



UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

**Draft Uttar Pradesh Electricity Regulatory Commission
(Terms and Conditions for Open Access) Regulations, 2019**

(Comments on Draft Regulations are invited till 1st November, 2019. It is also noteworthy to mention that no further public hearing will take place in the matter as one public hearing has already taken place)

_____, 2019

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UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

NOTIFICATION No.: UPERC/Secy/Regulation/_

Dated: __.__.2019

In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (Act No. 36 of 2003) (hereinafter referred to as 'the Act'), and all other powers enabling it in this behalf, the Uttar Pradesh Electricity Regulatory Commission hereby makes the following Regulations, namely:

1. Short Title, Scope, Extent and Commencement

- 1.1. These Regulations may be called the Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2019 [hereinafter referred to as "Open Access Regulations, 2019"].
- 1.2. These Regulations shall come into force on the date of their publication in the Official Gazette.

2. Definitions and Interpretations

- 2.1. Words, terms and expressions defined in the Act, or Rules as specified by the Central Electricity Authority (hereinafter referred to as "Authority"), as amended from time to time and used in the Open Access Regulations, 2019, shall have and carry the same meaning as defined and assigned in the said Act and/or Rules as specified by Authority;
- 2.2. All other expressions used herein but not specifically defined in the Act or Regulations but defined under any other law passed by a competent legislature and applicable to the electricity industry in the State of Uttar Pradesh shall have the meaning assigned to them in such law. Subject to the above, expressions used herein but not specifically defined in the Act or any other law passed by a

competent legislature shall have the meaning as is generally assigned in the electricity industry.

2.3. In the interpretation of this Open Access Regulations, 2019, unless the context otherwise requires:

- a) Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively;
- b) References to any statutes, Regulations or guidelines shall be construed as including all statutory provisions consolidating, amending or replacing such statutes, Regulations or guidelines, as the case may be, referred to;
- c) In case of variance between English and Hindi versions of these Regulations, English version shall prevail.

2.4. In this Open Access Regulations, 2019, unless it is repugnant to the context:

- a) “**Allotted Capacity**” means the power transfer in MW between the specified point(s) of injection and point(s) of drawl allowed to a long-term /medium-term customer on the intra-State transmission system and the expression “allotment of transmission capacity” shall be construed accordingly.
- b) “**Banking of power**” is a process under which a generating plant supplies power to the distribution licensee or a distribution licensee supplies power to another distribution licensee through the grid with the intention and right of exercising its eligibility to drawback this power.
- c) “**Bilateral transaction**” means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or through power exchange by the way of anonymous bidding, from a specified point of injection to a specified point of drawl;
- d) “**Capacity for Open Access**” means the average capacity, for transmission system shall be sum of generating capacities connected to the transmission

system and contracted capacities of other transactions handled by the system of the licensee including margins. In case of distribution system, it shall be sum of import of power at each interface point of exchange of power at electrical boundary connected to the Distribution Licensee and the generating plant in the area of such license.

- e) **“Collective transaction”** means a set of transactions discovered in a power exchange through anonymous simultaneous competitive bidding by buyers and sellers;
- f) **“Commission”** means the Uttar Pradesh Electricity Regulatory Commission;
- g) **“Day”** means a day starting at 00.00 hours and ending at 24.00 hours;
- h) **“Eligible Licensee”** means Distribution Licensee and Trading Licensee in case of transmission open access and trading Licensee in case of Distribution Open Access.
- i) **“Energy Account”** means energy account prepared by State Load Despatch Centre at transmission–distribution interface and shall include the DSM account;
- j) **“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 it means total drawl by the consumer/buyer minus total scheduled drawl by the consumer/buyer;
- k) **“Long-term open access”** means the right to use the intra-State transmission system and/or distribution system for a period exceeding 5 years;
- l) **“Medium-term open access”** means the right to use intra-state transmission system or distribution system for a period exceeding 3 months but not exceeding 5 years;

- m) **“Month”** means a calendar month as per the British calendar;
- n) **“Nodal Agency”** means a Nodal Agency, specified in this Regulation, for arranging non-discriminatory open access to intra-state transmission or / and distribution system;

The Nodal Agency for long-term open access and medium-term open access shall be the State Transmission Utility (STU), whereas, for short-term open access (in transmission or distribution system or both) it shall be State Load Despatch Centre (SLDC).

- o) **“Open Access Customer”** means the categories held eligible by the Commission for availing open access, viz. :
- i. eligible licensees
 - ii. A generating company which owns and / or operates or intends to own and / or operate a Generating station in the State, including a captive power plant
 - iii. a Consumer with a contracted demand of more than 1 MW
 - iv. Distribution Franchisee
- p) **“Open Access Consumer”**: One who consumes electricity through open access from a person other than distribution licensee of his area of supply. Provided that a consumer consuming part of his electricity through open access and part of his electricity requirement from the distribution licensee of his area will be classified as “part open access consumer.” However, if such a consumer is meeting his entire requirement through open access, he will be classified as “full open access consumer”
- q) **“Marginal Capacity”** means the capacity which is not tied up under long term open and/or medium-term open access depending upon availability of transmission / distribution capacity.

- r) **“Short-term open access”** means the right to use the intra-State transmission system and / or distribution system for a period of not exceeding 3 months;
 - s) **“State”** means the State of Uttar Pradesh;
 - t) **“State Power Committee (SPC)”** means a Committee constituted under the provisions of Uttar Pradesh Electricity Grid Code (UPEGC);
 - u) **“Uttar Pradesh Electricity Grid Code”** means the Uttar Pradesh Electricity Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act, as amended from time to time;
- 2.5. Save as aforesaid and unless repugnant to the context or if the subject matter otherwise requires, words and expressions used in these Regulations and not defined here, but defined in the Act, or Rules as specified by the Authority or any Regulation of the Commission shall have the meanings assigned to them respectively in the Act or Rules or any other Regulations issued by the Commission.

3. Extent of Application

- 3.1. These Regulations shall apply for the purposes of open access to intra-state transmission system and / or the distribution systems of licensees in the State, including, when such system is used in conjunction with inter-state transmission system.

4. Categorization of Open Access Customers

- 4.1. The open access customers shall be classified into the following categories:

i. Long-term customers

- 4.2. An open access customer availing or intending to avail intra state open access for a period exceeding 5 years shall be the long-term open access customer.

ii. Medium-term customers

- 4.3. An open access customer availing or intending to avail intra state open access for a period of more than 3 months and up to 5 years shall be the medium-term open access customer

iii. Short-term customers

- 4.4. An open access customer availing or intending to avail intra state open access for a period up to 3 months shall be the short-term open access customer.

5. Functions of Nodal Agency

- 5.1. The Nodal Agency for allowing long term and medium-term Open Access in all cases shall be the State Transmission Utility (STU). A Distribution Licensee and/or a Transmission Licensee, whose system is used for such long term and medium-term open access, shall be responsible for co-ordination with STU and shall also provide all relevant information required to take decision for providing open access.
- 5.2. Similarly, the Nodal Agency for short term open access shall be the State Load Despatch Centre (SLDC). STU, Transmission Licensee and a Distribution Licensee, whose system is used for such short-term open access, shall be responsible for co-ordination with SLDC and shall also provide all relevant information required to take decision for providing open access. It shall be the responsibility of the nodal agency, SLDC in this case, to declare the surplus capacity in the system on its website so that it can be ensured that open access is not denied to eligible parties in normal circumstances.

The Nodal Agency, i.e. SLDC in this case, shall also coordinate with STU, Distribution Licensee, generating company or any other person; to provide on its website the information considered necessary for the purpose of open access, like transmission capacities of the system, lines, transformation capacities of transformers, their loading averaged over for 96 time blocks of each day for at

least two years, future expansion plans and associated augmented capacities etc.

The Nodal Agency shall be responsible for disposal of application of open access.

6. Criteria for allowing Open Access

6.1. Long term and medium-term open access shall be allowed in accordance with planning criteria stipulated in the Uttar Pradesh Electricity Grid Code (UPEGC);

Provided that the availability of capacity, prior to expiry of term of existing long-term and medium-term open access customer, shall be considered for allotment to other customers only if balance period is less than 12 months in case of long term open access period and 3 months in case of medium-term open access and an application for renewal /extension has not been received.

