC Regulations or procedure framed thereunder, to the extent the same are not covered in (i) above.

(b) In case of under injection, the various charges for inter-State and intra-State systems i.e. transmission charges, wheeling charges, congestion charges and the additional charges, if any, pursuant to E-bidding as per para 6 as well as the applicable T&D losses shall be borne by the generator on the scheduled quantum irrespective of actual injection.

14.5 Non evacuation of power due to breakdown of evacuation system of the licensee

A generator in the State may be supplying power outside the State, or, within the State, to an Open Access Customer or to the distribution licensee. Non evacuation of power due to breakdown of evacuation system of the licensee will be dealt with as under:

14.5.1 Inter-State sale

The schedule given by the generator will be passed on to NRLDC by the SLDC. The share of licensee from the central sector projects and other projects will be adjusted accordingly and the energy scheduled by the generator will be delivered to the buyer. The energy so scheduled and injected in the distribution system shall be delivered to the buyer even if the licensee is unable to evacuate power from the generator due to failure of evacuation system of the licensee.

After the scheduling of energy on day-ahead basis, the generator will pay to the licensee at the tariff rate charged by it to the buyer, for the energy which could not be actually evacuated by the licensee due to complete or partial breakdown of evacuation system. In case the licensee is unable to evacuate the power which is yet to be scheduled, the delivery of power to the buyer and tariff to be paid by the generator to the licensee shall be mutually agreed. However, the licensee owning the evacuation system due to which energy could not be evacuated shall refund to the generator, the transmission or wheeling charges, as the case may be, if any, received by it, from the generator, through SLDC or any other agency on the quantum of energy which could not be evacuated.

14.5.2 Sale to the Distribution Licensee within the State

The payments will be governed by the agreement between STOA Customer and the distribution licensee.

14.5.3 Intra-State sale

In case of failure of the evacuation system, the SLDC shall, based on the inputs received by it or otherwise, inform the buyer about such failure and the buyer shall stop drawing power within 6 time blocks (each of 15 minutes) of such intimation. The original schedule shall be deemed to be have been amended with effect from the 7th time block starting from the time block in which such intimation is given to the buyer. For the intervening period,-

- (i) the buyer will pay to the generator at the tariff agreed to between them;
- (ii) the generator will pay to the licensee for the energy supplied by the licensee to the buyer, at the rate as per (i) above i.e. as per the agreement between the generator and the buyer; and
- (iii) in respect of the energy which could not be evacuated due to the failure of the system of a licensee, the generator will not be liable to pay the Open Access transmission or wheeling charges of that licensee.

If the buyer does not stop drawing power after expiry of 6 time blocks, the energy drawn by the Buyer/Open Access Customer will be charged for the imbalance as per the relevant provisions of paras 14.2 to 14.4 above, as applicable.

- 14.6** If the under drawal/over injection or over drawal/under injection persists for 2 days continuously, the SLDC will give notice to the STOA Customer for revision of its schedule. If the Customer does not revise the schedule and under drawal/ over drawal or under injection/over injection continues for another 2 days, no scheduling will be allowed for next 3 days. Thereafter, scheduling will be allowed only when a revised schedule is submitted by the STOA Customer. The STOA Customer will, however, be liable to pay the Open Access charges for the full reserved capacity or

used capacity, whichever is higher, for the entire period.

- 14.7 If the Open Access transactions proposed by any such Open Access Customer who is also a consumer of HPSEBL do not fully materialise, for reasons other than the corridor constraints for two consecutive days, the further scheduling shall not be allowed to such consumer for next three (3) consecutive days unless he furnishes an unconditional commitment from the seller for supply of power to him.

15. BILLING AND PAYMENT:

- 15.1 The following provisions shall be applicable for billing and payment by SLDC and other entities except for billing by the distribution licensee to the Open Access Customer who is consumer of the distribution licensee:-

- (a) The bills towards Open Access charges, including transmission charges, wheeling charges, congestion charges and additional amount as per E-bidding under para 6, for intra-State transactions or supplementary bill towards inter-State transaction not covered in remittances received through power exchange and Nodal RLDC, if any, shall be prepared & issued by SLDC on monthly basis in case of buyers and weekly in case of sellers. The STOA customer shall make payments as raised in the bills, by due date through electronic transfer (RTGS/NEFT) or Bank Draft drawn in favour of SE (SLDC) payable at Shimla. The charges shall be deposited within three working days of grant of application.

