

**MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
SHILLONG**

NOTIFICATION

27th April, 2012

No.MSERC/MESC-2012/77/03 : In exercise of powers conferred by sub-section (2) of section 181 read with clauses (2) (d) of section 39 and clauses (2), (3), and (4) of section 42 of the Electricity Act, 2003 and all other powers enabling it in this behalf, the Meghalaya State Electricity Regulatory Commission hereby makes the following regulations, the same having been previously published in the Meghalaya Gazette namely, the Meghalaya State Electricity Regulatory Commission (Terms & Condition of Open Access) Regulation, 2012.

J.B. Poon

Secretary

Meghalaya State Electricity Regulatory Commission

**THE MEGHALAYA STATE ELECTRICITY REGULATORY COMMISSION
(TERMS AND CONDITIONS OF OPEN ACCESS) REGULATIONS, 2012.**

(02 of 2012)

1. Short Title, Extent and Commencement

- (1) These regulations may be called the Meghalaya State Electricity Regulatory Commission (Terms and Conditions of Open Access) Regulations, 2012.
- (2) These regulations shall come into force on the date of Notification published in the Meghalaya Gazette.

2. Scope

These regulations shall apply to open access for use of intra-State transmission system and distribution systems in the State, including when such system is used in conjunction with inter-State transmission system.

3. Definitions

- (1) In these regulations, unless the context otherwise requires
 - (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Allotted Capacity" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a long-term/medium-term customer on the intra-State transmission system and the expression "allotment of capacity" shall be construed accordingly;
 - (c) "Applicant" means a consumer, trader, distribution licensee or a Generating company who has applied seeking connectivity or open access as the case may be;
 - (d) "Central Commission" means the Central Electricity Regulatory Commission referred to in Section 76 of the Act;
 - (e) "Commission" means the Meghalaya State Electricity Regulatory Commission referred to in Section 82 of the Act;
 - (f) 'Consumer' shall carry the same meaning as in the Act, but shall be restricted to such consumers within the State of MEGHALAYA to whom these regulations will apply.
 - (g) "Contracted load" means the load in kW/HP/kVA (kilo Watt/Horse Power/kilo Volt Ampere) which the distribution licensee has agreed to supply from time to time subject to the governing terms and conditions and is different from the connected load;
 - (h) "Day" means a day starting at 00.00 hours and ending at 24.00 hours;
 - (i) "Distribution licensee" means any person licensed under Part IV of the Act for distribution and retail supply of electricity in the State of Meghalaya;
 - (j) "IEGC" means Indian Electricity Grid Code Specified by Central Electricity Regulatory Commission under clause (h) of sub-section (1) of section 79 of the Act, and as amended from time to time;
 - (k) "Imbalance" in a time block for a generating station means its total actual generation minus its total scheduled generation and for a consumer or buyer means its total drawal minus its total scheduled drawal.
 - (l) "Long-term access" means the right to use the intra-State transmission system or distribution system for a period exceeding 12 years but not exceeding 25 years.

- (m) “Medium-term open access” means the open access for a period exceeding three months but not exceeding three years
- (n) “Month” means a calendar month as per the Gregorian calendar;
- (o) "Nodal agency" means the nodal agency defined in Regulation 12 of these regulations;
- (p) “Open access” means the nondiscriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a generating company in accordance with these regulations and includes long- term access, medium-term open access and short-term open access.
- (q) "Open access customer" means a consumer, trader, distribution licensee or a generating company who has been granted open access under these regulations.
- (r) “Reserved Capacity” means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a short-term customer on the transmission/distribution system depending on availability of transmission/distribution capacity and the expression "reservation of capacity" shall be construed accordingly;
- (s) “Short-term open access” means open access for a period up to one month at a time.
- (t) “SLDC” means the State Load Dispatch Centre established under subsection (1) of section 31 of the Act;
- (u) "State Grid Code" means the State Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act, applicable on the date of commencement of these regulations and as amended from time to time;
- (v) “State Transmission Utility (STU)” means the State Electricity Board or the Government Company notified by the State Government under sub-section (1) of section 39 of the Act;
- (w) “Transmission licensee” means any person licensed under Part IV of the Act for transmission of electricity.
- (x) “Transmission System Segment” means a part or whole of the transmission system from the point of injection to the point of drawal.
- (y) "Wheeling" means the operation whereby the distribution system and associated

facilities of a transmission Licensee or distribution Licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Electricity Act 2003;

- (2) Words and expressions used and not defined in these regulations but defined in the Act or IEGC or the State Grid Code, Distribution code shall have the meaning assigned to them under the Act or the IEGC or the State Grid Code, Distribution Code as the case may be.
- (3) The General Clauses Act, 1897(10 of 1897), as amended from time to time shall apply for the interpretation of these regulations as it applies for interpretation of an Act of Parliament.

4. Connectivity

- (1) Only a consumer having load of 5 MW and above or a Generating Station having capacity of 5 MW and above shall be eligible to obtain connectivity to the intra-State transmission system, unless already connected, and shall apply for connectivity, in accordance with the provisions in this regulation.
- (2) A Consumer having load of less than 5 MW or Generating Station having installed capacity less than 5 MW shall be eligible to obtain connectivity to the Distribution system and shall apply for connectivity as per the provisions of these regulations, unless already connected, in accordance with the provisions in this regulation.

5. Application procedure for Connectivity to intra-State transmission system

- (1) Applicant shall apply to the STU for connectivity in the Form prescribed in the detailed procedure to be laid down by the STU.
- (2) The Application shall be accompanied by a non-refundable fee of Rs. two lakh through demand draft in favour of STU payable at Shillong.
- (3) The application for connectivity shall contain details such as, proposed geographical location of the applicant, quantum of power to be interchanged that is the quantum of power to be injected in the case of a generating station including a captive generating plant and quantum of power to be drawn in the case of consumer, with the intra-State transmission system and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided that in cases where once an application has been filed and thereafter there has been any material change in the location of the applicant or change, by more

than 10 percent in the quantum of power to be interchanged with the intra-State transmission system, the applicant shall make a fresh application, which shall be considered in accordance with these regulations.