6.2. Short term open access shall be allowed if the request for such access can be accommodated based on following;

- a) Inherent design margins;
- b) Margins available due to variation in power flows;
- c) Margins available due to inbuilt spare capacity in transmission and distribution system created to meet future generation and load requirement.

7. Eligibility and Conditions of Open Access

7.1. Subject to the provisions of these Regulations, Open Access shall be permissible to the consumers seeking

- a) Open access for a contracted demand of 1 MW and above,
- b) Connected at 11 KV and above,

7.2. In case of open access Consumer, the capacity availed through open access plus the contracted capacity with the Distribution Licensee shall be subject to the ceiling of drawl applicable for the voltage level, as specified under the Supply Code, to which the open access consumer is connected.

7.3. Subject to the provisions of these Regulations,

a) Eligible Licensees,

b) A generating company which owns and/or operates or intends to own and/or operate a Generating Station in the State, including a captive power plant;

c) a Consumer with a contracted demand of more than 1 MW as given in Regulation 7.1 above.

d) Distribution Franchisee;

shall be eligible for open access to the intra state transmission system of the State Transmission Utility or any Transmission Licensee and/or Distribution System of a Distribution Licensee on payment of transmission charges and/ or Wheeling Charges as may be determined by the Commission through its Tariff Order.

Provided that such open access shall be available to open access customer on payment of a Cross-Subsidy Surcharge (Regulation 17) and Additional Surcharge (Regulation 18) and other charges, as applicable, as determined by the Commission in addition to transmission charges and / or Wheeling Charges.

Provided however that a customer under an existing policy of the State Government in respect to open access, shall be entitled to open access under the existing policy for the remaining period of policy, at applicable charges from

time to time. Post the expiry of the policy, however, all open access customers would be subject to the terms of these Regulations.

Provided that a Distribution Franchisee shall also be eligible for Open Access, in case sourcing of power from other sources has been authorized by its Distribution Licensee.

Provided that the Consumers with Contracted demand of more than 1 MW if fed through mixed feeder (not an independent feeders) shall also be allowed Open Access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed on that feeder by the utility serving them. In such cases, the duty of the Distribution Licensee shall be of a common carrier providing non-discriminatory Open Access as per Section 42 (3) of the Act.

Provided further that in case of power cut, independent feeders catering to open access consumers will not be opened.

Provided that a person having been declared insolvent or bankrupt shall not be eligible for open access.

Provided that prior to grant of Open Access consumer has to enter into connectivity agreement in accordance with UPERC (Grant of Connectivity) Regulations, 2010 of Uttar Pradesh, as amended from time to time. SLDC, while filing Procedures for scheduling, dispatch, energy accounting, DSM & settlement system of Open access transactions, shall file a connectivity agreement for consumers, who are connected with the system of distribution licensee. The said connectivity agreement should be in line with the existing connectivity agreement with transmission system incorporating suitable modification in consultation with distribution licensee.

Provided further that a consumer of distribution licensee, whose capacity availed through open access along with his reduced capacity with the distribution licensee does not exceed his earlier contracted capacity with the distribution licensee, will not have to enter into connectivity agreement, as specified above.

Provided further that those who are not consumers of distribution licensee but are connected to grid/distribution licensees' system will have to essentially sign the connectivity agreement.

8. Allotment Priority

- 8.1. Long-term open access customers shall have highest priority followed by the medium-term open access customers followed by short-term open access customers.
- 8.2. Since long term and medium-term open access cases have to be processed through system planning and augmentation, therefore all eligible open access entities viz Distribution Licensee, Generating Company, Captive Power Plant, Distribution Franchisee or any consumer permitted under the Regulations shall have equal priority on "first cum first serve" basis.
- 8.3. For short term open access cases, the highest priority to lowest priority shall be as follows:
 - i. Distribution Licensee.
 - ii. Generating Company.
 - iii. Captive power plant.
 - iv. Any Consumer permitted by the Regulations.
- 8.4. Therefore, for short term open access, the applications of "Distribution Licensee" shall be considered as first priority for processing. The decision for allowing open

access amongst any of the above categories shall be based on 'first come first serve' basis, amongst the applications received up to last submission due date. After disposal of applications pertaining to "Distribution Licensee", applications of "Generating company" shall be carried out and then applications for next priority shall be taken up, as stated above, until the capacity is exhausted.

- 8.5. Allotment priority for short term open access applicants shall be decided subject to the availability of the capacity in the system. When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement, the request of applicant having next lower priority in the stack shall be taken up for consideration. However, the original applicant shall have first right of refusal and even after his refusal, when the capacity is allocated to the next applicant in priority, the original applicant shall again be kept at the top of the stack immediately after the new applicant to whom the capacity has been allocated.

9. Curtailment Priority

- 9.1. When for the reason of constraints or to maintain grid security, it becomes necessary to curtail power flow on transmission and/or distribution corridor, the transaction already reserved/scheduled may be curtailed by SLDC, if in its opinion such curtailment is likely to relieve transmission and/or distribution constraint or is likely to improve grid security.
- 9.2. When there is a deviation by the customer from final dispatch and drawl schedule, SLDC/ Distribution Licensee shall first issue a notice to such customer to restrict itself to the drawl schedule. If customer still continues to draw in excess of its schedule then the circuit feeding the customer shall be opened and other pertinent actions shall be taken for non-compliance of directions of SLDC/ Distribution Licensee.

- 9.3. Short-term open access customers shall have highest priority of curtailment followed by the medium-term open access customers followed by Long-term open access customers.
- 9.4. When because of transmission and/or distribution systems constraint, it becomes necessary to curtail the transmission and/or distribution services, curtailment for short term shall be affected in the following order: -
- a) Any Consumer permitted by the Regulations
 - b) Captive power plant
 - c) Generating company
 - d) Distribution Licensee;
- 9.5. Whereas, curtailment in case of Long term and medium-term transactions due to Transmission and/or Distribution system constraint, consumers permitted by the Regulations, captive power plant and generating company shall be curtailed on pro-rata basis. Subsequent to complete curtailment of these three groups, if constraint still exists then only curtailment will be resorted upon the Distribution Licensee.
- 9.6. Notwithstanding the provisions of these Regulations, SLDC may, in cases of emergency, force majeure conditions as notified by SLDC and in order to maintain system security, follow such curtailments / suspension, as it considers appropriate. The decision of curtailment or suspension by SLDC in such cases shall be final and binding.
- 9.7. In case of curtailment of capacity by SLDC under Regulation 9.6 above, transmission charges and/or wheeling charges payable shall remain unaffected.

10. Provisions of Existing Distribution Licensees

- 10.1. The Distribution Licensees using intra-State transmission system and/or the distribution system in the State, on the date of coming into force of these Regulations, under an existing arrangement shall be entitled to continue to avail Open Access on such transmission and/or distribution system on the existing terms and conditions on payment of transmission charges and/or the wheeling charges and other applicable charges as may be determined by the Commission from time to time.
- 10.2. The existing Distribution Licensees shall, within 60 days of coming into force of these Regulations, furnish to the State Transmission Utility and the State Load Dispatch Centre details of their agreements for use of the transmission system and / or distribution system and the terms and conditions for such use.

11. Provisions for Existing Generating Companies

- 11.1. The existing generating company under Regulation 11.2, may continue to have open access on their existing terms and conditions on payment of transmission charges and wheeling charges as may be determined by the Commission from time to time.
- 11.2. The existing generating company having access under existing agreement or arrangement on the date of coming into force of these Regulations, shall furnish to the State Transmission Utility and State Load Dispatch Centre, details of existing agreement or arrangement for supply of power indicating details of capacity, point of injection, point of drawl, duration, peak load, average load or such other information as the State Transmission Utility or State Load Dispatch Centre may require, within 60 days of coming into force of these Regulations.

12. Procedure for Long Term and Medium-Term Open Access Customer

12.1. The detailed procedure for grant of long term and medium-term open access shall be in accordance with Schedule-A 'Procedure for Long-Term and Medium-Term Open Access' provided with these Regulations.