Note: Payments/recoveries towards Imbalance Charges in case of over injection or under injection by the generators/sellers and the under draws/ over draws by the buyers who are otherwise not consumers of HPSEBL shall be paid or realized by the concerned users based on the energy account supplied by SLDC.

- (b) All the payments shall be accepted up to 3:00 pm on working days only. In case due date of bill falls on holiday, it shall be accepted on the next working day.
- (c) No part payment shall be accepted:
Provided that in the event of an error in bill being admitted, the amount of error shall be adjusted by the authority in the next bill rendered to the customer after settlement of the difference or dispute by the Competent Authority.
- (d) In case of the consumers of HPSEBL, the monthly bill shall be raised by HPSEBL, duly taking into account the energy scheduled under Open Access and imbalance charges under respective time blocks as per para 14 based on the energy account prepared by SLDC including the same sent by HPSEBL's designated office. In such cases, the provisions of the Supply Code and relevant tariff order shall be applicable for the issues relating to billing and payment.
- (e) The bills for imbalance charges (except for the situations where the existing consumers of HPSEBL have to receive payment from HPSEBL on account of under drawal) shall be raised by HPSEBL or other concerned user to whom such charges are payable as per the accounts of SLDC and such amount shall be payable within 15 days of such billing.

16. COLLECTION AND DISBURSEMENT OF CHARGES:

- 16.1 In case of collective transactions through power exchange, the Customer shall pay applicable charges toward open access transactions to SLDC through concerned power exchange.

In case of bilateral inter-State transactions, the charges are collected and remitted by concerned RLDC. In case of intra-State transactions, customer shall pay Open Access charges (i.e. SLDC operation, transmission, wheeling, congestion charges and additional amount of E-bidding under para 6) directly to SLDC.

- 16.2 The cross subsidy surcharge and additional surcharge shall be payable directly to the distribution licensee in whose area of supply the Customer availing open access is located.
- 16.3 The Operating charges shall be payable to SLDC.
- 16.4 The reactive energy charges shall be paid as per relevant provisions of Grid Code to the licensee in whose system the Customer is availing open access.
- 16.5 The imbalance charges payable by/ to shall be collected by concerned users who have to receive such payments based on the energy account to be issued by SLDC. In case of the existing consumers of HPSEBL, the corresponding adjustments shall be made in the monthly bills also.
- 16.6 All the charges except those mentioned at Sr. No. 16.2, 16.4 and 16.5 in the first instance will be collected by SLDC. The transmission and wheeling charges as received/realized by SLDC shall be remitted to HPPTCL and HPSEBL respectively within 15 days of its receipt by SLDC.
- 17. DEFAULT IN PAYMENT :**
- 17.1 In case of default in payment of the application fee or the charges specified under the Regulations specified by the Commission, the SLDC, at its discretion may not schedule the transaction or may cancel the scheduling of already scheduled transaction or may not entertain any application of such Applicant in future until such time the default is cleared.
- 17.2 The Open Access Customer committing default in payment to SLDC or to any other Open Access Customer as per the provisions of the Regulations and the procedure shall have to pay the simple interest at the rate of 0.04 % of the outstanding amount for each day of default from the due date of payment. However, in case of default in payment of the amount billed by distribution licensee, late payment surcharge shall be payable at the rate mentioned in the relevant tariff order.
- 18. RENEWABLE POWER PURCHASE OBLIGATION:**
- 18.1 Each Open Access Customer shall be required to fulfil its Renewable Power Purchase Obligations (RPPO), as per Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 and amendment thereof.
- 18.2 The RPPO can be met by Open Access Customers either by purchase of electricity from renewable sources or by purchase of Renewable Energy Certificate(s) (RECs) from the Power Exchange or purchase of renewable power from HPSEBL or any other permitted manner.
- 18.3 The Open Access Customer shall provide necessary documentary proof regarding compliance of his RPPO to the State Agency who will be the monitoring agency for fulfilment of Renewable Power Purchase Obligations.
- 19. GENERAL CONDITIONS:**
- 19.1 All costs/expenses/charges associated with the Application, including the fee for Bank Draft, shall be borne by the Applicant.
- 19.2 Any incomplete/vague application, or an application not found in conformity with these Procedures and Regulations, shall be liable to rejected summarily.
- 19.3 None of the charges payable by Applicants(s) and/or any other entities involved in

the transaction shall be adjusted by them against any other payments/charges.