6. Processing of Application and Grant of connectivity to STU

- (1) On receipt of the application, the STU shall, in consultation and through coordination with other agencies involved in the intra-State transmission, process the application and carry out the necessary interconnection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (2) While granting connectivity, the STU shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the STU shall specify the point of connection and name of the line at which connectivity is to be granted. The STU shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line.
- (3) Applicant and all intra-State transmission licensees including the State Transmission Utility shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (4) Applicant shall sign a connection agreement with the State Transmission Utility or intra-State transmission licensee owning the sub-station or pooling station or switchyard or the transmission line as identified by the STU where connectivity is being granted.
- (5) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium-term open access or short-term open access in accordance with the provisions of these regulations.
- (6) A generating station, including captive generating plant which has been granted connectivity to the grid shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the State Load Despatch Centre, which shall keep grid security in view while granting such permission. Commercial treatment of such infirm power from a generating station or a unit thereof will be governed by the Meghalaya State

Electricity Regulatory Commission (Terms and Conditions of Determination of Tariff) Regulations, 2011. The power injected into the grid from other generating stations as a result of such testing shall be charged.

- (7) An applicant may be required by the State Transmission Utility to construct a dedicated line to the point of connection to enable connectivity to the grid, unless exempted by the Commission for reasons to be recorded in writing.
- (8) The STU shall convey its decision on grant of connectivity or otherwise within a period of 60 days from the date of receipt of application.

7. Application procedure for Connectivity to distribution system by a generating station

- (1) All eligible generating stations including a captive generating plant, seeking connectivity to the distribution system, shall apply to the distribution licensee for connectivity in the Form prescribed in the procedure to be laid down by the Distribution Licensee.
- (2) The Application shall be accompanied by a non-refundable fee of Rs. two lakh through demand draft in favour of Distribution Licensee payable at Shillong.
- (3) The application for connectivity shall contain details such as, proposed geographical location of the generating station, quantum of power to be injected and such other details as may be laid down by the distribution licensee concerned in the procedure.

8. Processing of Application and Grant of connectivity to distribution system by a generating station

- (1) On receipt of the application, the distribution licensee shall, in consultation and through coordination with State Transmission Utility, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (2) While granting connectivity, the distribution licensee shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted.
- (3) The distribution licensee shall indicate the broad design features such as switchyard and interconnection facility up-to the point of injection into the Substation of the distribution licensee and the timeframe for completion of the same. The cost of creation of these facilities shall be borne by the Generating Company. In cases

where augmentation of the distribution licensee's sub-station is involved, the generating station shall also bear the cost of bay, breaker in the distribution licensee's sub- station and equipment for inter-connection of real time data to SLDC.

- (4) The applicant and the distribution licensee shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (5) The applicant shall sign a connection agreement with the distribution licensee where connectivity is being granted.
- (6) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium- term open access or short-term open access in accordance with the provisions of these regulations.
- (7) A generating station, including captive generating plant which has been granted connectivity to the distribution system shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of open access, after obtaining permission of the State Load Despatch Centre and the distribution licensee, who shall keep grid security in view while granting such permission. Commercial treatment of such infirm power from a generating station or a unit thereof the tariff of which is determined by the Commission. The power injected into the grid from other generating stations as a result of such testing shall be charged at the charges for imbalance.

9. Eligibility for Open Access and conditions to be satisfied

- (1) Subject to the provisions of these regulations, the licensees, generating companies, captive generating plants and consumers shall be eligible for open access to the intra-State transmission system of the State Transmission Utility or any transmission licensee on payment of transmission and other charges as may be determined by the Commission in accordance with these regulations.
- (2) Subject to the provisions of these regulations and technical constraints, the licensees, generating stations, captive generating plants and consumers shall be eligible for open access to distribution system of a distribution licensee on payment of the wheeling and other charges as may be determined by the Commission in accordance with these regulations.

- (3) Subject to the provisions of these regulations, open access shall be permissible to the consumers having load of 1 MW and above connected through independent feeder.
- (4) A person having been declared insolvent or bankrupt or having outstanding dues/arrears against him for more than two months billing of distribution/transmission licensee at the time of application shall not be eligible for open access.

10. Criteria for granting long-term access or medium-term open access or short term open access

- (1) Before awarding long-term access, the State Transmission Utility shall have due regard to the augmentation required for the intra-State transmission system.
- (2) Medium-term open access or short-term open access shall be granted if the resultant power flow can be accommodated in the existing transmission system or the transmission system under execution: Provided that no augmentation shall be carried out to the transmission system for the sole purpose of granting medium-term open access or short-term open access:

Provided further that construction of a dedicated transmission line shall not be construed as augmentation of the transmission system for the purpose of this regulation.

Application Procedure and Approval for Open Access to Consumer

11. Categories of Open Access Consumers

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

- (1) System to which connected
 - (a) Intra-State transmission system
 - (b) Distribution system
- (2) Inter-se location of drawal and injection points
 - (a) Both within the same distribution system
 - (b) within the State but in different distribution systems
 - (c) In different States
- (3) Duration of Open Access

- (a) Long term access
- (b) Medium-term open access
- (c) Short-term open access

12. Application procedure for Open Access

- (1) All applications for open access shall be made in the prescribed Form and submitted to the Nodal agency in accordance with these regulations.
- (2) All applicants seeking open access shall submit an undertaking of not having entered into Power purchase agreement (PPA) or any other bi-lateral agreement with more than one person for the capacity (quantum of power) for which open access is sought.
- (3) Subject to the provisions of these regulations, the Nodal agency, Application fee, Documents to accompany the application and time frame for disposal of application shall be as specified in the following Tables :

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
1.	Short - Term Open Access (STOA)	Both within the same Distribution licensee	Concerned Distribution Licensee	10000	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee. 	<ul style="list-style-type: none"> • 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications. 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges as applicable. 	<ul style="list-style-type: none"> • Distribution loss in kind.
2.		Both within the same State but in areas of different Distribution Licensees	SLDC	10000	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from concerned Distribution licensees. 	<ul style="list-style-type: none"> • 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications. 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission charge(Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind • Transmission loss in kind. (Intra-State)

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
3.		Injection point in the intra-State transmission system within the State	SLDC	10000	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from concerned Distribution licensees. 	<ul style="list-style-type: none"> • 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications. 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission charge(Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State)
4.		In different States	RLDC of the region where consumer is located	10000	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from concerned SLDCs and Distribution licensees as applicable, 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Wheeling Charges • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State and Inter State). 	<ul style="list-style-type: none"> • Distribution loss in kind. • Trans-mission Loss in kind. (Intra-State and Inter State).

