



**JOINT ELECTRICITY REGULATORY COMMISSION
FOR MANIPUR AND MIZORAM
AIZAWL::: MIZORAM**

NOTIFICATION

No. H. 11019/21/09-JERC

Dated the 2nd July, 2010

In exercise of the powers conferred by **Section 181** of the **Electricity Act 2003 (36 of 2003)** and all powers enabling it in that regard, the **Joint Electricity Regulatory Commission for the States of Manipur and Mizoram** hereby makes the following Regulations.

1 Short title, area of application and commencement

- (1) These Regulations may be called the **Joint Electricity Regulatory Commission for Manipur and Mizoram (Terms and Conditions for Open Access) Regulations, 2010**.
- (2) These Regulations shall apply within the geographical area of the States of **Manipur** and **Mizoram** and shall apply to open access customers for use of intra-state transmission system and/or the distribution systems of licensees in the State, including such system when it is used in conjunction with inter-state transmission system and in relation to all matters falling within the jurisdictions of the Commission.
- (3) These Regulations shall come into force on the date of publication in the **Official Gazettes** of Manipur and Mizoram.

2 Definitions

- (1) In these Regulations, unless the context otherwise requires:-
 - (a) “**Act**” means the **Electricity Act, 2003 (36 of 2003)**;

- (b) “**Electricity Grid Code**” means the set of rules, requirements, procedures approved by the Commission under clause (h) of sub-section (1) of **Section 86** of the Act for the State Transmission System, covering all technical aspects relating to connections to and the operation of the Grid.
- (c) “**Allotted Distribution Capacity**” means the power contracted for transfer (in MW) between the specified point(s) of injection and point(s) of drawal allowed to a Medium-Term and Long-Term Access Customer on the distribution licensee’s distribution system under normal circumstances and the expression “ **allotment of distribution capacity**” shall be construed accordingly;
- (d) “**Allotted Transmission Capacity**” means the power contracted for transfer (in MW) between the specified point(s) of injection and point(s) of drawal allowed to a Medium-Term or a Long-Term access customer on the intra-state transmission system under normal circumstances and the expression “**allotment of transmission capacity**” shall be construed accordingly;
- (e) “**Commission**” means the **Joint Electricity Regulatory Commission for the States of Manipur and Mizoram** constituted under **Section 82** of the **Electricity Act, 2003 (36 of 2003)**;
- (f) “**Consumer**” means any person who is supplied electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;
- (g) “**Distribution Wheeling Agreement**” means an agreement entered into between a distribution licensee and an open access customer for Wheeling of Electricity on the licensee’s Distribution System;
- (h) “**Electricity Supply Code**” means the **Electricity Code** specified by the Commission under **Section 50 of the Act**;

- (i) “**Month**” means the calendar month as per British calendar. The period of about 30 days between the two consecutive meter readings shall also be regarded as a month for purpose of billing;
- (j) “**Open Access Applicant**” means a person who makes an application to a licensee for transmission or wheeling of electricity and can include any generator, licensee including Trading Licensee or Open Access Consumer;
- (k) “**Open Access Consumer**” means a consumer who is eligible to receive supply of electricity from a person other than the distribution licensee of his area of supply;
- (l) “**Open Access Customer**” means a person using or intending to use the transmission system or the distribution system or both of the Licensees in the state for transmission or wheeling of electricity in the State;
- (m) “**Operational Constraints**” means the non availability of adequate capacity in the intra-state Transmission System or licensee’s Distribution System non existence of a metering and energy accounting system where the electricity to be purchased or sold by **Open Access Customers** can be correctly measured and accounted for.
- (n) “**Person**” shall include any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
- (o) “**Point of Injection**” means a connection at which electricity is transferred to the Electricity Transmission Network or the Electricity Distribution Network (as the case requires);
- (p) “**Point of Drawal**” means a connection at which electricity is transferred from the Electricity Transmission Network or the Electricity Distribution Network (as the case requires);
- (q) “**Reserved Distribution Capacity**” means the power transfer allowed (in MW) between the specified point(s) of injection and point(s) of drawal allowed to a Short-Term customer on the Distribution Licensee’s distribution system depending on availability of distribution capacity

and the expression “**reservation of distribution capacity**” shall be construed accordingly;