- 19.4 The Applicant shall abide by the provisions of The Electricity Act, 2003, Indian Electricity Grid Code, CERC Open Access and other related Regulations, HP Electricity Grid Code, and HPERC Short term Open Access Regulations, 2010 and other applicable Regulations of the Commission as amended from time to time.
- 19.5 When the intra-State transmission system and distribution system is used in conjunction with inter-State transmission system, the provisions regarding collection and disbursement of transmission, wheeling and operating charges contained in Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 or amendment thereof will apply.
- 19.6 The Open Access Applicant shall keep the SLDC and the licensees indemnified at all times and shall undertake to indemnify, defend and save the SLDC and the licensees from any all damages, losses, claims and actions including those relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees and all other obligations by or to third parties arising out of or resulting from the transactions.
- 19.7 The SLDC shall post the requisite information as per the Regulations on their website.
- 19.8 The STOA customer selling power shall furnish daily/monthly abstract of all power injection in each block of 15 minutes as per format-VII: Daily Power Injection Report.
- 19.9 The STOA customer shall not be entitled to claim compensation, in any shape, for any loss or damage whatsoever arising out of failure due to force majeure events such as fire, rebellion, mutiny, civil commotion, riot, strike, lockout, forces of nature, accident, act of God and any other reason including grid's failure beyond the control of HPSEBL/HPPTCL.
- 19.10 If the need arises, or if the Commission so directs, the SLDC shall revise and amend the detailed procedure with the approval of the Commission.

Format I : Application for Registration as Short Term Open Access Customer

To: The Superintending Engineer (SLDC)
SLDC Complex, H P Load Despatch Society,
Totu, Shimla-171011.
E-mail: sehpsldc@gmail.com

1	Registration Code (If Already Registered)	
2	Name of Applicant:	
3	Address for Correspondence	
4	Status of Applicant (Trader/DISCOM/SSGS/IPP/PPP/Existing consumer/ Others (Please Specify))	

5	Contact Details		
	Name:		
	Designation:		
		Office:	Residence:
		Phone	
		Mobile	
	E-mail		

6	Trading Licence number and Type	
7	Relevant Particulars of the Applicant such as: (i) Location and installed capacity, in case of generator. (ii) Location, Consumer No., Supply Voltage, sanctioned Contract Demand, concerned sub-division etc., in case of consumer of HPSEBL.	

8	Connectivity Details to the grid to be enclosed along with details of boundary meters	
9	Any Other relevant detail	

Declarations:

1. It is hereby agreed that MoU/Agreements between buyer /seller/trader shall be executed before the application for scheduling of bilateral transaction is made and shall be produced on demand.
2. All entities (including buyer, seller, trader) to the transaction shall abide by the provisions of the Himachal Pradesh Electricity Regulatory Commission (Short Term Open Access), Regulations, 2010
3. The provisions of the Regulations of HPERC and procedure for the scheduling of Intra-state Open Access Transactions issued by SLDC are hereby agreed.

Date:
Place:

Signature
Name:
Designation:

Encl: Connectivity Details.

Format II : Application for seeking concurrence from the Transmission licensee or the Distribution licensee

To:

The General Manager,
HPPTCL, Barowalias House,
Khalini, Shimla- 171 002.

The Chief Engineer (SO&P)
HPSEBL, Vidyut Bhawan,
Shimla – 171 004.

	Application No.:	Date:	
1	Name of Applicant:		
2	Address for Correspondence		
3	Status of Applicant (Trader/DISCOM/SSGS/IPP/ CPP/ Existing consumer of HPSEBL/Others (Please Specify))		
4	In case of Trader, Licensee number and Type		
5	Contact Details		
	Name:		
	Designation:		
		Office:	Residence:
	Phone		
	Mobile		
	E-mail		
6	Connectivity Details to the grid to be enclosed along with details of meters		
7	Relevant Particulars of the Applicant such as: (i) Location and installed capacity, in case of generator. (ii) Location, Consumer No., Supply Voltage, sanctioned Contract Demand, concerned sub-division etc., in case of consumer of HPSEBL.		

8	Buyer/Seller Details		
		Injecting Entity	Drawee Entity
	Name of Entity		
	Entity in which connected		

9	Concurrence requested from Transmission Licensee/Distribution Licensee				
	Date		Hours		MW
	From	To	From	To	

Date:
Place:

Signature
Name:
Designation:

- Encl: 1. Connectivity details to the Grid**
2. Undertaking (Format-V) on plain paper duly signed.
3. Details of sanctioned Contract Demand and revised Contract Demand,
copy of communication in that regard.

