

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
SHIMLA

Dated: 2nd May, 2010

NOTIFICATION

No.HPERC/418.- In exercise of the powers conferred by section 181, read with sections 39, 40, 42 and 86 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, the Himachal Pradesh Electricity Regulatory Commission, after previous publication, hereby makes the following regulations :-

REGULATIONS

CHAPTER-1 - PRELIMINARY

1.Short title, commencement and extent. - (1) These regulations shall be called the Himachal Pradesh Electricity Regulatory Commission (Grant of Connectivity, Long-term and Medium-term intra-State Open Access and Related Matters) Regulations, 2010.

(2) These regulations, except regulations 1,2,4 and 26, shall come into force on such date as may be notified by the Commission and regulations 1,2,4 and 26 of these regulations shall come into force on the date of the publication of these regulations in the Rajpatra, Himachal Pradesh:

Provided that the date notified under these sub- regulation shall be after the date on which the detailed procedure under regulation 26 of these regulations has been approved by the Commission.

2. Definitions.- In these regulations, unless the context otherwise requires,

(1) "Act" means the Electricity Act, 2003 (36 of 2003);

(2) "applicant" means a person who makes an application for availing long-term or medium-term open access to any transmission and/or distribution system within the State in accordance with these regulations;

(3) "captive generating customer" means a person who has constructed a captive generating plant and maintains and operates such plant and requires long-term or medium-term open access for the purpose of carrying electricity from his captive plant to the destination of his use;

(4)"Commission" means the Himachal Pradesh Electricity Regulatory Commission;

(5) "connectivity" in relation to a generating station, including a captive generating plant, a bulk customer or transmission/distribution licensee means the State of getting connected to the intra-State transmission/distribution system;

(6) "day" means a day starting at 00.00 hours and ending at 24.00 hours;

(7) "detailed procedure" means the procedure issued under regulation 26 of these regulations;

(8) "Grid Code" means the State Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act;

(9) "interface meters" means interface meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, specified by the Central Electricity Authority and amended from time to time;

(10) "intra-State entity" means a person whose metering and energy accounting are done by the State Load Despatch Centre or by any other authorised State Utility;

(11) "long-term access" means the right to use the intra-State transmission and/or distribution system for a period exceeding 12 years but not exceeding 25 years;

(12) "long-term customer" means a person who has been granted long-term open access;

(13) "medium-term open access" means the right to use of the intra-State transmission and/or distribution system for a period exceeding 3 months but not exceeding 3 years;

(14) "medium-term open access customer" means a person granted medium-term open access;

(15) "month" means a calendar month as per the British calendar;

(16) "nodal agency" means the nodal agency mentioned in regulation 4 of these regulations;

(17) "open access customer" means a person, who has availed or intends to avail of open access under these regulations, and includes a medium-term or long-term open access customer in transmission or distribution, as the case may be, or a generating company (including the captive generating plant) or a licensee or a consumer permitted by the Commission to receive supply of electricity from a person other than distribution licensee of his area of supply, or a State Government entity authorised to sell or purchase electricity;

(18) "open access in distribution" means the non-discriminatory provision for the use of the distribution system and associated facilities by any open access customer in accordance with these regulations;

(19) “open access transaction” means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee, from a specified point of injection to a specified point of drawal for a fixed or varying quantum of power (MW) for any time period;

(20) “open access in transmission” means the non- discriminatory provision for the use of transmission system and associated facilities by any open access customer in accordance with these regulations;

(21) “short-term open access” means open access for a period upto one (1) month at one time;

(22) “short-term open access customer” means a person who has availed or intends to avail short-term open access;

(23) “State” means the State of Himachal Pradesh;

(24) “stranded transmission/distribution capacity” means the transmission/ distribution capacity in the intra-State transmission/distribution system which is likely to remain unutilized due to relinquishment of access rights by the long-term customer in accordance with regulation 17 of these regulations;

(25) “ Supply Code” means the Supply Code specified by the Commission under section 50 and clause (x) of sub-section (2) of section 181 of the Act;

(26) “time block” means 15 minutes time period specified in the Grid Code for the purposes of scheduling and despatch; and

(27) other words and expressions used in these regulations and not defined herein, but defined in the Act or the Grid Code or the Supply Code, shall have the same meanings as are assigned to them in the Act, or the Grid Code, or the Supply Code, as the case may be.