13. Procedure for Short Term Open Access Customer

13.1. The detailed procedure for grant of Short-term Open access shall be in accordance with Schedule-B 'Procedure for Short-Term Open Access' provided with these Regulations.

14. Open Access Agreement

14.1. An open access customer shall enter into commercial agreements with the transmission and Distribution Licensees, as the case may be, for use of their transmission and/or distribution systems.

Provided that the agreement for a long-term and medium-term open access customer shall be as prescribed under Schedule-A.

Provided also that the agreement for a short-term open access customer shall be as prescribed under Schedule -B.

15. Non-Utilization of Open Access

A. Short-term open access customer:

15.1. The short-term open access capacity 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 contracted capacity shall not be effective before expiry of a minimum period of two (2) days from the date of application in the [FORMAT-ST8],

excluding the date of application and date of cancellation/reduction of the schedule. The customer shall also endorse a copy of the same to all concerned with the transaction.

15.2. In case of cancellation, operating charges as specified in the Commission's Order shall be payable for two (2) days or the period of cancellation in days, whichever is less.

15.3. The customer, whose capacity has been surrendered, shall pay 25% of open access charges on surrendered capacity in addition to full open access charges on revised capacity during remaining period of transaction.

Provided that if allocated capacity is surrendered to some new customer then 25% of open access charges on surrendered capacity shall not be applicable in the period of alternate allocation.

15.4. In case, SLDC finds frequently any customer under-utilizing the marginal capacity, SLDC shall review such marginal capacity, after giving the customer an opportunity of being heard, and may follow the procedure as here under:

(i) SLDC shall serve a notice on format [FORMAT-ST9] to such customer. SLDC shall make endorsements to all concerned with the transaction.

(ii) The notice period shall be of three days. The notice period shall exclude the day on which notice is served and the day from which such reduction/cancellation is to commence.

(iii) On expiry of notice period, marginal capacity shall stand reduced or cancelled, as the case may be, unless decided otherwise by SLDC and communicated to all concerned, who are connected or affected by such transaction on format [FORMAT-ST10(B)].

(iv) The decision of SLDC shall be final and binding.

(v) In the event of under-utilization of the capacity contracted by the customer, the concerned licensee may also file an application with SLDC

to reduce or cancel the capacity allocated to the customer after it has served a prior notice of default to the customer. On such application, SLDC may review the allotment capacity and follow the procedure as stated above.

- (vi) SLDC may allot the capacity, available as a result of surrender or reduction or cancellation of the marginal capacity to any other customer.
- (vii) The customer on its own shall not assign/transfer whole or any part of his marginal capacity to any person or licensee.
- (viii) The capacity that becomes available, due to decisions of SLDC, shall be displayed on its website.

B. Medium-term open access customer:

15.5. A medium-term open access customer may relinquish rights, fully or partly, by giving at least 3 months prior notice to the Nodal Agency:

Provided that the medium-term open access customer relinquishing its rights shall pay applicable transmission/wheeling charges in full for the notice period.

Provided that subsequent to notice period, the medium term open access customer shall be liable to pay applicable transmission & wheeling charges at applicable rates for the remaining period of their contract at pro-rated capacity along with 25% of estimated transmission & wheeling charges on surrendered capacity (net present value), **in case the medium term open access customer relinquishes its rights partly.**

Provided that subsequent to the notice period, the medium term open access customer shall be liable to pay an amount equivalent to 75% of the estimated transmission & wheeling charges (net present value) at applicable rates for the duration up to mid-point of the contract period and 50% of the estimated transmission & wheeling charges (net present value) at applicable rates for the

duration beyond mid-point of the contract period up to the end of contract period, **in case the medium term open access customer relinquishes its rights fully.**

C. Long-Term Access:

- 15.6. A long-term open access customer may relinquish rights, fully or partly, by giving at least 1-year prior notice to the Nodal Agency:

Provided that the long-term open access customer relinquishing its rights shall pay applicable transmission/wheeling charges in full for the notice period.

Provided that subsequent to notice period, the long term open access customer shall be liable to pay applicable transmission & wheeling charges at applicable rates for the remaining full period of their contract at pro-rated capacity along with 25% of estimated transmission & wheeling charges on surrendered capacity (net present value), **in case the long term open access customer relinquishes its rights partly.**

Provided that subsequent to notice period, the long term open access customer shall be liable to pay an amount equivalent to 75% of the estimated transmission & wheeling charges (net present value) at applicable rates for the duration up to mid-point of the contract period and 50% of the estimated transmission & wheeling charges (net present value) at applicable rates for the duration beyond mid-point of the contract period up to the end of contract period, **in case the long term open access customer relinquishes its rights fully.**

- 15.7. The discount rate that shall be applicable for computing the net present value shall be as specified by CERC from time to time as shown under:

Apr' 13-Mar' 14- 13.10%

Apr' 14-Mar' 15- 10.69%

Apr' 15-Mar' 16- 12.07%

Apr' 16-Mar' 17- 9.78%

Apr' 17-Sep' 17- 8.41%

Oct' 17-Mar' 18- 10.06%

Apr'18- Mar'19- 9.33%

- 15.8. In addition to above, for customers who were also provided any dedicated transmission and / or distribution system, the compensation payable for such dedicated capacity shall be 100% of the estimated transmission and wheeling charges (net present value) payable by such customer for balance period of allocation.

Provided that if any such dedicated transmission and /or distribution system has been created at the cost of open access customer, he shall not be made to pay any compensation regarding this dedicated capacity.

- 15.9. The compensation, arrived at through the payment of estimated transmission/wheeling charges for the surrendered transmission capacity as paid by the long/medium-term customers, shall be used for reducing transmission charges payable by other long-term customers and medium-term customers.

- 15.10. The compensation, arrived at through the payment of estimated transmission/wheeling charges for the surrendered transmission capacity, paid by long/medium term customer shall be determined on case to case basis.

Charges for Open Access

16. Transmission charges and Wheeling charges

- 16.1. The Transmission charges and / or Wheeling charges for use of the transmission system of a Transmission Licensee and /or the distribution system of a Distribution Licensee shall be regulated as under:

- a) Transmission charges and wheeling charges payable by a (long-term or medium-term or short-term) open access customer shall be as determined by the Commission in its Tariff Order.

Provided that where a transmission system and/or a distribution system has been constructed for exclusive use of an open access customer, the transmission charges and/or wheeling charges for whole of the system, including such additional system for exclusive use, shall be paid by open access customer.

- b) In case intra state transmission system and/or distribution system is used by an open access customer in addition to inter-state transmission system, transmission charges and wheeling charges shall be payable for use of intra-state transmission and/or distribution system in addition to payment of transmission charges for inter-state transmission.
- c) When the transmission system capacity has been created through competitive bidding process, the transmission charges shall be taken as decided through bidding.

Notwithstanding above, any relaxation regarding transmission and wheeling charges, as granted under the CRE Regulation, shall be applicable with respect to those plants for the use of intra-state network during the period of CRE Regulation, as amended from time to time.

17. Cross-Subsidy Surcharge

- 17.1. In addition to transmission charges and wheeling charges, a consumer availing open access to the transmission system and/or distribution system not being a captive consumer shall pay a surcharge; in terms of the Regulations and tariff order issued by the Commission.

17.2. The consumers availing exclusively interstate transmission system shall also pay cross subsidy surcharge, as determined by the Commission.

18. Additional Surcharge

18.1. 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, as determined by the Commission, in its Tariff Order, 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.

19. Reactive power Charges

19.1. The payment for the reactive energy charges for the open access customers shall be as provided in the U.P Electricity Grid Code.

20. Standby Charges

20.1. In the event of non-availability of power supply due to any reason including outage of generator supplying the Open Access consumer, non-clearance of bid on power exchange, it shall be duty of the Distribution Licensee to provide power to such Open Access consumers,

Provided that open access consumers shall have the option to arrange standby power from any other source:

Provided further that standby power from any other source shall be scheduled, as early as possible, latest by 00:00 hrs. of the day, after giving the notice to the Distribution Licensee.