Format III: Concurrence from Transmission Licensee/Distribution Licensee

1	Application No.:	Date
2	Applicant Name:	
3	Address:	
4	Applicant detail:	

5	Buyer/Seller Details	Injecting Entity	Drawee Entity
	Name of Entity		
	Entity in which connected		

6	Concurrence requested from Transmission Licensee/Distribution Licensee				
	Date		Hours		MW
	From	To	From	To	

7	Concurrence accorded by Transmission Licensee/Distribution Licensee				
	Date		Hours		MW
	From	To	From	To	

A curtailed concurrence (or no concurrence) is being granted on account of _____

Signature (With Stamp)
Name & Designation

Format IV: Application for scheduling of Intra- State Short Term Open Access Transactions

To

The Superintending Engineer (SLDC)
SLDC Complex, H P Load Despatch Society,
Totu, Shimla-171011.

E-mail: sehpsldc@gmail.com

1	Application No.:	Date			
2	Applicant Name:				
3	Registration Code:				
4	Address for Correspondence				
5	Status of Applicant (Trader/DISCOM/SSGS/IPP/ CPP/ Existing consumer of HPSEBL/Others (Please Specify))				
6	In case of Trader, Licensee number and Type				
7	Contact Details				
	Name:				
	Designation:				
		Office:		Residence:	
	Phone				
	Mobile				
	E-mail				
8	Connectivity Details to the grid to be enclosed along with details of meters				
9	Relevant Particulars of the Applicant such as: (i) Location and installed capacity, in case of generator. (ii) Location, Consumer No., Supply Voltage, sanctioned Contract Demand, concerned sub-division etc., in case of consumer of HPSEBL.				
10	Transmission or Distribution licensee concurrence detail				
11	Scheduling Request				
	Date		Hours		MW
	From	To	From	To	
12	Buyer/Seller Details				
			Injecting Entity	Drawee Entity	
	Name of Entity				
	Entity in which connected				
	Applied Route				
13	Payment details of Non-Refundable Application Fee (` 5,000)				
14	Declaration: The Provisions of The Electricity Act, 2003, IEGC, CERC Regulations, HPEGC, HPERC regulations and SLDC procedures with respect to intra-State Short Term Open Access transactions as amended from time to time are hereby understood and would be binding.				
	Date:	Signature (with Stamp)			
	Place:	Name:			
	Encl.:To be submitted as per para 4.2 of the procedure	Designation:			
	For Use of SLDC				
	Approval No: Reason for refusal				