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
5.	Medium-Term Open Access (MTOA)	Both within the same Distribution licensee	Concerned Distribution Licensee	50000	25000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. 	20	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. 	<ul style="list-style-type: none"> • Distribution loss in kind.

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
6.		Both within the same State but different Distribution Licensees	STU	100000	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. • Consent from concerned distribution licensees 	40	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind in respect of both Distribution Licensees • Transmission loss in kind. (Intra-State)

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
7.		Injection point in the intra-State transmission system within the State	STU	100000	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. • Consent from concerned Distribution licensees 	40	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State)

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
8.		In different States	CTU	100000	100000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power. • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA. • Consent from concerned SLDCs and Distribution licensees, as applicable. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Wheeling Charges • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State and Inter State). 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State and Inter State).

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
9.	Long Term Access	Both within the same Distribution licensee	Concerned Distribution Licensee	50000	25000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power. • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA 	20	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. 	<ul style="list-style-type: none"> • Distribution loss in kind.

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
10.		Both within the same State but different Distribution Licensees	STU	100000	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee. • PPA or Sale-purchase agreement of power. • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA. • Consent from concerned distribution licensees 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission charge(Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind in respect of both Distribution Licensees • Transmission loss in kind. (Intra-State)

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
11.		Injection point in the intra-State transmission system within the State	STU	100000	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power. • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA. • Consent from concerned Distribution licensee 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State)

Table 1									
Consumer connected to Distribution System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for Disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
12.		In different States	CTU	100000	100000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power. • In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA. • Consent from concerned SLDCs and Distribution licensees as applicable 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Wheeling Charges • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State and Inter State). 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State and Inter State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
1.	Short-Term Open Access	Both within the same State (in the intra State transmission system)	SLDC	10000	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee. 	<ul style="list-style-type: none"> • 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications. 	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State). • Wheeling Charge, if applicable 	<ul style="list-style-type: none"> • Transmission Loss in kind. (Intra-State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
2.		Injection point in the distribution system within the State	SLDC	10000	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from concerned Distribution licensee. 	<ul style="list-style-type: none"> • 7 working days in case STOA applied for first time. • 3 working days on subsequent STOA applications. 	<ul style="list-style-type: none"> • Wheeling Charges, as applicable. • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State). 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
3.		In different States	RLDC of the region where consumer is located	10000	10000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from concerned SLDCs and Distribution licensee as applicable. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission Charge (Intra-State and inter-State). • Wheeling Charge, if applicable 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind (Intra-State and Inter-State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
4.	Medium-Term Open Access	Both within the same State (in the intra-State transmission system)	STU	100000	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power. • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before Intending date of MTOA. 	20 working days	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State). • Wheeling Charge, if applicable (ie. If fixed charge being paid by consumer could be attributed to wheeling/distribution network related cost). 	<ul style="list-style-type: none"> • Transmission Loss in kind. (Intra-State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
5.		Injection point in the distribution system within the State	STU	100000	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power. • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA • Consent from concerned Distribution licensee. 	20 working days	<ul style="list-style-type: none"> • Wheeling Charges, as applicable, • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State). 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
6.		In different States	CTU	100000	100000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power. • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA • Consent from concerned SLDCs and Distribution licensee, as applicable. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission Charge (Intra-State and inter-State). • Wheeling Charge, if applicable (ie. If fixed charge being paid by consumer could be attributed to wheeling/ distribution network related cost) 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
7.	Long -Term Access	Both within the same State (in the intra-State transmission system)	STU	200000	100000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Bank Guarantee, • PPA or Sale-purchase agreement of power. • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA. 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State). • Wheeling Charge, if applicable (ie. If fixed charge being paid by consumer could be attributed to wheeling/ distribution network related cost) 	<ul style="list-style-type: none"> • Transmission Loss in kind. (Intra-State).

Table 2

Consumer connected to intra-State Transmission System

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
8.		Injection point in the distribution system within the State	STU	200000	100000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Bank Guarantee, • PPA or Sale-purchase agreement of power. • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA, • Consent from concerned Distribution licensee. 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Wheeling Charges, as applicable. • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State). 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State).

Table 2									
Consumer connected to intra-State Transmission System									
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)		Documents to accompany the application	Time frame for disposal of application	Applicable Charges	Applicable Losses
				For capacity of 5 MW and above	For capacity less than 5 MW				
9.		In different States	CTU	200000	200000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Bank Guarantee. • PPA or Sale-purchase agreement of power. • In case of generating station or consumer not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTA. • Consent from concerned STU and Distribution licensee, as applicable. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission Charge (Intra-State and Inter-State). • Wheeling Charge, if applicable (ie. If fixed charge being paid by consumer could be attributed to wheeling/ distribution network related cost) 	<ul style="list-style-type: none"> • Distribution loss in kind. • Transmission Loss in kind. (Intra-State and Inter State).

13. Procedure for Long Term Access

- (1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) and (3) herein below, procedure for inter-State long-term Access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactments as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking inter-State long-term access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's Regulations, shall require the consumer to submit the consent of the distribution licensee concerned.

- (2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State long-term Access involving intra-State transmission system shall be in accordance with the provisions of sub-clause (a) to (l) herein below.