20.2. The treatment of standby charges shall be as shown under: -

- i. In case the Open Access Consumer is a consumer of the Distribution Licensee (Embedded Open Access consumer), then stand by charges shall not be applicable.
- ii. If open access consumer is not a consumer of the Distribution Licensee, then standby arrangement should be provided by the Distribution Licensee for a maximum period of 60 days in a year, subject to the load shedding as is applicable to the embedded consumer of the licensee, and on payment of 1.5 times the demand charge & energy charge for that category of consumer in prevailing rate schedule. While energy charge will be determined as per actual meter reading, demand charge shall be prorated from monthly demand charge based on number of days the open access customer has availed the supply of Distribution Licensee.
- iii. A Standby arrangement agreement needs to be signed between the DISCOM and the Open Access consumer for a certain number of days, to avail power from the DISCOM in case of outage.

21. Imbalance Charges

- 21.1. The entitlement at the drawl point for any 15-minute time block shall be worked out after considering the Transmission and Distribution losses as determined by the Commission in the Tariff Order for that year.
- 21.2. Imbalance between schedule & actual injection/drawl of generator or distribution licensee or transmission network connected open access consumer will be settled as per Deviation & Settlement Mechanism (hereinafter referred to as DSM) charges in accordance with DSM Regulations notified by UPERC, if any.
Till such time, DSM regulations have not been notified by UPERC, the imbalance charges shall be as per the DSM charges notified CERC Regulations.

21.3. Over injections/ under-injections and over draws /under draws in various kind of situations along with the commercial settlement in each situation is given in the following table. Since DSM is still not implemented at consumer level in the State of Uttar Pradesh, commercial settlement at consumer level has been provided a different treatment, as is clear from following table.

S.No.	Different Scenarios	Category of open access	Commercial Treatment of Capacity & Energy Charges	Commercial Treatment of DSM
1	Over Injection /Under injection by <u>STU connected generator</u> (except captive power plants)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	As per Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 & amendments thereof from time to time or appropriate orders/ regulation of DSM by UPERC
2	Over Injection /Under injection by <u>STU connected Solar and Wind Gen.</u>	For <u>intra - state</u> open access only	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	As per UPERC (Forecasting, Scheduling, Deviation & settlement related matters of Solar and Wind Generation Sources) Regulation 2018 and amendments thereof.
3	<u>Over Injection /Under injection by</u>	For <u>inter-state</u> open access	Capacity charges and energy charges to be	As per Central Electricity Regulatory Commission (Deviation Settlement

S.No.	Different Scenarios	Category of open access	Commercial Treatment of Capacity & Energy Charges	Commercial Treatment of DSM
	<u>STU connected Solar and Wind Gen.</u>		settled between seller and buyer as per provisions of PPA / MoU	Mechanism and related matters) Regulations, 2014 & amendments thereof from time to time or appropriate orders/ regulation of DSM by UPERC
4	<u>Over Injection /Under injection by STU connected Solar and Wind Gen.</u>	For <u>inter-state</u> and <u>intra-state</u> open access simultaneously	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	As per Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 & amendments thereof from time to time or appropriate orders/ regulation of DSM by UPERC
5	<u>Over Injection /Under injection by STU connected Captive Generators</u>	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	As per Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 & amendments thereof from time to time or appropriate orders/ regulation of DSM by UPERC
6	<u>Over Injection</u>	open access	Capacity charges	Energy injected / drawn by

S.No.	Different Scenarios	Category of open access	Commercial Treatment of Capacity & Energy Charges	Commercial Treatment of DSM
	<u>/Under injection by generator</u> (CPP, Solar & wind Power) connected with discom network.	(inter-state and/or intra-state)	and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	Generators connected to discom network to be suitably adjusted by respective discoms in finalising their drawl schedule
7	<u>STU connected Open Access Customers</u> (Not a Discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	As per Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 & amendments thereof from time to time or appropriate orders/ regulation of DSM by UPERC Further, such open access consumers shall restrict their drawl through UI to maximum of 10% of their overall drawl during the billing cycle.
8	<u>Discom connected Open Access Customers</u> (Not a Discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per	As per Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014

S.No.	Different Scenarios	Category of open access	Commercial Treatment of Capacity & Energy Charges	Commercial Treatment of DSM
	consumer)		provisions of PPA / MoU	& amendments thereof from time to time or appropriate orders/regulation of DSM by UPERC Further, such open access consumers shall restrict their drawl through UI to maximum of 10% of their overall drawl during the billing cycle.
9	<u>STU connected Open Access Customers</u> (Discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	Open access energy shall be adjusted first and the remaining energy shall be treated as purchase from discom and accordingly the retail tariff as per applicable category shall apply.
10	<u>Discom connected Open access customers</u> (Discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU	Open access energy shall be adjusted first and the remaining energy shall be treated as purchase from discom and accordingly the retail tariff as per applicable category shall apply.
11	<u>Over drawl by STU connected</u>	open access (inter-state	Capacity charges and energy charges	Over drawl by captive user to be charged @ 25%

S.No.	Different Scenarios	Category of open access	Commercial Treatment of Capacity & Energy Charges	Commercial Treatment of DSM
	<u>captive user</u> (not a discom consumer)	and/or intra-state)	to be settled between seller and buyer as per provisions of PPA / MoU / Transfer Price Agreement	higher frequency linked DSM rates specified by CERC or appropriate orders/ regulation of DSM by UPERC.
12	<u>Under drawl by STU connected captive user</u> (not a discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU / Transfer Price Agreement	To be utilised for reduction of transmission losses.
13	<u>Over drawl by discom connected captive user</u> (not a discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU / Transfer Price Agreement	Over drawl by captive user to be charged @ 25% higher frequency linked DSM rates specified by CERC or appropriate orders/ regulation of DSM by UPERC.
14	<u>Under drawl by discom connected captive user</u> (not a discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU / Transfer Price	To be utilised for reduction of transmission losses.

S.No.	Different Scenarios	Category of open access	Commercial Treatment of Capacity & Energy Charges	Commercial Treatment of DSM
			Agreement	
15	<u>Over draw!</u> <u>discom</u> <u>connected</u> <u>captive user</u> (discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU / Transfer Price Agreement	Open access energy shall be adjusted first and the remaining energy shall be treated as purchase from discom and accordingly the retail tariff as per applicable category shall apply.
16	<u>Under draw!</u> <u>discom</u> <u>connected</u> <u>captive user</u> (discom consumer)	open access (inter-state and/or intra-state)	Capacity charges and energy charges to be settled between seller and buyer as per provisions of PPA / MoU / Transfer Price Agreement	To be utilised for reduction of transmission losses.

22. Scheduling and System Operation Charges

22.1. Scheduling and System Operation charges payable to State Load Despatch Centre shall be as determined by the Commission's Order.

23. Renewable Purchase Obligation Surcharge

23.1. Open Access Consumers, who consume electricity procured from conventional fossil fuel-based generation will have to meet their renewable purchase obligation either through power purchase from renewable energy sources or purchase of RE certificates. In case, such open access consumer fails to meet RPO through above means, it will have to pay a RPO surcharge, which will be determined in accordance with UPERC (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010.

24. Communicating Facility

24.1. An open access customer and any person associated therewith shall provide for or bear the cost of equipment for communication with transmission and/or distribution sub-station, as the case may be, and State Load Despatch Centre for, among others, communicating meters readings, scheduling and receiving instructions or giving any information.

24.2. An open access customer shall maintain round the clock facility of communication with State Load Despatch Centre through: -

- Telephone /Mobile with S.T.D.; and
- Transmission / receipt of Fax and E-mail; Or
- As specified otherwise by State Transmission Utility

25. Information System

25.1. The State Load Despatch Centre in case of Short-term customers and STU in case of long-term and medium-term-customers 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.

25.2. A status report on long-term and medium-term customers indicating following shall be captured by STU: -

- Name of open access customer;
- Period of the open access granted (date of commencement and date of termination);
- Point(s) of injection;
- Name of injecting identity
- Point(s) of drawl;
- Name of drawee entity
- Supply voltage at injection and drawl points; and
- Transmission’s system / distribution system used;
- Open access capacity used.