- (r) “**Reserved Transmission Capacity**” means the power transfer allowed (in MW) between the specified point(s) of injection and point(s) of drawal allowed to a Short-Term customer on the intra-state Transmission System or Transmission Licensee’s Transmission System depending on availability of transmission capacity and the expression “**reservation of transmission capacity**” shall be construed accordingly;
 - (s) “**State Load Dispatch Centre (SLDC)**” means the State Load Dispatch Centre established in the State under sub-section (1) of **Section 31** of the Act.
 - (t) “**State Transmission Utility**” means the utility notified by the State Government as State Transmission Utility under sub-section (1) of **Section 39** of the **Electricity Act, 2003**. State Transmission Utility (STU) owns and operates the Transmission System of the State.
 - (u) “**Transmission Services Agreement**” means an agreement entered into between a transmission licensee and the **Open Access Customer &** distribution licensee to avail access to the licensee’s transmission system for the **Transmission of Electricity**.
 - (v) “**Licensee**” means a person who has been granted a license under Section 14 of the Act, including deemed Licensee.
 - (w) “**Integrated Utility**” means the Mizoram and Manipur Electricity Departments in their present form or the successor entity of the Departments performing one or more of the functions of generation, transmission, distribution and trading after restructuring and/or Corporatisation of the Department(s).
- (2) Words and expressions used and not defined in these regulations but defined in the Act shall have the meanings as assigned to them in the Act, or in absence thereof, shall have the same meaning as commonly understood in the **Electricity Supply Industry**.

3 **Extent of Application**

These Regulations shall apply to **Open Access** for use of intra-state Transmission System and Distribution Systems in the State within the meaning of the term defined in sub-sections (37) & (19) respectively of **Section 2** of the Act.

4 **Eligibility for Open Access and Conditions to be met**

- (1) Subject to the provisions of these Regulations, **Open Access Customers** shall be eligible for **Open Access** to the Intra State Transmission System operated by the State Transmission Utility (STU) or any Transmission or Distribution System operated by Transmission licensees or Distribution Licensees.
- (2) Such **Open Access** shall be available for use by an **Open Access Customer** on payment of such charges as may be determined by the Commission in accordance with the Terms and Conditions of Tariffs Regulations framed for that purpose.
- (3) Subject to Operational Constraints and other relevant factors, **Open Access** shall be allowed for those Consumers with a Connected load of 1 MW & above with effect from 01/09/2010.
- (4) Based on the experience of commencement and operation of **Open Access** with consumers with a connected load of 1 MW and above, the Commission may revise the schedule for allowing **Open Access** for those consumers with more load in subsequent phases.
- (5) Pursuant to coming into force of these Regulations, the distribution licensees other than Integrated Utility shall also be required to apply for **Open Access** to the Transmission Licensee's Network for meeting power requirements of their existing and future consumers.
- (6) An **Open Access Consumer**, who wishes to purchase electricity from outside the States of **Mizoram and Manipur** must comply with the Regulations issued by the **Central Electricity Regulatory Commission** with respect to gaining access to the inter-state Transmission System and the Transmission System of the state where the point of injection of the Generator or trader is located.

- (7) A Generator located in **Manipur/Mizoram**, who wishes to sell electricity outside the States of **Mizoram and Manipur** must comply with the regulations issued by the **Central Electricity Regulatory Commission** with respect to availing access to the inter-state Transmission System and the Transmission System of the state where the drawal point of the distribution licensee, **Open Access Consumer**, or trader is located.

5 Treatment of Existing Distribution Licensees, Generators and Consumers

- (1) The Distribution Licensees in the State on the date of coming into force of these Regulations shall be entitled to avail Medium-Term and Long-Term **Open Access** on the intra-state Transmission System operated by the **STU** based on their current capacity utilized, point of drawal, peak load and average load on payment of transmission charges and **SLDC** charges as may be determined by the Commission.
- (2) Pursuant to coming into force of these Regulations, the existing Distribution Licensees shall also be required to apply for Medium-Term and Long-Term **Open Access** to the **STU's** intra-state Transmission Network for meeting the power requirements of their current consumers and future consumers within **90** days of the notification of these Regulations. The Distribution Licensees shall submit to the **STU** load forecasting data for their area of supply for the next five years in accordance with requirements of relevant clause of **Electricity Grid Code**. Such load forecasts shall include all consumers currently supplied by the licensee regardless of whether they are eligible for **Open Access** under clause **4.3**.
- (3) All existing **Generating Stations** owned by the State and any other Generating Stations which are connected to the intra-state transmission system will be granted Medium-Term and Long-Term **Open Access** for their current requirements for evacuating power from their power stations at their point of injection by the **STU**.
- (4) Pursuant to coming into force of these regulations, all the generating stations shall also be required to apply for open access to the **STU's** network for meeting their current and future power injection requirements within 90 days

of the notification of these regulations. All the generating stations will submit to the **STU** their generation capacity and evacuation requirements for power generation for the next five years in accordance with the requirements of relevant clause of the **Electricity Grid Code**.

- (5) Upon application, an **Open Access Consumer**, who has been supplied by the distribution licensee, shall be granted Medium-Term and Long-Term **Open Access** to the intra-state Transmission System and their local Distribution System for their current capacity utilized, point of drawal, peak load, and average load.
- (6) The Transmission Licensee and Distribution Licensee in the area of supply shall be obligated to reserve the network capacity for all consumers who have been supplied Electricity.

