

NOTIFICATION

Jaipur, 27th December 2006

No. RERC/ Secy/ Reg/ 58 In exercise of the powers conferred by Section 42 read with Section 181 of the Electricity Act, 2003 (Act 36 of 2003) and enabling powers, after previous publication, the Rajasthan Electricity Regulatory Commission hereby makes the following regulations, namely: -

1. Short title and Commencement:

These Regulations will be called the Rajasthan electricity Regulatory Commission (Terms and Conditions for open access) (3rd Amendment) Regulation, 2006 and will come into force from the date of their publication in the official Gazette.

2. The following definition shall be added in regulation 2:

(ee) "Open access supplier" means a generation company, or a trader or a licensee or person effecting supply to open access consumer.

3. Regulation 12 will be substituted by the following:

Open Access Agreement

- (1) An open access consumer will enter into a commercial agreement with the open access supplier. The agreement shall provide, among other things, the eventuality of premature termination of agreement and its consequences on the contracting parties.
- (2) An open access consumer will enter into a commercial agreement with the Rajasthan Vidyut Prasaran Nigam (RVPN) for use of the transmission system.
- (3) (a) An open access consumer shall enter into a commercial agreement with the distribution licensee for use of the distribution system. This agreement may provide for: -
 - (i) High Tension (HT) power supply from distribution licensee;
 - (ii) Stand by supply to meet the outage contingency of generating unit supplying electricity will be admissible only for annual maintenance outage, other planned outage and forced outage for a period not exceeding 42 days per annum in the aggregate.(b) The contract demand for HT supply agreement and standby supply agreement will be in KW and also in KVA. Further an existing open access consumer may opt for HT power supply at the pre-open access contract demand or a reduced contract demand from any date during the first year of open access. However, subsequent option for reduced contract demand will be exercised only after one year.
- (4) An open access consumer will enter into a supplementary agreement for any change in the aforesaid agreements for open access supply for
 - (i) use of RVPN transmission system or of transmission licensee in the format and/ or
 - (ii) use of distribution system of distribution licensee for HT supply or standby supply
- (5) The standard formats for open access agreements referred at sub regulations (2), (3) & (4) shall be issued by the Commission separately & shall be deemed to be part of these regulations. The agreement executed may have terms and conditions, different from the such standard agreement formats subject to RERC approval.
- (6) HT power supply tariff shall be as applicable to that consumer category, billed on monthly or weekly basis as envisaged in these regulations.
- (7) Tariff for standby supply will be as applicable for temporary supply to the respective consumer category applicable on daily basis.
- (8) For the billing purpose a year is to be counted as of 52 weeks or 365.25 days.
- (9) Copies of the agreements executed will be supplied to the State Load Dispatch Center (SLDC). SLDC will intimate the open access consumer the date from which open access will be available which will not be later than 3 days from the date of furnishing of agreements.
- (10) The execution of agreements under sub regulation (3) or (4), will supercede the prevalent HT power supply agreement with the distribution licensee. For a reduced

contract demand of HT supply, distribution licensee may make an application under regulation 14, towards fixed cost, if any, arising out of his obligation to provide open access.

(11) Supply voltage for an open access consumer will be determined on the basis of a sum of HT supply contract demand and open access contract demand or HT supply contract demand and stand by supply contract demand, whichever is higher.

Provided, the supply voltage of an open access consumer prior to availing open access may be continued on the request of the open access consumer.

4. In sub regulation 13 (3) following words will be added as suffix:

“Additional surcharge will also be payable as per regulation 16”

5. Following proviso will be added below sub regulation 14 (1) (a):

“ Provided the transmission charges will be determined on the basis of open access capacity contracted or open access capacity utilized, whichever is higher. However, excess open access capacity utilized, up to 5% of open access capacity allocation, occurring for two time blocks of 15 minutes each during a month will be ignored”.

6. First para of sub regulation 17 (5) will be replaced by following:

“Main and Check meters readings shall be taken periodically on appointed day and hour by an authorized officer of the distribution licensee, effecting supply to consumer. The consumer or his representative, may also be present. The Meter reading shall be immediately communicated to the State Load Dispatch Centre, the consumer, the distribution licensee, effecting supply to the open access consumer, the State Transmission Utility and the Generating Company/trader, as the case may be, by the distribution licensee, within 12 hours. The Check meter readings shall be considered if the Main Meters are found to be defective or stopped.”

7. In regulation 24 existing regulation will be renumbered (1) and following new sub regulations will be added:

(2) Open access supplier will provide the injection schedule at the generator-end and drawal schedule at the load end to SLDC as provided in the State Grid Code to the, supplier-end distribution licensees and to the consumer-end distribution licensee. The

Injection schedule will have the open access consumer and supplier identification. Where open access is effected to more than one open access consumer, supplier will provide a break up of injection schedule as applicable to each open access consumer and will indicate the priority in the injection schedule of each of the open access consumer to be considered. Priority ranking will be done in the descending order.

(3)(a) Where the open access supplier is governed by the interstate or intra state ABT, the entitlement of an open access consumer will be as per injection schedule or revision thereof as applicable to him duly adjusted for inter-state and Intra-state losses.

(b) Where an open access supplier is not governed by inter state or intra state ABT, the entitlement of an open access consumer will be based on the actual injection adjusted for inter state and intra state losses.

(c) Where the supply is effected by an open access supplier to a number of open access consumer and where no priority is indicated or actual injection is more than the scheduled injection, actual injection will be segregated proportionally amongst open access consumer as per injection schedule. In case an open access supplier has indicated priorities, and actual injection is less than scheduled, the actual injection will be segregated as per priority in the following criteria: -

(i) actual injection will be allocated to an open access consumer in the order of priority.