CHAPTER - 2

GENERAL PROVISIONS

3. Scope. - These regulations, after they come into force, shall apply to the grant of connectivity, long-term and medium-term open access in respect of intra-State transmission system and/or distribution system of the licensees in the State including when such system is used in conjunction with the inter-State transmission system:

Provided that a person seeking open access to the intra-State transmission system and/or distribution system cannot apply for long-term access or medium-term open access without applying for connectivity:

Provided further that a person may apply for connectivity and long-term open access or medium-term open access simultaneously.

4. Nodal agency.- The nodal agency for grant of connectivity, long-term access and medium-term open access to the intra-State transmission system shall be the State Transmission Utility and for grant of connectivity, long-term access and medium-term open access to the distribution system of the licensee shall be the State Load Dispatch Centre.

5. Filing of application.- The application for grant of connectivity or long-term open access or medium-term open access shall be made to the nodal agency :

Provided that an application for connectivity is not required to be made by any transmission/distribution licensee, since transmission/distribution system planning is carried out in co-ordinated manner by the State Transmission Utility and the Central Electricity Authority :

Provided; further that the transmission licensee other than the State Transmission Utility, the distribution licensee, nevertheless shall sign a connection agreement with the State Transmission Utility or the intra-State transmission licensee as provided for in sub-regulation (5) of regulation 8 of these regulations.

6. Application fee.- The application shall be accompanied by a non-refundable application fee specified hereunder, payable in the name and in the manner to be laid down by the nodal agency in the detailed procedure –

S.No	Quantum of power to be injected / off taken into/from State transmission system/ distribution system	Application fee (Rs. in lakhs)		
		For connectivity	Medium-term open access	Long-term open access
1.	Upto 5 MW	2	1	2
2.	More than 5 MW upto 10 MW	4	2	4
3.	More than 10 MW	6	3	6

7. Timeframe for processing of application.- The application shall be disposed of by the nodal agency within the time limits specified hereunder –

Nature of application	Time limit for processing, beginning the last day of the month in which application was received by the nodal agency
Connectivity	60 days
Medium-term open access	40 days
Long-term open access	120 days where augmentation of the transmission/ distribution system is not required. 180 days where augmentation transmission/ distribution system is required

CHAPTER - 3

CONNECTIVITY

8. Grant of Connectivity.- (1) 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 a bulk consumer, with the intra-State transmission system /distribution system and such other details as may be laid down by the nodal agency in the detailed procedure :

Provided that where once an application has been filed and thereafter there has been any material change in the location of the applicant or change in the quantum of power to be interchanged -

- (i) in case of the intra-State transmission system is by more than 5 MW; or
- (ii) in case of the distribution system is by more than 1 MW;

the applicant shall make a fresh application, which shall be considered in accordance with these regulations.

(2) On receipt of the application, the nodal agency shall, in consultation and through co-ordination with other agencies involved in intra-State transmission/distribution system to be used, process the application and carry out, as the case may be, the necessary interconnection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 or the Himachal Pradesh Electricity Distribution Code 2009, the Grid Code, 2008.

(3) While granting connectivity, the nodal agency 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 nodal agency shall specify the point of connection and name of the line at which connectivity is to be granted. The nodal agency shall indicate the broad design features of the dedicated transmission/distribution line and the timeframe for completion of the dedicated transmission/distribution line.

(4) The applicant and the licensee, as the case may be, shall comply with the provisions of the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 or the Himachal Pradesh Electricity Distribution Code, 2009 and the Grid Code, 2008.

(5) The applicant or the intra-State transmission licensee or a distribution licensee, as the case may be, shall sign a connection agreement with the State Transmission Utility or the intra-State Transmission/distribution licensee owning the sub-station

or pooling station or switchyard or the transmission/distribution line as identified by the nodal agency where connectivity is being granted:

Provided that in case connectivity to an open access customer is granted to the intra-State transmission system of an intra-State transmission licensee, other than the State Transmission Utility, a tripartite agreement as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 shall be signed between the applicant, the State Transmission Utility and such intra-State transmission licensee.

(6) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term open access or medium-term open access or short-term open access.