Provided that no consumer shall be required to pay for augmentations to a transmission or distribution system including metering arrangements of required accuracy to support their **Open Access** requirement when the person has been a consumer of electricity in the area of supply and has already been paying for their current network capacity allocation required for their contract demand through tariffs for the supply of electricity. Provided further that in case the augmentation to transmission or distribution system required is of such an order that a fresh investment is required to serve that consumer exclusively, that customer shall have to pay for such minimum additional investment.

6 Categorization of Open Access Customers:

- (1) The **Open Access Customers** shall be classified as per the following:
 - (a) **Short-Term Open Access Customer:** An **Open Access Customer** who is availing or wishes to avail **Open Access** for a period upto one month.
 - (b) **Medium-Term Open Access Customer:** An **Open Access Customer** who is availing or wishes to avail **Open Access** for a period more than one month but less than 5 (five) years.

- (c) **Long-Term Open Access Customer:** An **Open Access Customer** who is availing or wishes to avail **Open Access** for a period of equal to or more than 5 (five) years.
- (2) An **Open Access Customer** may register to be a Medium-Term, a Long-Term and a Short-Term **Open Access Customer**.
- (3) The Short-Term customer shall be eligible and re-eligible to obtain fresh **Open Access** after the expiry of its term. In such a case, the application for renewal of **Open Access** shall be treated as a new application for capacity allocation.

7. **Facilitative standby power supply arrangement**

- (1) Standby arrangements for OA consumers should be provided by the incumbent licensee to the extent of OA load sanctioned at day ahead notice, by levying the retail tariff as applicable to respective consumer categories only for the period during which such standby support is requested. This would harmonise the approach towards temporary connection charges envisaged in the Tariff Policy. This facility should be provided for a maximum period of six weeks in a year, to be counted on the basis of number of days. Beyond this duration of six weeks, the OA consumer should avail of regular supply from the distribution licensee.
- (2) Standby support should be extended only to OA consumers; besides, OA generators would need start-up power support.
- (3) The charges for standby power support should comprise only energy charges for the days when standby support is requested, and the demand charge for the six week period may be uniformly spread across the year. No fixed demand charges should be levied on OA consumers beyond this period of six weeks.

8 **Nodal Agency**

- (1) For all Medium-Term and Long-Term **Open Access** transactions, the **Nodal Agency** for receiving and processing applications shall be the:
 - (a) **STU** for transactions for where the point of drawal or point of injection is located on the intra-state transmission network;

- (b) Otherwise the Distribution Licensee of the area where the point of drawal is located.
- (2) For Short-Term **Open Access** transactions, the **Nodal Agency** for receiving and processing applications shall be the **SLDC**.
- (3) The **STU** shall notify draft guidelines, procedures and application forms for applying for Medium-Term and Long-Term **Open Access** within ninety days of the notification of these Regulations after obtaining approval from the Commission. The **STU** guidelines will also be adopted by the distribution licensees.
- (4) The **SLDC** shall notify guidelines, procedures and application forms for applying for Short-Term **Open Access** within ninety days of the notification of these Regulations after obtaining approval from the Commission.

9 Allotment Priority and Criteria for Allocations

- (1) The priority list for the allotment of Network capacity for **Open Access** shall be:
 - (a) Distribution licensee for Medium-Term and Long-Term;
 - (b) Other **Open Access Customers** including existing generating stations and **Open Access Consumers** as specified in the Regulations **5.3, 5.5 & 5.6** respectively who elect to apply for Medium-Term and Long-Term;
 - (c) Distribution licensee for Short-Term; and
 - (d) Other **Open Access Customers** for Short-Term.
- (2) Subject to clause **8.1**, the decision for allowing **Open Access** shall be based on the basis of first come first served within the respective priority groups.
- (3) The criteria applied to determine the quantum of allotted transmission capacity to a Medium-Term or Long-Term **Open Access Customer** in an intra-state Transmission System will be determined in accordance with the transmission planning criteria stipulated in the **Grid Code** and Regulation **5** of these Regulations.
- (4) The criteria applied to determine the quantum of allotted distribution capacity to a Medium-Term or Long-Term **Open Access Customer** in a distribution

system will be determined in accordance with the distribution planning criteria stipulated in the **Supply Code** and Regulation **5** of these Regulations.

- (5) Short-Term **Open Access** shall only be allowed, if the request can be accommodated, by utilizing:-
 - (a) Inherent design margins;
 - (b) Margins available due to variation in power flows; and
 - (c) Margins available due to in-built spare Transmission or Distribution capacity created to cater to future load growth which is available for a period of six months or less.