- (a) The application for grant of long-term access shall contain details such as name of the entity or entities from whom electricity is proposed to be procured along with the quantum of power and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided that in case augmentation of transmission system is required, the applicant shall also have to bear the transmission charges for the same as per these regulations:

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

- (b) The applicant shall submit any other information sought by the nodal agency including the basis for assessment of power to be interchanged using the intra-State transmission system and power to be transmitted to or from various entities or regions to enable the nodal agency to plan the intra-State transmission system in a holistic manner.

- (c) The application shall be accompanied by a bank guarantee of Rs 10,000/- (ten thousand) per MW of the total power to be transmitted. The bank guarantee shall be in favour of the nodal agency, in the manner laid down under the detailed procedure.

- (d) The bank guarantee of Rs. 10,000 /- (ten thousand) per MW shall be kept valid and subsisting till the execution of the long-term access agreement, in the case when augmentation of transmission system is required, and till operationalization of long-term access when augmentation of transmission system is not required.
- (e) The bank guarantee may be encashed by the nodal agency, if the application is withdrawn by the applicant or the long-term access rights are relinquished prior to the operationalisation of such rights when augmentation of transmission system is not required.
- (f) The aforesaid bank guarantee will stand discharged with the submission of bank guarantee required to be given by the applicant to the State Transmission Utility during construction phase when augmentation of transmission system is required, in accordance with the provisions in the detailed procedure.
- (g) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission system to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse long-term access is arrived at within the timeframe specified in clause 2 of Regulation 12 herein above:

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.
- (h) Based on the system studies, the nodal agency shall specify the intra- State transmission system that would be required to give long-term access. In case augmentation to the existing intra-State transmission system is required, the same will be intimated to the applicant.
- (i) While intimating long-term access, the nodal agency shall communicate to the applicant, the date from which long-term access shall be granted and an estimate of the transmission charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the Commission.
- (j) Applicant shall sign an agreement for long-term access with the State Transmission Utility in case long-term access is granted by the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While

seeking long-term access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite long-term access agreement with the State Transmission Utility and the intra-State transmission licensee. The long-term access agreement shall contain the date of commencement of long-term access, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required. In case augmentation of transmission system is required, the long-term access agreement shall contain the time line for construction of the facilities of the applicant and the transmission licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

(k) Immediately after grant of long-term access, the nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for grant of short-term open access, received under these regulations.

(l) On the expiry of the period of long-term access, the same shall stand extended on a written request by the consumer, to the State Transmission Utility, submitted at least six months prior to such expiry, mentioning the period for which extension is required:

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

(3) **Within same distribution system:** The procedure specified in clause (2) above shall, mutatis mutandis, apply to cases of long-term access when the point of injection and the point of drawal are located in the same distribution system.

14. Procedure for medium-term open access

(1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) and (3) herein below, procedure for inter-State medium-term open access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactment as amended from time to time :

Provided that in respect of a consumer connected to a distribution system seeking inter-State medium-term open access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's regulations, shall require the consumer to submit

the consent of the distribution licensee concerned.

(2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State medium-term open access involving intra-State transmission system shall be in accordance with the provisions of clause (a) to (f) herein below.

(a) The application for grant of medium-term open access shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawal from the grid and the quantum of power for which medium-term open access has been applied for.

(b) The start date of the medium-term open access shall not be earlier than 5 months and not later than 1 year from the last day of the month in which application has been made.

(c) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term open access is made within the timeframe specified in clause (2) of Regulation 12 herein above:

Provided that in case the nodal agency faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

(d) On being satisfied that the requirements specified under clause (2) of Regulation 9 are met, the nodal agency shall grant medium-term open access for the period stated in the application:

Provided that for reasons to be recorded in writing, the nodal agency may grant medium-term open access for a period less than that sought for by the applicant:

Provided further that the applicant shall sign an agreement for medium term open access with the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking medium-term open access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite medium-term open access agreement with the State Transmission Utility and the intra-State transmission licensee. The medium-term

open access agreement shall contain the date of commencement and end of medium-term open access, the point of injection of power into the grid and point of drawal from the grid, the details of dedicated transmission lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

(e) Immediately after grant of medium-term open access, the nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for short-term open access received under these regulations.

(f) On expiry of the period of the medium-term open access, the medium-term consumer shall not be entitled to any overriding preference for renewal of the term.

(3) **Within same distribution system:** The procedure specified in clause (2) above shall, mutatis mutandis, apply to cases of medium-term open access when the point of injection and the point of drawal are located in the same distribution system.

15. Procedure for short-term Open Access

(1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) to (3) herein below, procedure for inter-State short-term Open Access shall be as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or its statutory re-enactments, as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking inter-State short-term open access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's regulations, shall require the consumer to submit the consent of the distribution licensee concerned.

(2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State short-term Open Access shall be in accordance with the provisions of sub clause (i) to (xi) herein below:

(a) Open Access in advance

(i) Applications may be submitted to the Nodal Agency seeking short-term open access up-to the fourth month, considering the month in which an application is made being the first month.

(ii) Separate application shall be made for each month and for each transaction in a month.

(iii) The application to the Nodal agency shall be on the prescribed containing such details as capacity needed, generation planned or power purchase contracted, point of

injection, point of drawal, duration of availing open access, peak load, average load and such other additional information as may be required by the Nodal agency. The application shall be accompanied by a non-refundable application fee in cash or by demand draft in favour of the officer so notified by Nodal agency.

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

For example, application for grant of open access commencing in the month of July shall be received up to 15th day of June.

- (v) Nodal agency shall acknowledge receipt of the application by indicating time and date on “ACKNOWLEDGEMENT” to the applicant.
- (vi) A consumer of distribution licensee intending to avail open access shall also furnish a copy of his application to the distribution licensee of his area of supply.
- (vii) Based on the type of transactions Nodal agency shall take a decision on the applications for short-term open access in the manner provided herein below.
- (viii) All applications received under sub-sub-clause (iv) above shall be taken up for consideration together and processed as per allotment priority criteria specified under Regulation 19 of these regulations.
- (ix) Nodal agency shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction.
- (x) Nodal agency shall convey grant of open access or otherwise in format along with schedule of payments to the consumer latest by 19th day of such preceding month.
- (xi) Nodal agency shall assign specific reasons if open access is denied under sub-sub clause (x).