(7) 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. The tariff of the infirm power from a generating station or a unit thereof, other than those based on non-conventional energy sources, shall be as determined by the Commission from time to time.

(8) An applicant may be required by the nodal agency to construct a dedicated line to the point of connection to enable connectivity to the grid.

CHAPTER - 4

CRITERIA FOR LONG-TERM AND MEDIUM-TERM OPEN ACCESS

9. Criteria for long-term and medium-term open access.- (1) Before awarding long-term access, the nodal agency shall have due regard to the augmentation of intra-State transmission/ distribution system in accordance with the perspective transmission/distribution plans developed by the State Transmission Utility/ licensee.

(2) Medium-term open access shall be granted if the resultant power flow can be accommodated in the existing transmission/distribution system or the transmission/ distribution system under execution:

Provided that no augmentation shall be carried out to the transmission/distribution system for the sole purpose of granting medium-term open access:

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

10. Open access priority.- (1) The intra-State open access shall have the priority over the inter-State open access and the order of priority shall be -

- (a) long-term access for distribution licensees for electricity generated from renewable sources and co-generation;
- (b) long-term access for distribution licensees for electricity generated from sources other than referred to in clause (a):
- (c) medium-term open access for distribution licensees for electricity generated from renewable sources and co-generation;
- (d) medium-term open access for distribution licensees for electricity generated from sources other than referred to in clause (c):
- (e) short-term open access for distribution licensees for electricity generated from renewable sources and co-generation;
- (f) short-term open access for distribution licensees for electricity generated from sources other than referred to in clause (e):
- (g) captive generation plant ;and
- (h) open access to any other customer.

(2) The applications for the long-term open access or the medium-term open access shall, as far as possible, be processed on first-cum-first served basis for each of the aforesaid types of access:

Provided that applications received during a month shall be construed to have arrived concurrently:

Provided further that while processing applications for medium-term open access received during a month, the applications seeking access for a longer term shall have higher priority:

Provided further that in the case of applications for long-term access requiring planning or augmentation of transmission/distribution system, such planning or augmentation, as the case may be, shall be considered on 30th of June and 31st of December in each year in order to develop a co-ordinated transmission/distribution plan, in accordance with the perspective transmission/distribution plans developed by the State Transmission Utility/ licensee.

(3) Where the open access customer intends to avail long-term access for intra-State transmission/distribution system upto an agreed inter-State point, but otherwise intends to opt for short/medium term access or combination thereof from time to time upto various destinations beyond such agreed inter-State point, the nodal agency may entertain applications for long-term access for use of intra-State transmission/distribution system and process the same as per these regulations and the regulations notified by the Central Electricity Regulatory Commission.

CHAPTER - 5

GRANT OF LONG-TERM ACCESS

11. Application for long-term access.- (1) The application for grant of long-term access shall contain details such as name of the entity or entities to whom electricity is proposed to be supplied or from whom electricity is proposed to be procured alongwith the quantum of power and such other details as may be laid down by the nodal agency in the detailed procedure:

Provided that in the case where augmentation of transmission/distribution system is required for granting open access, if the quantum of power has not been firmed up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the applicant shall indicate the quantum of power proposed to be interchanged using the intra-State transmission/distribution system:

Provided further that in case augmentation of transmission/distribution system is required, the applicant shall have to bear the transmission/wheeling charges for the same as per these regulations, even if the source of supply or off-take is not identified:

Provided further that the exact source of supply or destination of off-take, as the case may be, shall have to be firmed up and accordingly notified to the nodal agency at least 2 years prior to the intended date of availing long-term access, or such time period estimated by the State Transmission Utility/distribution licensee for augmentation of the transmission/distribution system, whichever is lesser, to facilitate such augmentation:

Provided further that where once an application has been filed and thereafter there is any material change in the location of the applicant or change in the quantum of power to be interchanged -

- (i) in case of the intra State transmission system is by more than 5 MW; or
- (ii) in case of the distribution system is by more than 1 MW;

the applicant shall make a fresh application, which shall be considered in accordance with these regulations.

(2) 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/distribution system and power to be transmitted to or from various entities to enable the nodal agency to plan the intra-State transmission/distribution system in a holistic manner.

(3) The application shall be accompanied by a bank guarantee of Rs 10,000/- (Rupees ten thousand) per MW of the total power to be transmitted. The bank

guarantee shall be in favour of the nodal agency, in the manner laid down under the detailed procedure.