25.3. A status report on the current of short-term customers indicating following shall be captured by SLDC: -

- Name of open access customer;
- Period of the open access granted (date of commencement and date of termination);
- Point(s) of injection;
- Name of injecting identity

- Point(s) of drawl;
- Name of drawee identity
- Supply voltage at injection and drawl points; and
- Transmission's system / distribution system used;
- Open access capacity used.

25.4. Further, information regarding Peak load flows and capacity available on all EHV lines and HV lines emanating from EHV Sub stations shall also be captured to assess available capacity, congestion & overloading in system. The same will also become part of monthly & annual report.

25.5. The information regarding average loss in transmission and distribution system, rate of surcharges as determined by the Commission in Tariff Order for the applicable year, shall also be displayed on website.

25.6. The information shall be updated upon every change in status.

26. Scheduling by UPLDC

26.1. Intra-State open access transactions in respect of all customers and generating stations, irrespective of the capacity, shall be scheduled by SLDC in accordance with the provisions of the Uttar Pradesh Electricity Grid Code. However, scheduling of inter-State open access transactions shall be as specified by the Central Electricity Regulatory Commission.

26.2. Open access transaction shall be carried out in accordance with the provisions of these Regulations and as per the Procedures for scheduling, despatch, energy accounting, DSM & settlement system of Open access transactions. The SLDC is directed to submit the Procedures for scheduling, despatch, energy accounting, DSM & settlement system of Open access transactions within 60 days from the

notification of this Regulation. This procedure will be read with UPEGC, UPERC (Terms and Conditions of Generation tariff) Regulations and any other relevant Regulation/order/code, as the case may be, and as amended and applicable from time to time. SLDC shall make available above-mentioned orders, codes, and Regulations on its website.

27. Accounting in case of Open Access

- 27.1. If a consumer having premises in area of a Distribution Licensee, contracts for supply of electricity from such Distribution Licensee in addition to supplies from other source; energy accounting of electricity supplied from other source shall be carried out first and electricity supplied from such Distribution Licensee later.
- 27.2. In case other source is more than one, the source that comes into open access transactions first, in chronological order of dates of approval of Nodal Agency, shall be booked for energy accounting first and thereafter subsequent sources shall be taken up until all are exhausted and supply from Distribution Licensee shall be taken up at last.

28. Metering

- 28.1. It shall be a pre-requisite for the open access customer to be provided with ABT compliant Special Energy Meters (Main, Check Meters and standby meters) as specified by CEA (Installation and Operation of meters) Regulations 2006 as amended from time to time at appropriate interconnection / interface points (injection and drawl points).
- 28.2. It shall be the responsibility of the State Transmission Utility (STU) to provide common specifications for meters to be installed at appropriate inter-connection/interface points (injection and drawl points) for facilitating the open access transactions.

- 28.3. The Generating company or a licensee contracting to effect supply under open access shall ensure that main meters and check meters at injection and drawl points have been provided. In case of interstate transmission, it shall establish communication facility with Northern Regional/State Load Despatch Centre and provide such information and in such format as may be specified by Regional/State Load Dispatch Centre, on real time basis as well as periodically.
- 28.4. STU shall ensure that the meters are compatible with energy accounting software of the SLDC.
- 28.5. STU shall be responsible for installation, periodical testing and calibration of main and check meters in the presence of other parties to open access agreement. Main and check meters shall be sealed by both parties. Defective meter shall be replaced immediately.
- 28.6. The Check Meters shall be of the same specification as Main Meters.
- 28.7. Reading of main and check meters shall be taken periodically at appointed day and hour jointly by authorized officer of STU and the representative of open access customer as specified in the agreement, if present. Meter reading shall be immediately communicated to State Load Despatch Centre, open access customer, State Transmission Utility, any other Transmission Licensee, Distribution Licensee and Generating Company/trader, as the case may be, within 12 hours. Check meter readings shall be considered when main meters are found to be defective or stopped or found to have difference in recording beyond a specified percentage, as per relevant BIS.
- 28.8. Main and Check Meters shall have facility to communicate its reading to State Load Despatch Centre on real time basis or otherwise as may be specified by state transmission utility.

29. Energy Losses

Inter-State Open Access:

- 29.1. Long/medium/short-term open access buyers of electricity shall bear apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

Intra-State Open Access

- 29.2. The transmission and distribution losses for the Intra-State system shall be determined by the Commission in its Tariff Order for the applicable year and shall be apportioned in proportion to the scheduled energy drawl by the Open Access customer.
- 29.3. Energy loss shall be accounted for by providing a differential between schedules at the points of supply and drawl of electricity of each customer interacting with transmission and/or distribution system.
- 29.4. Thus, net schedule at the point of drawl shall be supply schedule minus energy loss estimated for each customer.

30. Other Commercial Conditions

- 30.1. SLDC shall issue an energy account, statement of DSM charges, reactive energy charges and its operating charges on the basis of data received from ABT meters along with data relating to declared capability and schedules etc., in accordance with the provisions of Procedures for scheduling, despatch, energy accounting, DSM & settlement system of Open access transactions, as amended from time to time. The SLDC is directed to submit the above-mentioned procedure within 60 days of notification of this Regulation.
- 30.2. Energy account prepared by SLDC shall be used for billing purposes
- 30.3. The customer shall pay a fee to SLDC as specified by the Commission's Order.

30.4. The Long-term and Medium-term Customers, as applicable, shall make payments in the following manner:

- i. STU, any other Transmission Licensee and/or Distribution Licensee, as the case be, shall prepare a bill on monthly basis as per energy account issued by SLDC on the basis of transmission charges, wheeling charges determined by the Commission from time to time. Surcharge, additional surcharge, reactive energy charge, stand by charge and other charges, if any, shall also be recovered through such bill.
- ii. The customer shall pay charges directly to STU, any other Transmission Licensee and/or Distribution Licensee, as the case may be, within time frame provided in BPTA and/or BPWA or in relevant order of the Commission.
- iii. The payment shall be made by mode agreed in BPTA and/or BPWA.
- iv. STU shall reimburse wheeling charges, surcharge, additional surcharge and stand by charge in case of open access consumer connected to distribution licensee, if any, to concerned Distribution Licensee on monthly basis within ten days of its receipt. The transmission charges of its part shall be retained by STU or shall pass to the Transmission Licensee, as the case maybe.
- v. The SLDC charges shall be recovered from the customer through bill of transmission charges. STU shall reimburse the same to SLDC on monthly basis.
- vi. The reduction or surrender or cancellation of capacity of a customer shall be as specified in Clause 15 of these Regulations.
- vii. Based on energy account, the customer shall make payments of imbalance charges as specified by the Commission or by the Central Electricity Regulatory Commission in absence of any regulation in this regard by the State Commission.

- viii. Non-payment of any charge or sum of money payable by the customer except DSM charges, under the Regulations shall be considered non-compliance of the Regulations and Section 56 of the Act. The generating company or STU or any other Transmission Licensee or a Distribution Licensee may disconnect supply after giving customer an advance notice of fifteen days without prejudice to his other rights of recovery.

Provided that non-payment or delayed payment of DSM bill shall be considered as default on part of customer and for such continued defaults, SLDC may bring a case before the Commission for non-compliance of the Regulations under Section 142 of the Electricity Act, 2003.

- ix. Above charges shall be without prejudice to penalty which may be imposed by the Commission, for non-compliance of the provision of the Act, Regulation or code or order made there under, on recommendation of SLDC.

30.5. The Short-term Customers shall make payments in following manner:

- i. The customer shall pay a fee to SLDC for each transaction, as determined by the Commission's Order, for the duties like scheduling, revision of schedules, preparation of energy account, billing and data collection.
- ii. STU shall prepare a bill on monthly basis (through format [FORMAT-ST6] by seventh day of next month) as per energy account issued by SLDC on the basis of transmission charges, wheeling charges determined by the Commission from time to time. Surcharge, additional surcharge, reactive energy charge, stand by charge and other charges, if any, shall also be recovered through such bill.
- iii. The customer shall pay charges directly to STU within seven days from receipt of such bill.
- iv. The payment shall be made by electronic transfer or by bank draft drawn in favor of the officer so notified by STU with details on format [FORMAT-ST7].