10 Application Procedure-Medium-Term and Long-Term Access Customers

- (1) An **Open Access Customer** shall file an application to the **Nodal Agency** with details such as the capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing **Open Access**, peak load or peak injection, average load and any other additional information that may be required by the **Nodal Agency**.
- (2) A consumer intending to avail **Open Access** shall also submit a copy of his application to the distribution licensee who is supplying electricity to him.
- (3) The application shall be accompanied with a fee of **Rs. 1,00,000/-** for Medium-Term and Long-Term **Open Access**.
- (4) In processing the application, the **Nodal Agency**, as the case may be, will consult with the **STU, SLDC** and the distribution licensee of the **Open Access Customer** to determine capacity allotment requirements for the intra-state transmission system, distribution licensee's distribution system, and any other transmission licensee's transmission system.
- (5) If the **Nodal Agency** or other licensees are unable to allocate the required allotment of transmission or distribution capacity to a Medium-Term or Long-Term **Open Access Customer** due to inadequate capacity, then:
 - (a) In cases where more than one Medium-Term and Long-Term **Open Access Customer** applies for capacity allocation on the same day and if the capacity sought to be allocated to the customers is more than the available capacity at that point of time, the **Nodal Agency** concerned

may offer to allocate the capacity in the ratio of capacity sought by the customers; or

- (b) If the applicant does not accept this offer, then he may request and pay to the **Nodal Agency** to carry out system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening.
- (c) If, in the opinion of the **Nodal Agency**, further system strengthening is essential before providing the Medium-Term or Long-Term **Open Access** because a rationing method will not work, the applicant may request and pay for the **Nodal Agency** to carry out the system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening.
- (d) The **Nodal Agency** shall carry out the studies immediately on receipt of request from the applicant and intimate results of the studies within **90** days of receipt of request from the applicant. Before the study proceeds the licensee will provide a quotation for the cost of the study to the applicant.
- (e) The applicant shall reimburse the actual expenditure incurred by the **Nodal Agency** for system strengthening studies limited to Rs. **50,000**.

Provided that the fee of rupees one lakh paid by the applicant shall be adjusted against the actual expenditure that is required to be reimbursed by the applicant.

Provided that where the results of the study may be applicable to more than one applicant, then the costs of the study shall be apportioned across the applicants.

Provided that if the applicant is an existing user of the licensee's network in accordance with Regulation 5, then the licensee will carry out the study and the cost will be borne by the licensee and will be passed through to all consumers.

- (6) If the applicant is unsatisfied with the quality of the system study, he may engage his own independent consultants to review the system study and to

present the results to the Commission for obtaining advice of **Central Electricity Authority (CEA)**.

- (7) All system strengthening studies and any review by a consultant will be presented to the Commission. The Commission will review the costs of any works necessary to reinforce the systems of the licensee to support **Open Access** based on the views of **CEA**.
- (8) The cost of any necessary works to reinforce the **STU's** intra-state Transmission System and other Licensee's Transmission and Distribution Systems will be shared and recovered from all users of these systems through the Transmission charges, Distribution Wheeling charges, and retail tariffs in a manner determined by the Commission.

Provided that where a dedicated transmission system or a Distribution System used for **Open Access** has been constructed for exclusive use of an **Open Access Customer**, the transmission charges or wheeling charges for such dedicated system shall be borne entirely by such open access customer until such time the surplus capacity is used by other persons or for other purposes.

11 Application Procedure – Short-Term Access Customers

- (1) An **Open Access Customer** shall file an application to the **SLDC** with details such as the capacity needed, **Generation Planned** or **Power Purchase** contracted, point of injection, point of drawal, duration of availing **Open Access**, peak load, average load and any other additional information that may be required by the **SLDC**. Such an application may be submitted through a licensed trader also.
- (2) A consumer intending to avail Short-Term **Open Access** shall also submit a copy of his application to the distribution licensee who is supplying electricity to him.
- (3) The application shall be accompanied with a fee of **Rs. 5,000/-** for Short-Term **Open Access**.
- (4) In a case where more than one Short-Term **Open Access Customer** applies for capacity reservation on the same day and if the capacity sought to be reserved by the customers is more than the available transmission capacity at

that point of time, the **SLDC** concerned shall invite snap bids from such customers. The minimum price of the bids shall be the transmission charges or wheeling charges fixed by the Commission. The capacity shall be allocated to the **Open Access Customer** bidding at a higher price.

- (5) In the case of a customer of a distribution licensee's distribution system seeking Short-Term **Open Access**, Short-Term **Open Access** reservations will be automatically granted by the **SLDC** provided that the capacity sought is less than or equal to the contract demand or maximum sanctioned load of the open access consumer.