(4) The bank guarantee of Rs. 10,000/- (Rupees 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/distribution system is required, and till operationalization of the long-term access when augmentation of transmission/ distribution system is not required.

(5) 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/ distribution system is not required.

(6) 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/ licensee during construction phase when augmentation of transmission/ distribution system is required, in accordance with the provisions in the detailed procedure.

12. System Studies by the Nodal Agency.- (1) On receipt of the application, the nodal agency shall, in consultation and through co-ordination with other agencies involved in intra-State transmission/ distribution system to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant long-term access is arrived at within the timeframe specified in regulation 7:

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

(2) Based on the system studies, the nodal agency shall specify the intra- State transmission/distribution system that would be required to give long-term access. In case augmentation to the existing intra-State transmission/ distribution system is required, the same will be intimated to the applicant.

13. Communication of estimate of transmission/wheeling charges, etc.-While granting long-term open access, the nodal agency shall communicate to the applicant the date from which long-term open access shall be granted and an estimate of the transmission /wheeling charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission/ wheeling charges specified by the Commission.

14. Execution of Long-term Access Agreement.- The applicant shall sign an agreement for long-term access with the State Transmission Utility/distribution licensee in case long-term access is granted in accordance with the provisions as may be made in the detailed procedure. While seeking long-term access to an intra-State transmission licensee(s), other than the State Transmission Utility, the applicant shall sign a multi party long-term access agreement with the State Transmission Utility and the intra-State transmission licensee(s). The long-term

access agreement shall contain the date of commencement of long-term access, the payment security mechanism for the term of long-term open access in accordance with the detailed procedure, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission/distribution lines, if any, required. In case augmentation of transmission/distribution system is required, the long-term access agreement shall contain the time line for construction of the facilities of the applicant and the transmission/distribution licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

15. Information to SLDC.- 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 the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Short Term Open Access) Regulations, 2010 as amended from time to time.

16. Renewal of term for long-term access.- On the expiry of the period of long-term access, the long-term access shall stand extended on a written request by the long-term customer in this regard to the nodal agency mentioning the period for extension that is required:

Provided that such a written request shall be submitted by the long term customer to the nodal agency at least one year prior to the date of expiry of the long-term access:

Provided further that in case no written request is received from the long-term customer within the time line specified above, the said long-term access shall stand withdrawn.

17. Relinquishment of access rights.- (1) 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 nodal agency 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 nodal agency 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 estimated transmission/wheeling charges (net present value) for the stranded transmission/ distribution 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/wheeling charges (net present value) for the stranded transmission/distribution capacity for the period falling short of 12 (twelve) years of access rights:

Provided that such a customer shall submit an application to the nodal agency 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/wheeling 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/wheeling charges (net present value) for the stranded transmission/distribution capacity for the period falling short of 12 (twelve) years of access rights.

(2) The discount rate that shall be applicable for computing the net present value, as referred to in sub regulation (1), shall be the discount rate to be used for bid evaluation in the Central Electricity Regulatory 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.

(3) The compensation paid by the long-term customer for the stranded transmission/distribution capacity shall be used for reducing transmission/wheeling charges payable by other long-term customers in the year in which such compensation payment is due in the ratio of transmission/wheeling charges payable for that year by such long term customers.

CHAPTER - 6

GRANT OF MEDIUM-TERM OPEN ACCESS

18. Application for medium-term open access.- (1) 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.

(2) 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.

19. System studies by the nodal agency.- On receipt of the application, the nodal agency shall, in consultation and through co-ordination with other agencies involved in intra-State transmission/distribution 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 medium-term open access is made within the timeframe specified in regulation 7:

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.

20. Grant of medium-term open access.- (1) On being satisfied that the requirements specified under sub-regulation (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 stated 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/licensee in case medium-term open access is granted by the nodal agency in accordance with the provisions 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; payment security mechanism for the term of open access, the point of injection of power into the grid and point of drawal from the grid, the details of dedicated transmission/distribution lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

(2) 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 grant of short-term open access, received under the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Short Term Open Access) Regulations, 2010 as amended from time to time.