16. Consent by STU, SLDC or Distribution Licensee

- (1) **Inter-State open access :** STU in the case of application for grant of long-term access and SLDC in the case of grant of medium-term open access and short-term open access shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, respectively or their statutory re-enactments, as amended from time

to time. In case of applicant connected to the distribution licensee, the said distribution licensee shall convey its consent or otherwise within 3 days of receipt of the request of the applicant.

(2) Intra-State Open Access :

- (a) In respect of a consumer connected to a distribution system seeking Open access, such consumer shall be required to submit the consent of the distribution licensee concerned. The distribution licensee shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within three (3) working days of receipt of the application.
- (b) While processing the application from a generating station seeking consent for open access, the distribution licensee shall verify the following, namely-
 - (i) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and
 - (ii) Availability of capacity in the distribution network.
- (c) Where existence of necessary infrastructure and availability of capacity in the distribution network has been established, the distribution licensee shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within three (3) working days of receipt of the application.
- (d) In case the distribution licensee finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application:
- (e) In case the application has been found to be in order but the distribution licensee refuses to give consent on the grounds of non- existence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) working days from the date of receipt of the application, along with reasons for such refusal:
- (f) Where the distribution licensee has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application, or refusal or consent within the specified period of three (3) working days from the date of

receipt of the application consent shall be deemed to have been granted.

17. Consideration of applications from defaulters

Notwithstanding anything contained in these regulations, the Nodal Agency shall be at liberty to summarily reject an application for Open Access on the ground of non-compliance of the provisions of these regulations, more specifically the provisions relating to timely payment of the charges to be levied hereunder.

Application Procedure and Approval for Open Access to eligible entities other than consumers and generating stations connected to distribution system

18. Application by eligible entities other than consumers and generating stations connected to distribution system:

The procedure for submission of the application and processing the same as laid down in this chapter in respect of the consumers shall, mutatis mutandis, be applicable to the electricity trading licensees, distribution licensees and the generating companies connected to the STU as well. The procedure for submission and processing of Open Access application by a generating company in respect of a generating station connected to distribution system has been specified in this regulation.

19. Allotment Priority

- (1) The priority for allotment of open access in intra-State transmission system shall be decided on the following criteria:
 - (a) A distribution Licensee shall have the highest priority in allotment of open access capacity irrespective of whether the open access request is for long-term, medium-term or short-term.
 - (b) The long-term open access applicants shall have the priority next to the distribution licensee.
 - (c) The medium-term open access applicants shall have the priority next to the long-term open access applicants.
 - (d) The short-term open access applicants shall have the priority next to the medium-term open access applicants.
 - (e) Allotment priority for short-term open access applicants shall be decided subject to capacity availability.
 - (f) An existing open access customer shall have the priority higher than new open access applicants under respective category provided the former applies for its renewal thirty

days prior to the expiry of existing term of open access.

- (g) When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement to the available capacity, the request of applicant having next lower priority shall be taken up for consideration.

20. Submission of detailed procedure:

- (1). Subject to the provisions of these regulations, the all nodal agencies for granting open access mentioned in the regulations shall submit the detailed procedure including agreements to the Commission for approval within 30 days of notification of these regulations in the Official Gazette.
- (2). The detailed procedure submitted by the nodal agencies shall, in particular, include –
- (a). The Formats for application of connectivity and the connection agreement, referred to this regulation.
- (b). The Formats for application of long-term access, medium-term open access and short term open access and LTA/MTOA/STOA agreements.
- (c). Any other issues, including Bank Guarantee for construction, payment mechanism for application fee etc, necessary for implementation of these regulations.

21. Transmission Charges

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

- (1) For use of inter-State transmission system – As specified by the Central Commission from time to time.
- (2) For use of intra-State transmission system and associated facilities – Transmission charges payable to State Transmission Utility/ transmission licensees by an open access customer for usage of their system shall be determined as under:

Transmission Charges = $ATC / (ALST \times 365)$ (in Rs./MW-day) Where, ATC= Annual Transmission Charges determined by the Commission for the State transmission system & associated facilities for the concerned year.

ALST= Average load projected to be served by the State transmission system in concerned year.

Provided that transmission charges shall be payable on the basis of contracted Capacity/

Scheduled Load or actual power flow whichever is higher.

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

22. Scheduling and system operation charges

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

(1) In respect of inter-State open access

(a) Long-term access and Medium-term open access

- (i) Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as specified by the Central Commission under section 28(4) of the Act.
- (ii) State Load Despatch Centre charges as specified by the Commission under sub-section (3) of section 32 of the Act.

(b) Short-term open access

- (i) Regional Load Despatch Centre and State load dispatch centre charges as specified by the Central Commission.

(2) In respect of intra-State open access

(a) Long-term access and medium-term open access

Long-term access and medium-term open access customers shall be liable to pay SLDC fees and charges as determined by the Commission under sub-section (3) of section 32 of the Act.

(b) Short-term open access

A composite operating charge @ Rs.2,000/- per day shall be payable by a short-term open access customer for each transaction to the SLDC or as determined by the Commission from time to time.

The SLDC fees and charges includes fee for scheduling and system operation, energy accounting including infrastructure support system, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges.

23. Wheeling Charges:

Wheeling charges payable to distribution licensee, by an open access customer for usage of its system and associated facilities shall be as determined as under:

$$\text{Wheeling Charges} = (\text{ARR} - \text{PPC} - \text{TC}) / (\text{ALSD} \times 365) \text{ (in Rs./MW-Day)}$$

Where,

ARR= Annual Revenue Requirement of the distribution licensee in the concerned year

PPC= Total Power Purchase Cost of distribution licensee in the concerned year

TC = Total transmission charges paid by distribution licensee for State and associated facilities and Inter-State transmission system for the concerned year

ALSD= Total average load projected to be served by the concerned distribution system in the concerned year

Provided that Wheeling charges shall be payable on the basis of contracted Capacity/Scheduled Load or actual power flow whichever is higher.