12 Time Schedule for Open Access Applications

- (1) The **Nodal Agency** shall acknowledge the receipt of Medium-Term and Long-Term **Open Access** application received by it under clause 7, immediately and not later than 24 hours of receipt of such application.
- (2) The following time schedule shall be adhered to by the **Nodal Agency** for processing of the application for grant of **Open Access**:

Sl. No.	Type of Service/Activity	Maximum Processing Time
1.	Short-Term Service	
	Up to one day	12 hours
	Up to one week	2 days
	Up to one month	7 days
2.	Medium-Term & Long-Term Service	
	Intimation regarding feasibility of access without system strengthening	30 days
	Intimation of results of studies for system strengthening with cost estimates and completion schedule	90 days

13 **Open Access Agreements**

- (1) Where the **Nodal Agency** is the STU, the Medium-Term and Long-Term **Open Access Customer** will enter into a Transmission Services Agreement with a transmission licensee for the use of the allotted transmission capacity on his transmission system if the point of drawal is on that system.
- (2) Where the **Nodal Agency** is the distribution licensee, the Medium-Term and Long-Term **Open Access Customer** will enter into a Distribution Wheeling Agreement with the distribution licensee for the use of the allotted distribution capacity on his distribution system from the point of drawal.

Provided that the distribution licensee will be responsible for Coordinating with transmission licensee for an allocation of transmission capacity to support the load requirements of the **Open Access Customer**.

Provided that the Distribution Wheeling Agreement will specify the allotted transmission capacity for the **Open Access Consumer** and a separate Transmission Services Agreement between the transmission licensee and **Open Access Customer** shall not be required.

- (3) Where the **Nodal Agency** is the **SLDC**, the Short-Term **Open Access Customer** will enter into a Short-Term **Open Access** Agreement with the **SLDC** for:
 - (a) Reserved Transmission Capacity on the transmission licensee's system or the STU's intra-state transmission system as the case may be; and
 - (b) Reserved Distribution Capacity on the distribution licensee's system as the case may be.
- (4) The STU, distribution licensee(s), and **SLDC** shall draft model agreements and submit the same to the Commission for review and approval. The Commission shall approve the same within a period of 15 days.
- (5) After agreements have been entered into and copies furnished to the **Nodal Agency**, the **SLDC** shall inform the **Open Access Customer** the date from which **Open Access** will be available, which will not be later than three days from the date of furnishing of agreements.

- (6) The **Nodal Agency** shall intimate any new agreement entered into by an **Open Access Customer**, to the Commission within seven days of formalization of the agreement.

14 Non-Utilisation of Capacity Allotments

- (1) In case an **Open Access Customer** is unable to utilize, in full or substantial part of the transmission or distribution capacity allotted to him, he shall inform the **Nodal Agency** and **SLDC** along with reasons for his inability to utilize the capacity and may surrender a part of or the whole of the capacity allotted to him for whole of the remaining period or part thereof.
- (2) When the Medium-Term or Long-Term **Open Access Customer** does not use more than 50 per cent of capacity agreed for in the Transmission Services Agreement or Distribution Wheeling Agreement for a continuous period of one month and has not given any notice to the **Nodal Agency** for voluntary surrender of capacity as per Clause 1, then the unutilized capacity shall be classified as hoarding network capacity.

Provided that the definition of capacity used shall be measured as the metered peak demand of the Medium-Term and Long-Term **Open Access Customer** compared to his allotted transmission capacity or distribution capacity excluding those days where the transmission network or distribution network capacity is reduced by the **SLDC** due to system security constraints.

Provided that the user shall be liable to pay the charges for **Open Access Services** for the entire capacity contracted regardless of the actual usage.

Provided further that if the **Nodal Agency** determines that the capacity is being hoarded and the user hoarding the capacity is not willing to surrender the unutilized capacity, the **Nodal Agency** can terminate the Transmission Services Agreement or the Distribution Wheeling Agreement if more than two cases of hoarding are identified by the **Nodal Agency** against the user in a period of twelve consecutive months. The capacity thus terminated can be re-allotted to other **Open Access** applicants.

Provided that the Medium-Term or Long-Term **Open Access Customer** can appeal against this decision to the Commission.

- (3) A Medium-Term or Long-Term Customer shall not relinquish or transfer his rights and obligations specified in the Transmission Services Agreement or Distribution Wheeling Agreement to any other customer, without prior approval of the Commission. The relinquishment or transfer of rights and obligations by a Medium-Term and Long-Term Customer shall be in accordance with the provisions of the Transmission Services Agreement or Distribution Wheeling Agreement.
- (4) The Short-Term Customer, who surrenders or reduces the transmission and/or distribution capacity reserved for him shall bear full transmission and/or wheeling charges based on original reserved capacity and the period for which the capacity was reserved as per the Short-Term **Open Access** Agreement with the **SLDC** until such time as the capacity is reallocated to other **Open Access Customers**.
- (5) The **Nodal Agency** may reduce or cancel the allotted or reserved capacity of a Short-term **Open Access Customer** when such a customer under-utilises more than 50 per cent of the capacity allotted to him for more than half the days in the period of the Short-Term Access Agreement.
Provided that the definition of capacity used shall be measured as the metered peak demand of the Short-Term Open Access Customer compared to his allotted transmission capacity or distribution capacity excluding those days where the transmission network or distribution network capacity is reduced by the **SLDC** due to system security constraints.
Provided that the Short-Term **Open Access Customer** can appeal against this decision to the Commission.
- (6) The capacity available as a result of surrender, reduction or cancellation of allocated or reserved transmission capacity or distribution capacity by the **Nodal Agency** under Regulation 14, may be allocated or reserved in accordance with these Regulations.