- v. STU shall reimburse wheeling charges, surcharge, additional surcharge and stand by charge in case of open access consumer connected to distribution licensee, if any, to concerned Distribution Licensee on monthly basis within ten days of its receipt. The transmission charges of its part shall be retained by STU or shall pass to the Transmission Licensee as the case maybe.
- vi. The SLDC charges, as specified by the Commission's Order shall be recovered from the customer through bill of transmission charges. STU shall reimburse the same to SLDC on monthly basis.
- vii. The reduction or surrender or cancellation of capacity of a customer shall be as specified in Clause 15 of these Regulations.
- viii. Based on energy account, the customer shall make payments of Imbalance charges as specified by the Commission or by the Central Electricity Regulatory Commission in absence of any regulation in this regard by the State Commission.
- ix. Non-payment of any charge or sum of money payable by the customer except DSM charges, under the Regulations shall be considered non-compliance of the Regulations and Section 56 of the Act. The generating company or STU or any other Transmission Licensee or a Distribution Licensee may disconnect supply after giving customer an advance notice of fifteen days without prejudice to his other rights of recovery.

Provided that non-payment or delayed payment of DSM bill shall be considered as default on part of customer and for such continued defaults, SLDC may bring a case before the Commission for non-compliance of the Regulations under Section 142 of the Electricity Act, 2003.

- x. Above charges shall be without prejudice to penalty which may be imposed by the Commission, for non-compliance of the provision of the Act, Regulation or code or order made there under, on recommendation of SLDC.

31. Default in Payment

- 31.1. 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 thereunder, a late payment surcharge at the rate of 1.25% per month or part thereof shall be levied.
- 31.2. In case of default in payment for specified charges under the Regulations, SLDC at its own discretion may not consider to schedule such transaction or may cancel scheduling of already scheduled transaction or may not entertain any application of such customer in future until default is cured.

32. Compliance with Grid Discipline

- 32.1. The open access customer shall abide by the provisions of the Indian Electricity Grid Code, the State Grid Code and instructions given by State Transmission Utility, State Load Dispatch Centre/Regional Load Dispatch Centre and distribution licensee of its area, as the case may be, and as applicable from time to time.

33. Redressal Mechanism

- 33.1. All disputes and complaints relating to open access shall be made to the State Power Committee detailed in the UPEGC, which may investigate and endeavour to resolve the grievance within 30 days. Till such time State Power Committee becomes fully functional, STU will establish a Grievance Redressal Committee (hereinafter referred to as GRC) consisting of one nominee from SLDC, one nominee from STU, one nominee from Discom, one nominee from generating stations, one nominee from RE developers and one nominee from open access customers in the State. The nominees of STU, SLDC and distribution licensee

shall not be below the rank of Chief Engineers. STU is required to set up this Grievance Redressal Committee within 60 days of notification of this Regulation. Grievance Redressal Committee shall also nominate a Member Secretary to look after the administrative matters of GRC. GRC will meet at least once in a month to resolve disputes, if any. Any specific prescription regarding periodicity, date of meeting, venue of meeting, quorum or any relevant issue may be brought up before the Commission in the Procedures for scheduling, dispatch, energy accounting, DSM & Settlement system of Open Access transactions to be submitted by SLDC in consultation with STU.

- 33.2. Where SPC or GRC, as the case may be, is unable to resolve the grievance in the time period specified above, it shall be referred to the Commission.
- 33.3. If eligible entity under Open access is not satisfied with SPC or GRC, then the entity can approach the Commission.

34. Security Amount

- 34.1. SLDC shall intimate payment security amount on format [FORMAT-ST2] to be paid by the customer directly to SLDC within time so specified.
- 34.2. The security amount shall be determined at the following rate or as determined by the Commission from time to time by an order:
- i. Rs. 0.5 lacs per MW per month for transaction involving transmission system only.
 - ii. Rs.1.5 lacs per MW per month for transaction involving transmission and distribution systems.
 - iii. Rs. 1.0 lac per MW per month for transaction involving distribution system only.

Provided that security amount shall be charged for one month in case transaction is for less than three months, otherwise for two months.

Provided further that security charges shall not be levied in case advance payment has been taken for the entire transaction.

- 34.3. The mode of payment of security shall be FDR/TDR/NSC/unconditional & irrevocable bank guarantee duly pledged in favor of the officer as notified by SLDC with details on format [FORMAT-ST5].
- 34.4. Payment security shall be valid for the duration of the transactions or 18 months from the month in which transaction commences, whichever is earlier. The validity may be extended for subsequent transaction suitably at the instruction of SLDC in case the customer opts for another transaction. Payment security shall be released after confirmation of full payments made by the customer.

35. Fee for Approaching the Commission

- 35.1. The fee payable for approaching the Commission for redressal of issues relating to Open Access shall be as per Uttar Pradesh Electricity Regulatory Commission (Fee and fines) Regulations, 2018, as amended from time to time. No fee shall be payable to the Commission in case the matter is referred to the Commission by the State Power Committee/ Grievance Redressal Committee

36. Power to Amend

- 36.1. The Commission may, at any time add, vary, alter, modify or amend any provision of these Regulations.

37. Power to Remove Difficulties

- 37.1. If any difficulty arises in giving effect to the provision of these regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

38. Repeal and Savings

- 38.1. Save as otherwise provided in these Regulations, the Uttar Pradesh Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations 2004, and respective amendments shall stand repealed from the date of notification of these Regulations.
- 38.2. 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.

Schedule-A

Procedure for Long-Term and Medium-Term Open Access

1. OUTLINE

- 1.1. This procedure shall apply to the application made for long- and medium-term open access for use of intra-State transmission system and/or distribution system with associated facilities for transmission and/or wheeling of electricity, with or without inter-State transmission system.
- 1.2. Provided that procedure made hereunder shall be in addition to and not in derogation of open access regulations or any procedure made thereunder by the Central Electricity Regulatory Commission for use of inter-State transmission system.
- 1.3. It aims at easy and pragmatic disposal of applications made for long-term and medium term open access. However, some problems may still be experienced. This procedure shall be reviewed or revised by the Commission by an order suo-moto or on an application moved by the Nodal Agency citing the reasons and/or cases requiring such consideration.
- 1.4. All correspondences shall be addressed to the following Officer of State Transmission Utility (STU):

Chief Engineer (Transmission),
11th Floor, Shakti Bhawan Extension, 14-Ashok Marg,
Lucknow-226 001
Tel: (STU to specify on its website)
Fax: (STU to specify on its website)
E-mail: (STU to specify on its website)

2. SUBMISSION OF APPLICATION

2.1. The long-term and medium-term open access customer (hereinafter referred to as “customer”) intending to avail open access shall make an application on format [FORMAT- LT1] with STU in a cover marked “Application for Long-Term or Medium-term Open Access”.

2.2. Time Duration of Application:

- i. **When System strengthening is involved-** The customer shall apply for long-term access 3 years in advance.
- ii. **When System strengthening is not involved-** An application can be made by the customer six months in advance.

Note: ‘System strengthening’ shall mean to include augmentation or renovation or modernization or expansion of any equipment or substation and/or electric line and construction of new substation and/or electric line.

2.3. Application Fee:

- i. **When System strengthening is involved-** non-refundable application fee of Rs. 1,50,000/- (or as determined by the Commission from time to time in its order) shall be levied.
- ii. **When System strengthening is not involved-** non-refundable application fee of Rs. 50,000/- (or as determined by the Commission from time to time by an order) shall be levied.

This fee will be deposited by demand draft in favor of the officer as notified by STU payable at Lucknow. STU shall acknowledge receipt of the application by indicating time and date on an “ACKNOWLEDGEMENT” to the customer. The application may be submitted by post or in person.