(ii) where actual injection, after meeting the allocation made to open access consumer of higher priority is not available to meet integrated scheduled demand of open access consumer of the lower priority, their allocation will be taken as nil.

(iii) where the actual injection, after meeting the allocation made to the open access consumer of higher priority is available to meet partially the integrated scheduled demand of open access consumer of the next (same) priority, the available injection will be segregated in proportion to the injection schedule as applicable to the respective consumer;

(iv) The entitlement of each open access consumer as determined will be subject to adjustment of transmission and distribution system losses as per clause (a) & (b) above;

(v) The firm supply to a distribution licensee will be scheduled and segregated as supply to an open access consumer as above.

(4) Annual maintenance outage, other maintenance outage and forced outage will be subject to the provisions of the State Grid Code. Intimation of the outage commencement will be sent to SLDC and to the distribution licensees, within 30 minutes of the outage and will incorporate the estimated outage/rectification time. Restoration of unit under outage will be conveyed at least 30 minutes prior to its synchronization with the State Grid.

8. Regulation 20 will be replaced by the following:

Unscheduled Interchange Pricing

(1) Mismatch payment of scheduled and actual drawal will be governed by the RERC (Intra-State ABT) Regulations, 2006.

(2) Where the open access supplier is governed by the inter-state ABT, it will be governed by CERC (Inter-State OA) Regulations, 2004. For intra state ABT, the permissible deviation of actual injection with regard to scheduled injection and actual drawal against scheduled drawal will be as under and will be settled at intra state unscheduled interchange rate, as specified by RERC from time to time:

- (a) Deviation at injection end (-) 100% to + 5%
(b) Deviation at drawal end (-) 5% to + 5%

Any deviation in excess of 5% at injection end and lower than 5% at drawal-end will be considered as inadvertent supply to the supplier-end distribution licensee and to the consumer-end distribution licensee respectively. Such supply will neither be payable nor bankable unless specifically provided in the RERC regulations. However, a

deviation in excess of 5% at drawal end by open access consumer will be governed by balancing the agreement for HT supply and/ or standby supply.

(3) Where an open access supplier is not governed by interstate or intrastate ABT, there will be no permissible deviation.

(4) In case of reduced supply or outage of supplier's generating station, the excess drawal at the drawal end, beyond the permissible limit will be first considered under the HT power supply upto contract demand and beyond that up to the contract demand under the standby supply and thereafter, excess drawal will be considered as per HT power supply agreement. Billing for HT supply will be effected on monthly or weekly basis and that of standby supply at temporary supply tariff on daily basis with fixed charges and minimum billing etc. based on daily maximum demand.

Provided, where the agreement for HT power supply and standby supply does not exist, any drawal exceeding the open access entitlement will be effected at temporary supply tariff on daily basis with the contract demand considered as equal to maximum demand of such excess drawal for that day or maximum demand caused during the preceding 90 days, whichever is higher. Further, any excess drawal of more than two blocks in a month will be considered as Grid indiscipline and the distribution licensee may effect curtailment or suspension or determination of open access until contract demand for HT power supply is enhanced corresponding to the excess demand.

9. The existing provision of regulation 21 will be numbered as sub regulation (1) and following sub regulation (2) will be added.

- (2) Power factor surcharge /incentive for HT power supply and standby supply will be as per electricity supply tariff as applicable to the respective consumer category. For the purpose, during a time block, kVArh (lagging) drawal will be allocated to open access, HT power supply and standby supply in proportion to the kWh drawal and average power factor for the billing period will be based on vector addition of kWh and kVArh i.e. Average power factor = kWh/ square root of (kWh x kWh + kVArh x kVArh).
10. In regulation 25, following sub regulations (5) to (8) will be added:
- (5) The supplier-end distribution licensee, that is, the distribution licensee in whose area of supply point of injection of open access supply is situated, will convey (or down load) the meter readings taken at an appointed time to the SLDC, RVPN, supplier and consumer end distribution licensee(s).
 - (6) The consumer end distribution licensee, that is the distribution licensees in whose area of supply an open access consumer is situated will convey (or down load) the meter readings taken at an appointed time to SLDC, consumer, RVPN & supplier.
 - (7) The consumer end distribution licensees will prepare the provisional weekly energy account based on the injection schedule, drawal schedule (if applicable), and meter readings and contract demands for HT power and standby supply and serve monthly bills based on energy account from the week, to which provisional bill has been served to the week ending on or before 25th day of the month. The provisional bill will be served in the first week of the month. A copy of the provisional energy account will also be supplied to SLDC. UI will have to be considered by distribution licensee provisionally subject to receipt of final energy account from SLDC. A soft copy of the provisional and final energy account will be supplied to open access consumer or open access supplier on payment of Rs. 25 per CD by the distribution licensee.
 - (8) Meters, CTs, PTs etc installed at the injection point and at drawal point of open access supply will comply with the provisions of 'interface' meters as per CEA (installation & operations of meters) Regulations, 2006;
Provided, the existing consumer availing the open access under these Regulations will be subjected to such changes as may be required within 6 months of the notification of these regulations.
11. Regulation 30 will be replaced as hereunder:
- Powers to Remove Difficulties**
- If any difficulty arises in giving effect to or implementation of any of the provisions of these Regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, licensees and the open access customer, to take such action, as may be deemed appropriate by the Commission in mitigating the difficulties.

(R.K.Sharma)
Secretary