15 Curtailment Priorities

- (1) When because of system security constraints including a transmission constraint or otherwise, it becomes necessary to curtail transmission services,

the **SLDC** will curtail transmission services on a reasonable endeavors basis in the following order:

- (a) Short-Term **Open Access Customers** (excluding distribution licensees) whose point of drawal is connected to the transmission system;
 - (b) Short-Term **Open Access** capacity allotted to distribution licensees;
 - (c) Medium-Term and Long-Term **Open Access Customers** (excluding distribution licensees) whose point of drawal is connected to the transmission system;
 - (d) Medium-Term and Long-Term **Open Access** capacity allotted to distribution licensees; and
 - (e) Generators whose point of injection is connected to the transmission system.
- (2) Within a category, feasible power curtailment shall be carried out on a pro-rata basis except for generators which will be curtailed on cost basis.
 - (3) All **Open Access Customers** whose point of drawal is connected to a distribution system will be treated the same as all other consumers connected to that system as it is not practical or economically justified to introduce the infrastructure into the distribution systems to support selective curtailment of distribution services to individual consumers.

Provided that where an **Open Access Consumer** has paid for such infrastructure then the **SLDC** and the distribution licensee shall implement selective curtailment giving a higher priority to that consumer.

16 Open Access Charges and Billing Agency

- (1) The principles and methodologies to determine charges payable by an **Open Access Customer** for the use of the intra-state transmission system or distribution system of a licensee shall be according to the Terms and Conditions of Tariff regulations approved by the Commission.
- (2) The **Open Access** charges shall consist of one or more of the following charges:
 - (a) Transmission Charge that is payable by the Medium-Term, Long-Term and Short-Term **Open Access Customer** for the use of the intra-state

transmission system or the transmission system of a transmission licensee under **Sections 39 (2) (d) (ii) and 40 (c) (ii) of the Act**. The charges shall be determined under **Section 62 (1) (b)** of the Act and may vary between Medium-Term, Long-Term and Short-Term **Open Access Consumers**.

- (b) Wheeling Charge that is payable by the Medium-Term, Long-Term and Short-Term Open Access Customer for the use of the distribution system of the distribution licensee according to **Section 42 (2)** of the Act. The charges shall be determined under **Section 62 (1) (c)** of the Act.

Provided that the wheeling charge rate for an **Open Access Customer** will be the same for all categories of **Open Access Customers**.

- (c) Cross subsidy surcharge that is determined annually and is payable by the Open Access consumer to meet the current level of cross subsidy level according to **Section 42 (2)** proviso 1 of the Act. Provided that:
 - (i) The cost of supply to the category of consumers for the purpose of tariff to which the **Open Access Consumer** belongs and the realization from that category of consumers shall be the basis of calculating the extent of cross subsidy provided by such consumer.
 - (ii) The amount of surcharge shall be so calculated as to meet the current level of cross subsidy from that category of consumers and shall be paid to the distribution licensee of area of supply where the consumer is located.
 - (iii) The surcharge shall be reduced and eliminated in the same manner as the Commission may lay down for reduction and elimination of cross subsidies in its regulations relating to Terms and Conditions of Tariff of distribution licensees.
 - (iv) The cross subsidy surcharge is not payable if **Open Access** is provided to a person who has established a captive generating plant and wanted to deliver electricity to the destination for his own consumption.

- (d) Additional Surcharge, in addition to wheeling charges and surcharges, is payable by the **Open Access Consumer** who is receiving supply of electricity from a person other than the Distribution licensee of his area of supply, to the Distribution licensee in order to enable it to meet the fixed cost arising out of his obligation to supply according to **Section 42 (4)** of the Act. Provided that:
- (i) The distribution licensee whose consumer intends to avail Open Access, shall submit to the Commission within 30 (thirty) days of receipt of application under regulations 10 or 11, an account of the fixed cost associated with the generation capacity entitlement in MW which the licensee is incurring towards his obligation to supply, the amount of income that may be earned by selling that entitlement to other persons, and the time required to relinquish the generation capacity MW entitlement amount associated with Open Access consumer.
 - (ii) The Commission shall scrutinize the statement of account submitted by the licensee and obtain objections, if any, of the Open Access consumer and determine the amount of additional surcharge payable by the Open Access consumer to the licensee.
 - (iii) The additional surcharge shall be leviable for a maximum period of three years or less as the Commission may determine and the amount of the additional surcharge will be adjusted annually by the Commission.
 - (iv) At the end of the financial year, the licensee shall be required to demonstrate that the net fixed costs incurred for the MW generation capacity entitlement and the additional surcharges paid by the Open Access consumer will be adjusted either by a rebate or an additional payment to reflect the actual costs incurred. Net fixed costs shall be determined by deducting from the fixed costs any income earned by the licensee with the generation capacity entitlement.