3. PROCESSING OF APPLICATION

- 3.1. The application shall be taken up for consideration immediately and not later than seven days by STU on “first come first served basis”. The STU shall seek system feasibility reports from transmission licensee and/or distribution licensee involved in transaction for permitting open access. STU shall also make endorsement of the same to SLDC, if considered necessary. The transmission licensee and/or distribution licensee, as the case may be, shall carry out system feasibility study, including site drawings, schedule of site responsibility and any other information necessary for consideration and respond to STU within 30 days.
- 3.2. The feasibility reports may suggest as follows:
- a) System strengthening is not required-
In such case STU shall assess the capacity available and communicate provisional decision to SLDC with copy to transmission licensee and/or distribution licensee.
 - b) System Strengthening is required-
In case there is a constraint in electricity system and system strengthening is necessary, then:
 - i. The licensee shall submit adequate data and drawings in support of suggestion of system strengthening for consideration of STU.
 - ii. STU shall assess requirement of system strengthening and may also cause the customer to furnish any additional information required for system studies, if required. On being satisfied, communicate decision to the customer within 15 days requiring him to pay fee difference of fee for system studies, if not paid earlier.

- iii. The fee shall be paid within fifteen days failing which the application shall be deemed to be rejected at the discretion of STU.

4. CONFIRMATION OF RESERVATION OF CAPACITY

4.1. Where electricity system strengthening is not required-

- i. STU shall communicate provisional decision of application processing to SLDC within seven (7) days along with the customer's application and licensee's report(s).
- ii. STU, in consultation with SLDC, shall check transaction for congestion of any element (electric line and transformer) of transmission and/or distribution system involved in open access transaction.
- iii. STU shall confirm grant of open access on format [FORMAT-LT2] within sixty days of receipt of the application with direction to the customer to enter into Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA) with concerned transmission licensee and/or distribution licensee within thirty days.
- iv. In the event of an offer becomes invalid for any reason or rejected by the customer, STU shall not be required to consider any further application from the same customer within twelve months from the date of issue of FORMAT-LT2 unless new application substantially different from the original application is made.

4.2. Where electricity system strengthening is involved-

- i. After processing of application as specified above, STU may require the customer, any other transmission licensee and/or distribution licensee to furnish additional information/study/data for further studies within fifteen days. Based on above information, STU shall prepare preliminary report of system

study covering all aspects of UPEGC and communicate the same to all concerned within next one month.

Provided that if there are more than one application for long-term or medium term access, STU shall undertake joint studies and prepare one consolidated preliminary report. STU shall invariably send a copy to SLDC, transmission licensees and/or distribution licensees, as the case may be.

- ii. The preliminary report shall be communicated along with specific information on FORMAT- LT2 to all concerned not later than one hundred twenty days from the date of receipt of application in case of long term and sixty days in case of medium term and such communication shall be deemed to be grant of open access. However, in case of more than one application, the condition of one hundred twenty days/ sixty days shall not apply and STU shall fix such date which shall not be more than one hundred fifty days/ seventy five days in case of long term and medium term respectively. If more than one application consists of one long term and one medium term application then the outer time limit of long term application shall be applicable.
- iii. The customer shall enter into Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA) with concerned transmission licensee and/or distribution licensee within sixty days in case of long term and within thirty days in case of medium term respectively. The copy of such agreements shall be sent to SPC and SLDC.
- iv. Notwithstanding anything contained in sub clause 4.2 (i), any other transmission licensee and/or distribution licensee shall also be required by STU to identify system strengthening requirements at their end and communicate the same to STU with relevant details in respect to inter-connection, cost estimates, construction milestones/schedule and site responsibility schedule, drawings and any other information as may be

necessary for consideration of STU within forty five days from the date of receipt of preliminary report of system study.

- v. The requirement of system strengthening brought out in preliminary report shall be integrated with the transmission plan (made as per Section 39 of the Act read with the provisions of UPEGC) prepared by STU. The plan so prepared shall be approved by CEA.
- vi. Based on approved transmission plan, STU shall finalize strengthening requirements in transmission and distribution systems, in consultation with SLDC and concerned transmission and /or distribution licensees or SPC as the need be.
- vii. System strengthening requirements should clearly identify expansion, augmentation, renovation, modernization of existing sub-stations and/or electric lines and/or construction of new substations and electric lines. It also includes decision regarding who will construct, own, maintain and operate different parts of the system strengthening scheme.
- viii. The final report shall be communicated to all concerned to take up the work of the system strengthening as per the schedules finalized or decisions taken therein. After final report is prepared, the customer, STU, any other transmission licensee and distribution licensee or any other person associated with transaction shall comply with such instructions, obligations, duties, time schedules or any other matter as may be specified by STU in final report.

Provided if STU has changed system strengthening requirements, on the basis of any subsequent study carried out on its own motion or on an application of any other customer, any other transmission licensee and distribution licensee in such event, the changes carried out by STU shall be binding on the customer, any other transmission licensee and distribution licensee or any other person associated with transaction.

5. Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA)

- 5.1. Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA) shall be signed by the customer with STU, any other transmission licensee and distribution licensee, as the case be, agreeing therein to pay transmission and wheeling charges for use of existing transmission and/or distribution system. These agreements shall be signed within time communicated to the customer as specified above. The charges as stated above shall be payable along with other charges, as applicable, associated with open access in accordance with open access regulations.
- 5.2. A supplementary BPTA and/or BPWA to the principal agreements signed under clause 5.1 shall also be signed by the customer with STU, any other transmission licensees and distribution licensees, as the case be, agreeing therein to pay additional transmission and wheeling charges for use of additional transmission and/or distribution system created due to system strengthening.
- 5.3. At the instance of STU, agreements shall include provisions in respect to:
- i. requirement of protection system, metering, operational and safety criteria, data and communication system;
 - ii. conditions of interconnection/connectivity, technical requirements thereof;
 - iii. relevant drawings covering all aspects in relation to (i) and (ii) above;
 - iv. 'Site Responsibility Schedule' in relation to ownership, control, operation and maintenance of plant and apparatus and safety of persons;
 - v. procedure for site access, site operational activities and maintenance standards for equipment of concerned transmission licensee and/or distribution licensee and/or customer's premises;

- vi. premature termination of agreement and its consequences on the contracting parties;
 - vii. compliance with the provisions of U.P. Electricity Grid Code, Indian Electricity Grid Code, regulations/norms/standards/codes specified by CEA/UPERC or any provision of planning criteria/ any covenants/deeds/regulations by which STU/Transmission licensee / distribution licensee are bound;
 - viii. details of system strengthening requirements including inter-connection, approximate cost estimates, construction and commissioning milestones/ schedule, schedule of commissioning and commercial operationalization;
 - ix. provisions for payment security, payment, rebate and surcharge as per UPERC (Terms and condition of transmission tariff) Regulations and UPERC (Terms and condition of distribution tariff) Regulations and orders of the Commission made thereunder;
- 5.4. Where electricity system strengthening is involved, the parties should note the following:
- i. System strengthening work shall be taken up after signing of BPTA and/or BPWA.
 - ii. The customer and concerned licensees shall furnish progress of system strengthening works on quarterly basis to each other with a copy to STU.
 - iii. The customer and concerned licensees shall inform, in writing, at least ninety days ahead of scheduled commercial operation date in case of long term and at least thirty days ahead of scheduled commercial operation date in case of medium term of additional systems of their part to STU with a copy to concerned/affected persons. Based on information received, STU shall confirm the customer and concerned licensees at least sixty days/thirty days ahead of scheduled date of commencement of long/medium-term transaction respectively and direct the customer to:

- a) establish adequate payment security within thirty days in case of long term and fifteen days in case of medium term ; and
 - b) submit a request for scheduling of transaction to SLDC within thirty days in case of long term and within fifteen days in case of medium term.
- 5.5. Whenever any equipment and/or drawing are proposed to be changed, the customer or licensee shall intimate necessary changes to STU and all other concerned. When changes are implemented, revised single line diagram shall be circulated by the customer or licensee to STU and all concerned.