Provided further that where a dedicated distribution system used for open access has been constructed for exclusive use of an open access customer, the wheeling charges for such dedicated system shall be worked out by distribution licensee for their respective systems and got approved by the Commission and shall be borne entirely by such open access customer till such time the surplus capacity is allotted and used for by other persons or purposes;

24. Cross subsidy surcharge

(1) Cross-Subsidy Surcharge

In addition to transmission charges and wheeling charges, a consumer availing open access to the transmission system/distribution system shall pay a Cross-Subsidy Surcharge on per unit basis for actual energy drawn through open access.

The Open access users, except those availing open access facility to transfer power from their captive generating plants to the destination of their own use, shall pay the (cross-subsidy) surcharge to the distribution licensee of their area, as determined by the Commission from time to time. 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.

25. Additional Surcharge

(1) Additional Surcharge

- (a) A consumer availing open access and receiving supply of electricity from a person other than the distribution licensee of his area of supply shall pay to the distribution licensee an additional surcharge, in addition to wheeling charges and cross subsidy surcharge, to meet the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of section 42 of the Act.
- (b) The additional surcharge for obligation to supply shall become payable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments including transmission charges etc, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such contract.
- (c) The distribution licensee whose consumer intends to avail open access shall submit to the Commission within thirty days of receipt of application an account of fixed cost paid by such open access user which the licensee is incurring towards his obligation to supply and demonstrate if any part of the fixed cost has become stranded.
- (d) The Commission shall scrutinize the statement of accounts submitted by the licensee and obtain objections, if any, of the consumer and determine the amount of additional surcharge, if any, payable by the consumer.
- (e) The additional surcharge shall be levied for such period not normally exceeding one year as the Commission may determine.

26. Scheduling :

- (1) Notwithstanding anything contained in the succeeding clauses of this regulation, scheduling of inter-State open access transactions shall be as specified by the Central Commission.
- (2) Subject to the foregoing clause, intra-State open access transactions in respect of consumers of load 5 MW and above and all generating stations irrespective of the capacity shall be scheduled by SLDC in accordance with the provisions of the State Grid Code.
- (3) There shall be no scheduling required in respect of open access consumer having load of less than 5 MW.

Provided that the generating station from which such consumer has contracted power shall

be subjected to scheduling requirements as per the applicable grid code.

27. Metering:

- (1) In case of open access consumer having load of 5 MW and above and all generating stations irrespective of capacity, Special Energy Meters shall be installed by the State Transmission Utility or the distribution licensee as the case may be, for and at the cost of the customer.
- (2) Special Energy Meters installed shall be capable of time-differentiated measurements for time-block-wise active/reactive energy and voltage differentiated measurement of reactive energy in accordance with the State Grid Code.
- (3) Special Energy Meters shall always be maintained in good condition.
- (4) Special Energy Meters shall be open for inspection by any person authorized by the State Transmission Utility or the State Load Dispatch Centre.
- (5) As regards open access consumers having load less than 5 MW, the meter shall be installed by the distribution licensee concerned.
- (6) In case the meter is provided by the transmission/distribution licensee, the open access customer shall pay for its rent and also provide security deposit.
- (7) The meter shall be capable of communicating its reading to SLDC on real time basis and protocol for real time monitoring and power flow system shall be adopted by consumers of open access. Metering shall be compatible and can be integrated with SCADA/ EMS of SLDC.
- (8) The metering code prevailing in the state shall be applicable to the open access customers also.
- (9) All the open access customers shall abide by the metering standards of CEA.

28. Revision:

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

29. Energy Losses:

(1) **Transmission losses:**

(a) Inter-State transmission:

- (i) Long-term access and medium-term open access: The buyers shall bear apportioned energy losses in the transmission system in accordance with the

provisions specified by the Central Commission.

(ii) Short-term Open Access: The buyers and sellers shall absorb apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

- (2) The open access users for intra-state shall bear average energy losses in the transmission System and/or Distribution system as determined by the Commission from time to time.
- (3) The loss in the transmission system and/or distribution system shall be compensated by additional injection/drawl at the injection/drawl points.

30. Imbalance Charge

- (1) Scheduling of all transactions pursuant to grant of long-term access or medium term open access or short-term open access shall be carried out on day-ahead basis in accordance with the relevant provisions of IEGC for inter-State transactions and in accordance with State Grid Code/ Commission's order for intra-State transactions.
- (2) In case of deviation by open access consumers with load of less than 5 MW, the difference between the applicable sanctioned Open Access load and the actual drawal shall be accounted through the Time of Day (TOD) Meters on monthly basis and settled at the rate of the imbalance charge as determined by the Commission or *where imbalance charge has not been determined by the Commission, UI charges as specified by the Central Commission shall be applicable*. Unless specified otherwise by the Commission, UI rate for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of UI rate at the periphery of regional entity.
- (3) Deviations between the schedule and the actual injection/drawal in respect of open access consumers with load of 5 MW and above and the Generating Stations irrespective of the capacity, shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle based on net metering in accordance with the charges specified by the Commission or as specified by the Central Commission. Unless specified otherwise by the Commission, UI rate for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of UI rate at the periphery of regional entity.
- (4) Payment of imbalance charges shall have a high priority and the concerned constituents shall pay the indicated amounts within 10 (ten) days of the issue of the statement, into a State imbalance pool account operated by the SLDC. The person who has to receive the

money on account of imbalance charges would then be paid out from the State imbalance pool account, within three (3) working days.

- (5) If payments against the above imbalance charges are delayed by more than two days, i.e., beyond twelve (12) days from the date of issue of statement, the defaulting party shall have to pay simple interest @ 0.04% for each day of delay. The interest so collected shall be paid to the person who had to receive the amount, payment of which got delayed. Persistent payment defaults, if any, shall be reported by the SLDC to the Commission, for initiating remedial action.