21. Execution of dedicated transmission line.- The medium-term open access customer may, in conformity with the master transmission plan, arrange execution of the dedicated transmission/distribution lines at its own risk and cost before the start date of the medium-term open access.

22. No overriding preference.- On the expiry of period of the medium-term open access, the medium-term open customer shall not be entitled to any overriding preference for renewal of the term.

23. Exit option for medium-term open access customers.- A medium-term open access customer may relinquish its 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/wheeling charges for the period of relinquishment or 30 days whichever is lesser.

CHAPTER - 7

CONDITIONS OF LONG-TERM AND MEDIUM-TERM OPEN ACCESS

24. Curtailment.- (1) When for the reason of operational constraints or in the interest of grid security, it becomes necessary to curtail power flow on a transmission/distribution corridor, the transactions already scheduled may be curtailed by the State Load Despatch Centre.

(2) In case of curtailment of the approved schedule by the State Load Despatch Centre, transmission/distribution charges shall be payable pro-rata in accordance with the curtailed schedule:

Provided that operating charges shall not be revised in case of such curtailment.

Explanation. – For the purpose of this regulation, the expression “operational constraints” shall include the availability of the adequate capacity in the transmission/distribution system, appropriate metering and energy accounting system where the electricity to be transmitted/wheeled can be correctly measured and accounted for and such other factors which may have an impact on the licensee’s business of supplying electricity to consumers in the area of supply.

25. Curtailment priority.- When because of operational constraints, force majeure events, grid security or otherwise it becomes necessary to curtail the transmission/distribution service of the open access customers, the curtailment priority shall in the reverse order of the priority specified in regulation 10:

Provided that the amongst the open access customers of a particular category, curtailment shall be carried out on pro-rata basis.

26. Detailed Procedure .- (1) Subject to the provisions of these regulations, the nodal agency shall submit the detailed procedure to the Commission for approval within 90 days of notification of these regulations in the Official Gazette:

Provided that prior to submitting the detailed procedure to the Commission for approval, the nodal agency shall make the same available to the public and invite comments by putting the draft detailed procedure on its website and giving a period of one month to submit comments:

Provided further that while submitting the detailed procedure to the Commission, the nodal agency shall submit a statement indicating as to which of the comments of stakeholders have not been accepted by it alongwith reasons thereof.

(2) The detailed procedure submitted by the nodal agency shall, in particular, include –

- (a) the proforma for the connection agreement, referred to in clause (5) of regulation 8;
- (b) the proforma for the long-term access agreement referred to in regulation 14;
- (c) the time line for phasing of construction/modification of the transmission/distribution elements by the State Transmission Utility/transmission licensee/distribution licensee, as the case may be, and the coming up of generation facilities or facilities of bulk consumer, as the case may be, so as to match the completion times of the two:

Provided that the time period for construction of the transmission/distribution elements shall be consistent with the time line for completion of projects;

- (d) aspects such as payment security mechanism and bank guarantee during the period of construction and operation:

Provided that the bank guarantee during construction phase shall not exceed Rs. 5 lakhs per MW of the total power to be transmitted by the applicant through intra-State transmission/Distribution system;

- (e) the proforma for the medium-term open access agreement, referred to in the second proviso to sub-regulation (1) of regulation 20 ;
- (f) the provisions for collection of the transmission/wheeling charges for intra- State transmission/distribution system from the long-term customers or medium-term customers, as the case may be, by the licensee or the State Transmission Utility as and when so designated in accordance with the first proviso to sub-regulation (1) of regulation 30 and disbursement to the State Transmission Utility and/or to the licensees, as the case may be.

27. Charges for long term and medium term open access in transmission.-

(1) The long term and medium term open access customers shall pay the transmission charges, operating charges, unscheduled inter-change charges and reactive energy charges as the Commission may, in exercise of its powers under sections 61, 62, 86 and other provisions of the Act, determine from time to time.

(2) Transmission and operating charges.- The transmission and operating charges payable by a long-term and medium-term customer for use of the transmission system shall be determined in accordance with the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2007 and shall be based on the prevailing

costs, prices and methodology of sharing of transmission charges specified by the Commission. However, no upfront fee or charges shall be levied by the utility on open access customers and all costs in relation to the transmission shall be subsumed in the transmission charges.