10. I/We will supply a copy of the agreement signed by me/us for Sale/ Purchase of power through open access. Any change of name/agreement, advance intimation shall be given by the customer which shall in case of trader, be allowed subject to the prescribed business rules of the power exchange only after the grant of permission of competent authority of SLDC.
11. I/We will book the Open Access corridor on the inter-State transmission system if so needed and seek alterations, if required, as per Open Access Regulations and procedure(s).
12. I/We will abide by the provisions of the Grid Code and Open Access Regulations issued by HPERC & CERC, as amended from time to time as well as the detailed procedure(s) framed thereunder.
13. I/We will also furnish block, Daily/Monthly abstract of all power injections made by me/us in each time block of 15 minutes on prescribed Performa (Format- VII). This information will be supplied for all the days for which scheduling is sought by us (customer) and granted by SLDC, including the days for which no bid is made by me/us (Generator/Seller) or the bid made is not accepted in the power exchange (indicating power scheduled through power exchange as zero for such day) duly authenticated by authorized signatory of the firm in the prescribed Performa.
14. I/We will operate a 24 hour control room and communicate real time power sale and purchase data through fax/telephone to control room of SLDC as well as HPSEBL.
15. I/We understand that no relaxation in demand charges or any other charges payable by us as a consumer of HPSEBL.
16. I/We will be liable to pay cross subsidy surcharge, additional surcharge, voltage surcharge, reactive energy charges and any other charges applicable on Open Access customers in accordance with HPERC (Short Term Open Access) Regulations, 2010, as amended from time to time and the procedures or any other provisions.
17. In case of any difference in wheeling, transmission, operating or any other charges remitted by the power exchange and actual applicable charges, the SLDC/HPSEBL/HPPTCL reserves the right to charge the difference in bill raised to the customer. I/We undertake to pay the total bill including these charges.
18. I/We will pay all such the payments as are required to be made to SLDC, and are associated with Short Term Open Access to the office of SE (SLDC), HPLDS, Totu, Shimla-171011 remitted only by Bank Draft or RTGS/NEFT in favour of **State Load Despatch Centre** payable at Shimla up to 3:00 pm on working days. After due date, I/we agree to pay simple interest @ 0.04 % on total amount of the bill for each day of default from due date. In case of non-payment of dues, SE (SLDC) reserves the right to cancel acceptance for Open Access.
19. I/We will bear the transmission and distribution losses for the Intra-State/ Inter-State system, as applicable.
20. Any taxes/levies applicable on Open Access transaction as imposed by Central and State Governments from time to time shall be borne by me/us.
21. I/We will fulfil our RPPO as per HPERC (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010.
22. I/We will apply for No Objection Certificate/Concurrence/Consent for purchase of power through Power Exchange or through bilateral agreement minimum 3 working days before the commencement of intended date of purchase of power through Power Exchange. I/We have noted that acceptance will be given by SLDC for a maximum period upto one month at a time.
23. I/We agree to provide and meet with all metering, protection and communication requirements, as specified by the Commission /SLDC/HPSEBL/HPPTCL from time to time.
24. I/We may surrender the capacity allotted to me/us by serving a notice to SLDC/RLDC as per HPERC/CERC regulations, if I/We are unable or not in position to utilize the full or substantial part of the capacity allotted to me/us. In case our capacity has been reduced or cancelled or

- surrendered, I/We shall bear Open Access charges as per prevalent CERC/HPERC open access regulations.
25. I/We undertake to co-ordinate with concerned officials of HPSEBL to ensure meter data reading/downloading as per fixed schedule.
 26. I/We undertake to maintain grid discipline and ensure the energy injections/drawls as per the energy scheduled at the injection/delivery point.
 27. I/We confirm that the provisions of the detailed procedure framed under HPERC(Short Term Open Access) Regulations, 2010 have been perused and I/We agree to abide by the same.
 28. I/We agree that the disputes and complaints regarding metering and billing etc. will be first referred to the SLDC. The SLDC shall investigate and endeavour to resolve the grievance and in case of its non-redressal within stipulated period or any dispute, it shall be referred to the appropriate appellate authority by the SLDC or by the Open Access customer.
 29. I/We agree that HPSEBL/HPPTCL/SLDC reserves their right to amend the above terms and conditions within the prescribed Regulatory framework.

Authorized Signatory

Name: _____ Designation: _____
Place: _____
Date: _____ Seal: _____

- Note: i) The undertaking is to be signed by the applicant/consumer on each and every page. Two set of the undertaking are to be furnished. One copy will be retained in the office of SE (SLDC), and second copy will be supplied to CE (SO&P), HPSEBL, Vidyut Bhawan, Shimla -171004, by the SLDC, while operationalising the Open Access.
- ii) For seeking concurrence of the transmission or the distribution licensee, undertaking, duly signed shall be submitted on plain paper.
 - i) Copy of company/Board resolution or authority letter in favour of authorized signatory to be attached.

Format VI: Acceptance for scheduling of Intra State Open Access Transactions

SLDC Acceptance No.
 Ref: Original Application No.
 1 Name of Applicant:
 2 Name of injecting Entity:
 3 Name of drawee Entity:

Date
 Date
 Registration Code

Open Access Scheduling Requested						
4	Date		Hours		MW	Total MWH
	From	To	From	To		
Open Access Scheduling Accepted						
5	Date		Hours		MW	Total MWH
	From	To	From	To		

Payment Schedule				
6	i) Intra-State Transmission/Wheeling Charges		Rate (Rupees)	Total (Rupees)
	Transmission Charges (STU)			
	Wheeling Charges (DISCOM)			
	ii) Operating Charges			
	HP SLDC		2000/day	
	iii) Non-Refundable Application Fee (if not paid)		5000	
Total (i +ii + iii)				

7. A curtailed acceptance is being granted on account of

8. This acceptance is subject to provisions of HPERC (Short Term Open Access) Regulations, 2010 and amendments thereof and procedure made thereunder.

To,
 1 .

Signature:
Name & Designation
Date