31. Reactive Energy Charge

- (1) In respect of open access consumer having a load of 5 MW or above, the payment for the reactive energy charges by open access consumers shall be in accordance with provisions stipulated in the State Grid Code or if not mentioned in the state grid code, the provision of IEGC will apply.
- (2) In respect of open access consumers of load less than 5 MW, reactive energy charges shall be calculated on Power Factor basis as specified by the Commission.

32. Billing, collection and disbursement

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

(1) Inter-State transactions:

(a) Short-term Open Access

- (i) Collection and disbursement of transmission charges for use of CTU and STU systems and operating charges payable to RLDCs and SLDCs towards short-term open access shall be made by the nodal RLDC in accordance with the procedure specified by the Central Commission.
- (ii) The short-term open access customer connected to distribution system of a distribution licensee shall pay to such distribution licensee the charges payable to the distribution licensee within 3 days from the grant of the short-term open access by the nodal agency.

(b) Long-term access and medium- term open access

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

- (ii) Bills towards the charges payable to SLDC shall be raised by the STU/SLDC directly to the open access customer connected to STU and to the distribution licensee in respect of the customers connected to the distribution system, before the 3rd working day of the succeeding calendar month.
- (iii) Distribution licensee shall raise the bill with the open access customer connected to it within 3 days of receipt of bill from SLDC.
- (iv) Open access customer connected to the distribution licensee shall pay the charges within five days of receipt of bill from distribution licensee. The distribution licensee shall disburse the amount payable to STU/SLDC on a monthly basis.
- (v) Open access customer connected to the STU shall pay the bills within five working days of receipt of the bill.

(2) Intra-State transactions:

(a) Short-term Open Access

- (i) The short-term open access customer shall deposit with SLDC the transmission charges and operating charges within 3 working days of grant of the short-term open access by SLDC.
- (ii) In addition to the above, the short-term open access customer connected to distribution system of a distribution licensee shall also pay to SLDC, the charges payable to the distribution licensee within 3 days from the grant of the short-term open access by the nodal agency. Such charges would be disbursed to the distribution licensee on a weekly basis.

(b) Long-term and Medium-Term open access

SLDC, transmission licensees and distribution licensee, where applicable, shall communicate to STU the details of the bills due to them by the 3rd day of the succeeding calendar month. STU shall separately indicate the above charges and raise the bill with the open access customer, together with the charges receivable by it, if any, before the 5th day of the above month. The open access customer shall pay the charges within 7 days from the date of receipt of the bill. STU shall disburse the charges payable to SLDC, transmission licensee and distribution licensee on a monthly basis.

33. Late payment surcharge

In case the payment of any bill for charges payable under these regulations is delayed by an open access customer beyond the due date, without prejudice to any action under the Act or any other regulation there-under, a late payment surcharge at the rate of 1.25% per month shall be levied.

34. Default in payment

- (1) Non-payment of any charge or sum of money payable by the open access customer under these regulations (including imbalance charges) shall be considered non-compliance of these regulations and shall be liable for action under section 142 of the Act in addition to action under section 56 of the Act. The STU or any other transmission licensee or a distribution licensee may discontinue open access after giving customer an advance notice of fifteen days without prejudice to its right to recover such charges by suit.
- (2) In case of default in payment of charges due to the Load Dispatch Centre, the Load Dispatch Centre concerned may refuse to schedule power to the defaulting open access customer and direct the licensee concerned to disconnect such customer from the grid.

35. Payment Security Mechanism

An open access consumer shall make a security deposit equivalent to charges for two months to the appropriate licensee to secure the licensee against default in payment. In case of long-term access and medium-term open access, the applicant for open access will open an irrevocable letter of Credit in favour of the agency responsible for collection of various charges for the estimated amount of various charges for a period of two months.

36. Dispute Resolution

- (1) All disputes and complaints relating to open access shall be made to the SLDC, which may investigate and endeavour to resolve the grievance.
- (2) If the SLDC is unable to redress the grievance, it may be referred to the Commission.

36. Information system

The State Load Dispatch Centre shall post following information on its website in a separate web page titled "Open access information" and also issue a monthly and annual report containing such information.

- (1) A status report on long-term access or medium-term open access customers indicating:
 - (a) Name of customer;
 - (b) Period of open access granted (date of commencement and date of termination);
 - (c) Point of injection;

- (d) Point of drawal;
 - (e) Transmission system / distribution system used, and
 - (f) Open access capacity used.
- (2) A status report on the current short-term open access customers indicating:
- (a) Name of customer;
 - (b) Period of open access granted (date of commencement and date of termination);
 - (c) Point of injection;
 - (d) Point of drawal;
 - (e) Transmission system / distribution system used, and;
 - (f) Open access capacity used.
- (3) Peak load flows and capacity available including the reserve capacity on all EHV lines and HV lines emanating from EHV sub- stations.
- (4) The information regarding average loss in transmission and distribution system as determined by respective licensees.
- (5) The Transmission/ distribution licensee shall submit a quarterly report every calendar year within one month of the end of the quarter to the Commission indicating consumer wise details of open access, load contracted and actual drawl, Injection point etc.
- 37.** A generating station connected to a distribution system seeking open access shall have to follow, except in respect of the case covered under regulation 47, the same procedure as applicable for a consumer seeking open access under different scenarios, namely long-term access, medium-term open access and short-term open access. Such generating station shall also be liable to pay the same application fee, and other open access charges except the cross subsidy surcharge and additional surcharge as are applicable to a consumer seeking open access.
- 38.** A generating station seeking open access only within the area of the same distribution licensee, shall make an application in the prescribed format to the distribution licensee.
- 39.** The distribution licensee, while processing the application of such a generating station, shall follow the following procedure.
- (1) While processing the application from a generating station seeking open access, the distribution licensee shall verify the following, namely-
 - (a) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and

(b) Availability of capacity in the distribution network.