(3) Unscheduled Inter-change (UI) Charges.- (a) Scheduling of all transactions pursuant to grant of long-term open access and medium-term open access shall be carried out on day-ahead basis in accordance with the Grid Code .

(b) Based on net metering on the periphery of each intra-State entity, composite accounts for Unscheduled Interchanges shall be issued for each intra-State entity on a weekly cycle.

(c) Any mismatch between the scheduled and the actual drawal at drawal points and scheduled and the actual injection at injection points for the intra-State entities shall be determined by the State Load Despatch Centre and covered in the intra-State Unscheduled Interchanges accounting scheme.

(d) The Unscheduled Interchanges rates for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of the inter-State Unscheduled Interchanges rates.

(4) Reactive energy charges .- The reactive energy draws, injections and the payment, receipt of the reactive energy charges by the open access customers shall be in accordance with the relevant provisions of the Grid Code.

28. Charges for long term and medium term open access in distribution.-

(1) The long term and medium term open access customers shall pay the wheeling charges, surcharge, additional surcharge, unscheduled inter-change charges and reactive energy charges as the Commission may, in exercise of its powers under sections 61, 62, 86 and other provisions of the Act, determine from time to time

(2) Wheeling Charges.- The wheeling charges for use of the intra-State distribution system shall be recovered from the long-term open access customers and the medium-term open access customers in accordance with the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Wheeling Tariff and Retail Supply Tariff) Regulations, 2007.

(3) Surcharge.- In addition to the wheeling charges, the long-term and medium-term open access customer, other than the captive generating customer, availing open access in distribution, shall pay the cross subsidy surcharge specified by the Commission in the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006.

(4) Additional surcharge.- The long-term and medium-term open access customer shall also pay to the distribution licensee an additional 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; and such additional surcharge shall be as specified by the Commission in the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006.

(5) Unscheduled Inter-change (UI) Charges.- (a) Scheduling of all transactions pursuant to grant of long-term open access and medium-term open access shall be carried out on day-ahead basis in accordance with the Grid Code and the Himachal Pradesh Electricity Distribution Code, 2009 .

(b) Based on net metering on the periphery of each intra-State entity, composite accounts for Unscheduled Interchanges shall be issued for each intra-State entity on a weekly cycle.

(c) Any mismatch between the scheduled and the actual drawal at drawal points and scheduled and the actual injection at injection points for the intra-State entities shall be determined by the State Load Despatch Centre and covered in the intra-State Unscheduled Interchanges accounting scheme.

(d) The Unscheduled Interchanges rates for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of the inter-State Unscheduled Interchanges rates.

(6) Reactive energy charges .- The reactive energy draws, injections and the payment, receipt of the reactive energy charges by the open access customers shall be in accordance with the relevant provisions of the Grid Code.

29. Fees and charges for the State Load Despatch Centre.- The fees and charges for the State Load Despatch Centre, shall be payable as specified by the HPERC (Terms and Conditions for Determination of Transmission Tariff) Regulations, 2007.

30. Payment of transmission/wheeling charges and fees and Charges for the State Load Despatch Centre.- (1) The transmission/wheeling charges in respect of the long-term customer and medium-term customer shall be payable directly to the respective licensee:

Provided that the State Transmission Utility/licensee/nodal agency may be designated by the Commission as the agency for the purpose of collecting and disbursing the transmission/wheeling charges for intra-State transmission/distribution system:

Provided further that when the State Transmission Utility/ licensee/nodal agency is so designated as the agency as aforesaid, the transmission/wheeling charges shall be paid to it:

Provided further that the State Transmission Utility/licensee/nodal agency so designated, shall enter into agreements with the long-term customers and medium-term customers for collection of transmission/wheeling charges and with the transmission/ distribution licensees whose intra-State transmission/

distribution system is being used, for disbursement of transmission/wheeling charges as received, pro rata to the transmission /wheeling charges payable to the licensees and to the State Transmission Utility:

Provided further that the State Transmission Utility/licensee/nodal agency, so designated, shall be entitled to reimbursement of reasonable costs incurred by it in collecting the transmission/wheeling charges of the other transmission/distribution licensees, as approved by the Commission.

(2) The fees and charges for the State Load Despatch Centre shall be directly payable by the long-term customer and medium-term to the State Load Despatch Centre.