- (e) **Scheduling and System Operation Charges:**
- (i) The scheduling and system operation charges payable to State Load Despatch Centre by Medium-Term and Long-Term **Open Access Customers** shall be same as determined by the Commission under **Section 32** of the Act.
 - (ii) The Short-Term Open Access Consumers shall however pay a sum of Rs. 1000/- per day or part of the day to the **SLDC** as the scheduling and system operation charges as per Short-Term Open Access Agreement. In other words, the scheduling and system operation charges shall be payable by a supplier as well as his consumer availing **Open Access** under these Regulations.
 - (iii) These will be however adjusted in the subsequent **ARR** of **SLDC**.
- (f) **Reactive Energy Charges:**
- The payment for the reactive energy charges for the **Open Access Customer** shall be calculated in accordance with the scheme applicable.
- (g) **Intervening Transmission Charges:**
- The rates, charges and terms and conditions for providing the use of intervening transmission facilities would be mutually decided by the licensees. Provided that any dispute on the extent of surplus capacity available or disagreement on the rates, charges and terms and conditions, shall be adjudicated upon by the Commission. However, the rates, charges and terms and conditions shall be fair and reasonable and may be allocated in proportion to the use of such facilities.
- (h) Any other charges as may be specified by the Commission from time to time shall be payable by the **Open Access Customer**.
- (3) An **Open Access Consumer** will only be required to pay a wheeling charge to the distribution licensee in his area of supply. No additional wheeling charge will be payable to any other distribution licensee in the state.
- (4) In case, the intra-state transmission system or distribution system is used by an **Open Access Customer** in addition to inter-state transmission system, then the transmission charges and wheeling charges shall be payable for use of intra-state system in addition to payment of transmission charges for inter-

state transmission, as determined by **Central Electricity Regulatory Commission (CERC)** from time to time.

- (5) The **Nodal Agency** will be responsible for the billing and collection of **Open Access** charges from the **Open Access Customers** on a monthly basis. The **Open Access Customer** will remit the funds to the accounts of the **Nodal Agency**.
- (6) The **Nodal Agency** will be responsible for remitting the **Open Access** charges to the respective licensees.

17 Scheduling and Energy Accounting

- (1) An **Open Access Consumer** shall be required to submit an ex-ante day ahead drawal schedule to the **SLDC** in accordance with CERC's availability based tariff regulations. The **Open Access Consumer** will receive or pay UI charges for any difference between the scheduled and the actual drawal at **Open Access Consumer's** drawal point(s) at the UI schedule determined by the Commission in accordance with the Terms and Conditions of Tariff Regulations.
- (2) The information regarding average energy losses at different voltage levels, as approved by the Commission, for the previous twelve months shall be posted on the website of the nodal agencies.
- (3) An **Open Access Consumer** shall bear average energy losses in the intra-state transmission system as estimated by the Regional Load Dispatch Centre and the State Load Dispatch Centre concerned and the average distribution losses in his area of supply at the injection points. The energy losses in the transmission system shall be compensated by additional injection at the injection point(s).
- (4) The energy losses on account of use of the transmission and distribution system shall be adjusted in proportion to the energy drawn by the **Open Access Consumers** on the basis of actual losses in the system for that category of consumers during the previous year.

- (5) **SLDC** shall be responsible for all unscheduled inter-change (UI) energy accounting for Medium-Term, Long-Term and Short-Term **Open Access Customers**.
- (6) Provided that for carrying out balancing and settlement of energy and demand at all entry and exit points relating to energy purchase or sale agreements, the licensee and **SLDC** shall strictly adhere to the Balancing and Settlement Code Regulations to be approved by the Commission.

18 Energy Meter

- (1) The **Open Access Consumer** shall provide ABT compatible Special Energy Meter as Main Meter capable of time differentiated measurements (15 minutes) of active energy and voltage differentiated measurement of reactive energy as may be specified by the **STU** or **SLDC** which shall be according to the Metering Code as may be specified by **Central Electricity Authority (CEA)** based on voltage, point and period of supply and tariff category.
- (2) Main meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the **Nodal Agency**.
- (3) The concerned licensee may provide check meters of the same specifications as main meters.
- (4) The main and check meters shall be periodically tested and calibrated by the concerned licensee in the presence of other party involved. Main and check meters shall be sealed by both parties. Defective meter shall be replaced immediately.
- (5) Reading of main and check meters shall be taken periodically at appointed day and hour by authorized officer of the concerned licensee, the generator and **Open Access Consumer** of his representative, as the case may be. Meter reading shall be communicated to **SLDC**, the **Open Access Consumer** and the generating company or trader, as the case may be, by the licensee, within 12 hours of meter reading.
- (6) Readings of the check meters shall be considered when main meters are found to be defective or stopped. Both the main meter and check meter shall be tested for accuracy if difference between the readings of main and check

meters vis-à-vis main meter reading exceed twice the percentage errors permissible for relevant accuracy class. The meter found defective shall be replaced immediately.