- (2) Where existence of necessary infrastructure and availability of capacity in the distribution network has been established, the distribution licensee shall convey its approval within the timelines indicated in clause (2) of Regulation 12 herein above as applicable to a consumer.
- (3) In case the distribution licensee finds that the application is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application:
- (4) In case the application has been found to be in order but the distribution licensee refuses to give approval for open access on the grounds of non- existence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) working days from the date of receipt of the application, along with reasons for such refusal
- (5) The Generating station shall pay the wheeling charge to the distribution licensee as determined by the Commission. The treatment of deemed generation in case of non availability of distribution system shall be settled mutually between the generating station and the distribution licensee.

40. Under –Utilisation or Non-Utilisation of open access capacity in intra-State transmission system

- (1) **Long-term access :** A long-term customer may relinquish the long-term access rights fully or partly before the expiry of the full term of long- term access, by making payment of compensation for stranded capacity as follows:-
 - (a) **Long-term customer who has availed access rights for at least 12 years**
 - (i) Notice of one (1) year – If such a customer submits an application to the State Transmission Utility at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights, there shall be no charges.
 - (ii) Notice of less than one (1) year – If such a customer submits an application to the State Transmission Utility at any time lesser than a period of 1 (one) year prior to the date from which such customer desires to relinquish the access rights, such

customer shall pay an amount equal to 66% of the transmission charges for the stranded transmission capacity for the period falling short of a notice period of one (1) year.

- (b) **Long-term customer who has not availed access rights for at least 12 (twelve) years** – such customer shall pay an amount equal to 66% of the estimated transmission charges (net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights:

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

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

- (c) The discount rate that shall be applicable for computing the net present value as referred to in sub-clause (a) and (b) of clause (1) above shall be the discount rate to be used for bid evaluation in the Central Commission's Notification issued from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by distribution Licensees issued by the Ministry of Power.
- (d) The compensation paid by the long-term customer for the stranded transmission capacity shall be used for reducing transmission charges payable by other long-term customers and medium-term customers in the year in which such compensation payment is due in the ratio of transmission charges payable for that year by such long-term customers and medium-term customers.

- (2) **Medium-term Open Access customers** -A medium-term open access customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the nodal agency: Provided that the medium-term open access customer relinquishing its rights shall pay applicable transmission charges for the period of relinquishment or 30 days whichever is

lesser.

(3) Short-term open access customer

- (a) The short-term open access schedules accepted by the nodal agency in advance or on first-come-first-served basis may be cancelled or revised downwards on an application to that effect made to the nodal agency by the short-term open access customer:

Provided that such cancellation or downward revision of the short-term open access schedules shall not be effective before expiry of a minimum period of two (2) days:

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the nodal agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

- (b) The person seeking cancellation or downward revision of short-term open access schedule shall pay the transmission charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the nodal agency, and thereafter in accordance with the revised schedule prepared by the nodal agency during the period of such cancellation or downward revision.
- (c) In case of cancellation, operating charges specified in Regulations 21 of these regulations shall be payable for two (2) days or the period of cancellation in days, whichever is less.

41. Computation of capacity availability for open access

- (1) STU/Distribution Licensees shall conduct the System Studies annually or as often as directed by the Commission to provide open access to long-term customers. The System data including the additional loading capacity of lines shall be updated on a continuous basis and shall be made available to the public. Such data shall also be hosted on the licensees' website.

The capacity available for the open access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:

- (a) Available open access capacity of a transmission system segment: = (DC-

$DC - (SD - AC) + NC - ND$ where, DC=Designed capacity of the transmission segment in MW, SD = Sustained demand (peak load experienced) in MW recorded in the segment, AC = Already allotted capacity, but not availed in MW, NC = New capacity in MW expected to be added and ND = New Demand expected to be added.

(b) Available open access capacity of a sub-station: $= (TC - SP - AC) + NC - ND$ where, TC= Transformer capacity of the sub- station in MVA, SP= Sub-station peak in MVA, AC= Already allotted capacity but not availed in MVA , New transformer capacity in MVA expected to be added and ND = New Demand expected to be added.

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

(2) The appropriate distribution licensee shall determine the available capacity for allotment for the portion of the distribution system over which open access has been requested for.

42. Curtailment Priority

When, because of constraints or otherwise, it becomes necessary to curtail the open access service of the customers, subject to the requirements of State Grid Code, the open access to a distribution licensee shall be the last to be curtailed. Among others, short-term open access customers shall be curtailed first, followed by the medium-term open access customers followed by long- term open access customers. SLDC shall frame guidelines for curtailment of open access customers.

43. Standby charges for drawal of power by open access customer

Charges for backup supply from the grid shall be payable by the open access customer, if he required so, in the event of failure of contracted supply. In case of outages on the part of the generator meeting open access load, standby arrangements should be provided by the licensee on payment of charges applicable to temporary connections for the relevant category of consumer.

44. Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, intra-State 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 difficulties. The Open Access Customers, generators and the licensees may make an

application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these regulations.

44. Issue of orders and directions

Subject to the provisions of the Act and these regulations, the Commission may, from time to time, issue orders and directions with regard to the implementation of the regulations and procedures to be followed.

44. Repeal and Savings

- (1) Save as otherwise provided in these regulations, the Meghalaya State Electricity Regulatory Commission (MSERC Open Access) Regulations 2009 shall stand repealed from the date of commencement of these regulations.
- (2) Notwithstanding such repeal, anything done or purported to have been done under the repealed regulations shall be deemed to have been done or purported to have been done under these regulations.
- (3) Provisions on the Open Access given in this regulation shall prevail over the provisions given elsewhere in other Regulations of Meghalaya State Electricity Regulatory Commission as and where applicable till such time the Commission issues separate orders.
- (4) All Open access customers to the intra-State transmission system and the distribution system in the State on the date of coming into force of these regulations shall execute fresh agreements in accordance with this regulations to avail access to the transmission and distribution system on the terms, conditions and charges, as stipulated under this regulations.

45. Power to amend

The Commission may from time to time add, alter, modify or amend any provisions of these regulations after following the necessary procedures.

Secretary
Meghalaya State Electricity Regulatory Commission.