31. Energy Losses.- (1) The buyers and sellers of the electricity shall absorb apportioned energy losses in the transmission and/or distribution system as estimated by the State Load Despatch Centre and applied in accordance with the detailed procedure.

(2) The energy losses shall be accounted for by providing a differential between schedules at the points of supply, and drawal of electricity.

(3) The applicable transmission and distribution losses shall be declared in advance and shall not be revised retrospectively.

32. Interface Energy Meters.- (1) Interface Energy Meters shall be installed and maintained by the State Transmission Utility for open access in transmission by the distribution licensee for open access in distribution at the cost of the open access customers.

(2) Interface Energy Meters installed shall be in accordance with Annexure-2 to the Grid Code.

(3) Interface Energy Meters for the open access customer shall be open for inspection by any person authorized by the State Transmission Utility/ Distribution Licensee or the State Load Despatch Centre

33. Redressal Mechanism.- All disputes arising out of or under these regulations shall be decided by the Commission on an application made in this behalf by the person aggrieved.

CHAPTER - 8

INFORMATION SYSTEM

34. Information system.- The nodal agency shall post the following information on their websites in a separate web-page titled “Long-term access and Medium-term open access information”:-

- (a) these regulations;
- (b) the detailed procedure;

- (c) List of applications, separately for long-term access and medium-term open access, received by the nodal agency along with necessary details.
- (d) Separate lists for long-term access and medium-term open access granted, indicating-
 - (i) name of customers;
 - (ii) period of the open access granted (start date and end date);
 - (iii) point or points of injection;
 - (iv) point or points of drawal;
 - (v) transmission systems used;
 - (vi) distribution systems used ;
 - (vii) capacity (MW) for which access has been granted.

Note.- The status report shall be updated weekly.

- (e) the information regarding average State energy losses for the previous 52 weeks;
- (f) transmission/wheeling charges and applicable transmission/distribution losses;
- (g) List of applications where approval for connectivity or long-term access or medium-term open access, as the case may be, has not been granted alongwith reasons thereof:

Provided that it shall be a constant endeavour of the nodal agency to take steps in accordance with the requirements herein to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public.

35. Communication facility.- An open access customer shall provide for or bear the cost of equipment for communication upto the nearest grid sub-station or the State Load Despatch Centre as may be determined by the nodal agency.

CHAPTER - 9

MISCELLANEOUS

36. Compliance with electricity Codes.- The open access customer shall abide by the provisions of the Act, rules, regulations and the Grid/ Supply/ Distribution Code specified by the Commission.

37. Redressal mechanism.- (1) All disputes and complaints regarding unfair practices, delays, discrimination, lack of information, supply of wrong information or any other matter relating to open access shall be made to the nodal agency, which shall investigate and endeavour to resolve the grievances within 45 days:

Provided that where the open access customer is not satisfied with the redressal of grievance by the nodal agency, it may approach the Commission, whose decision shall be final and binding.

(2) The Commission may, while deciding the dispute under sub-regulation (1) or otherwise, by a general or special order made from time to time, lay down the conditions to be complied with by the State Transmission Utility/licensees and the persons seeking open access in regard to operational constraints and the open access shall be allowed only subject to the due satisfaction of such conditions.

38. General conditions.- (1) Nothing in these regulations shall be deemed to limit or otherwise affect the powers of the Commission to make such orders as may be necessary to meet the ends of justice.

(2) Nothing in these regulations shall bar the Commission from adopting a procedure, which is at variance with any of the provisions of these regulations, if the Commission, in view of the force majeure events or in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.

(3) Nothing in these regulations shall, expressly or impliedly, restrict the Commission from dealing with any matter or exercising any power under the Act for which no regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner, as it considers just and appropriate.

39. Power to remove difficulties.- If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by general or special order, direct the State Transmission Utility/licensee(s), the nodal agency, and the open access customer to take such suitable action, not being inconsistent with the Act, as may appear to the Commission to be necessary or expedient for the purpose of removing such difficulties.

40. Repeal and Savings.- (1) Save as otherwise provided in these regulations, the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005 and regulation 7 of the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken under the repealed regulations shall, in so far it is not inconsistent with the provisions of these regulations, be deemed to have been done or taken under the corresponding provisions of these regulations.

By order of the Commission
Sd/-
Secretary