- (7) If during the test checks or otherwise, both the main meters and the corresponding check meters are found to be beyond permissible limits of error as per the IS specifications, both the meters shall be immediately calibrated and the correction applied to the generation of energy registered by the main meter to arrive at the correct generation of energy registered by the main meter to arrive at the correct generation of energy for such test check. Billing for the period thereafter until the next monthly meter reading shall be as per the calibrated main meter.
- (8) If an **Open Access Consumer** requires the licensee to provide main meter it shall provide security to the licensee and shall pay for its rent. The meter shall be maintained by the licensee.

19 Communication facility

- (1) The communication facility to be provided by the **Open Access Customer** will be defined by **SLDC** on a case-to-case basis. The **Open Access Customer** shall have to provide all such facilities.
- (2) An **Open Access Customer** shall have the facilities of telephone, fax and email. The details of their communication systems shall be provided to the **SLDC** and the **Nodal Agency**.

20 Information system

- (1) The licensees and **SLDC** shall be required to maintain the following information on their websites, separately for the Short-Term, Medium-Term and Long-Term **Open Access Customers**, in order to ensure transparency and carry out information exchange among themselves while processing **Open Access** applications:
 - (a) Name of customer;
 - (b) Period of the access granted (start date and end date);

- (c) Point(s) of injection;
 - (d) Point(s) of drawal;
 - (e) Allotted or reserved capacity.
- (2) A quarterly report based on the above information shall also be provided in the **Nodal Agency**'s website. Information regarding average energy loss in transmission system and distribution system for the previous twelve months should also be provided in such websites.
- (3) If an **Open Access Customer** or licensee so desires, the **SLDC** shall provide information to them on capacity available or desired.

21 Redressal Mechanism

- (1) Any dispute or complaint relating to **Open Access**, such as unfair practice, delay, discrimination, lack of information or any other matter shall be reported to the **SLDC**, which will investigate and endeavour to resolve the grievance.
- (2) The Commission shall adjudicate upon any unresolved dispute regarding the availability of a transmission or distribution facility.

22 Coordination

For the success of **Open Access** implementation, it is imperative that the licensees and the **SLDC** carry out information exchange among themselves on a daily basis to determine the level of **Open Access** transactions in their respective areas of supply, with emphasis on energy flows, load on transmission and distribution lines and equipment to determine system stability, available capacity, congestions in the networks, etc.

23 Grid Discipline and Quality of Supply

- (1) The licensee must make all reasonable endeavour to ensure that the quality and standards of supply as prescribed by the Commission under **Section 57** of the Act, the Indian Electricity Grid Code and the JERC for Manipur/Mizoram (Grid Code) Regulations, 2009 are met in respect of all **Open Access Consumers** of its network, to the extent these quality parameters are applicable to such users.

- (2) The **Open Access Customer** shall abide by the Indian Electricity Grid Code, the Manipur/Mizoram Electricity Grid Code and the instructions given from time to time by the **STU** and **SLDC**.

24 Force Majeure

- (1) Events such as war, mutiny, civil commotion, riot, flood, cyclone, lightning, earthquake or other force and strike, lockout, fire affecting the premises, installations and activities of any of the parties having an Access Agreement shall be classified as Force Majeure events for the purpose of these Regulations.
- (2) 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 **Open Access Agreement** or these Regulations because of the occurrence of a Force Majeure event, 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.

25 Power 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 **SLDC**, licensees and the **Open Access Customer**, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing the difficulties.

26 Power to Amend

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

27 Repeal and Saving

- (1) Save as otherwise provided in these Regulations, the Joint Electricity Regulatory Commission for the States of Manipur & Mizoram (Terms and Condition for Open Access) Regulations 2009 is hereby repealed.
- (2) Notwithstanding such repeal, all proceedings and actions taken and orders passed by the Commission or by any authority or Committee under the

Regulations or the Orders so repealed, exercising or purporting to exercise jurisdiction under such Regulations or Orders shall be deemed to be as good and valid in law as if it has been so taken and made under the relevant provisions of this Regulations or the Order, as the case may be.

- (3) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of the Commission.
- (4) Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- (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.

By order of the Commission



(RICHARD ZOTHANKIMA)
Assistant Secretary