6. GENERAL

- 6.1. STU shall designate an officer as 'Nodal Officer' who shall make correspondence in the matter of open access and shall be responsible for processing and arranging long- term and medium-term access. A public notice to above effect shall be made in newspapers and kept on website within fifteen days of issue of these regulations under intimation to the Commission.
- 6.2. Any line or transformer or substation involved in an open access transaction shall be exempted from load shedding. SLDC shall be responsible to make proper arrangements in coordination with transmission/distribution licensee ensuring that the customer remains unaffected in the event of load shedding. Provided that the consumers with contracted demand of more than 1 MW if fed through mixed feeder will be allowed open access subject to their agreeing to the system constraints as well as power cuts imposed on the feeder.
- 6.3. STU shall maintain up-to-date records of customers, long-term and medium-term transactions and any other relevant information/data and other decisions taken by it on its website and keep the Commission informed.

- 6.4. STU may modify formats specified under this procedure as the need be under intimation to the Commission. These formats shall also be kept on website.
- 6.5. The customer shall keep STU, SLDC and distribution licensee indemnified at all times and shall undertake to indemnify, defend and keep STU, SLDC and distribution licensee harmless from any and all damages, losses, claims and actions including those relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from open access transaction.
- 6.6. All complaints regarding unfair practices, delays, discrimination, lack of information, supply of wrong information or any other matter related to open access in intra- State transmission shall be directed to the Member Secretary, State Power Committee or Member Secretary, Grievance Redressal Committee, as the case may be. SPC or GRC, as the case may be, shall investigate and endeavour to resolve the grievance. The Member Secretary, SPC/ GRC shall forward copy of its decision to the Commission. In case SPC/ GRC is unable to resolve the matter, it shall be reported to the Commission for a decision.
- 6.7. An application involving inter-State transaction shall be governed by the regulations issued by the Central Electricity Regulatory Commission.

Schedule-B

Procedure for Short-Term Open Access

1. OUTLINE

- 1.1. This procedure shall apply to the application made for short-term open access for use of intra-State transmission system and/or distribution system with associated facilities for transmission and/or wheeling of electricity, with or without inter-State transmission system.

Provided that procedure made hereunder shall be in addition to and not in derogation to open access regulations or any procedure made thereunder by the Central Electricity Regulatory Commission for use of inter-State transmission system.

- 1.2. It aims at easy and pragmatic disposal of applications made for short-term access. However, some problems may still be experienced. This procedure shall be reviewed or revised by the Commission by an order suo-moto or on an application moved by the Nodal Agency citing the reasons and/or cases requiring such consideration.

- 1.3. All correspondences shall be addressed to the following Officer of State Load Despatch Centre (SLDC):

Chief Engineer (Power System),
SLDC campus, Vibhuti Khand-II, Gomti Nagar,
(near Mantri Awas),
Lucknow-226 010

Tel: (SLDC to specify on its website)

Fax: (SLDC to specify on its website)

E-mail: (SLDC to specify on its website)

2. REGISTRATION

- 2.1. The short-term open access customer (hereinafter referred to as “customer”) intending to avail short-term access shall obtain ‘One-Time Registration’ on format [FORMAT-ST11] with SLDC. The registration charges will be as specified in SLDC (Fees & Charges) Regulation, as amended from time to time or as specified in any order of the Commission.
- 2.2. SLDC shall convey acceptance of registration or otherwise on format [FORMAT-ST12] to the customer within five working days from the date of receipt of FORMAT- ST11.
- 2.3. The registration shall be valid for specified power in MW and points of injection and drawl for a period of not more than 3 months commencing from the date of registration. Registration may be renewed for each transaction.
- 2.4. Any additional power or change in points of injection and/or drawl shall require fresh registration with SLDC including with or without inter-state network.
- 2.5. The registration of customer is aimed at recording basic inputs of open access transactions on the basis of which operational constraints in transmission and/or distribution system shall be assessed by the SLDC before permitting open access. It should not be mistaken as a grant/guarantee of open access.

3. CONCURRENCE

- 3.1. “Concurrence” shall mean in principle agreement for allowing use of transmission and/or distribution system during a specified period after due verification of spare capacity, any operational constraint and availability of infrastructure for operation of ABT including ABT meters and communication system.
- 3.2. The concurrence shall be applicable for stated power, period of transaction and points of injection and drawl.

- 3.3. The customer shall seek concurrence of STU and/or transmission licensee and/or distribution licensee, as the case may be, involved in transaction on formats [FORMAT-ST13(A)&(B)] after registration. In case of extension beyond the registration period, if the customer is limiting its transaction within the earlier concurred capacity then it does not require fresh registration/concurrence from transmission /distribution licensee however, it will intimate concerned transmission /distribution licensee about the extension within the concurred capacity and the earlier given concurrence shall remain valid till any objection on such concurrence is raised by the concerned transmission / distribution licensee. Provided that concurrence shall not be required in case of day ahead transactions.
- 3.4. STU and/or transmission licensee and/or distribution licensee, as the case may be, shall convey his concurrence or otherwise on formats [FORMAT-ST14(A)&(B)] to SLDC within fifteen days from the date of receipt of FORMAT-ST13(A)&(B).
- 3.5. In case of rejection of request for concurrence, STU or transmission licensee or distribution licensee concerned shall convey reasons to SLDC in writing with a copy to the customer. SLDC shall seek clarification from concerned licensee and take appropriate decision as deemed fit.

4. SUBMISSION OF APPLICATION

- 4.1. The application for grant of open access shall be submitted on format [FORMAT-ST1] for transaction registered for a specified time period as stated above.
- 4.2. It shall be accompanied by non-refundable application fee of Rs. 5,000/- (or as determined by the Commission from time to time by an order) by demand draft,

RTGS/NEFT/IMPS or through any other mode of digital payment in favour of the officer as notified by SLDC payable at Lucknow, submitted by post or in person.

- 4.3. SLDC shall acknowledge receipt of the application with an “ACKNOWLEDGEMENT” to the customer. In case of default in payment of the application fee, SLDC shall reject the application.
- 4.4. The application received by SLDC after 17:00 hrs of a day shall be treated as having been received on the next day.

5. CONFIRMATION OF RESERVATION OF CAPACITY

5.1. Transaction for period not exceeding three months: -

- a) An application for grant of open access commencing in any month may be submitted in a cover marked “Application for Short-Term Open Access - period not exceeding three months” 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.

- b) SLDC shall check transaction for congestion of any element (line and transformer) of transmission and/or distribution system involved in transaction and accordingly permit open access.
- c) SLDC shall convey grant of open access or otherwise in format [FORMAT-ST2] along with schedule of payments to the customer latest by 20th day of such preceding month.
- d) SLDC shall assign specific reasons if open access is denied as specified above.

5.2. Day-ahead Transaction

- a) Day ahead transaction shall be permitted, in case, SLDC notifies on its website of any capacity, which has been expressly surrendered, whole or part thereof, or not in use for more than three days in past.
- b) An application for grant of open access for such capacity may be received by SLDC within three days prior to the date of scheduling but not later than 1300 Hours of the day immediately preceding the day of scheduling for day-ahead transaction.
- c) For example, application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23rd day or up to 1300 hours on 24th day of that month.
- d) SLDC shall check for congestion and inform all concerned, as provided above, of re-allotment of the capacity. All other provisions of registration, application and confirmations shall also apply.

6. BIDDING PROCEDURE

- 6.1. If the capacity sought by the customers is more than the available capacity or SLDC perceives congestion of any element of transmission and/or distribution system involved in transaction before allocation, the allocation shall be made through bidding procedure.
- 6.2. The decision of SLDC in respect of an expected congestion shall be final and binding. SLDC shall convey information of congestion and decision of invitation of snap bids indicating floor price on format [FORMAT-ST3] to the customers.
- 6.3. SLDC may invite bids through fax / e-mail and shall also display bidding information on its website.
- 6.4. The floor price comprising of transmission and/or wheeling charges determined on the basis of relevant order of the Commission shall be indicated in FORMAT-ST3.

- 6.5. The Bids shall be accepted on format [FORMAT-ST4] up to the “bid closing time” as indicated in bidding invitation FORMAT- ST3. Modification / amendment to a bid, once submitted shall not be entertained.
- 6.6. If any customer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed.
- 6.7. SLDC shall not entertain any request for extension of time/date for submission of bids.
- 6.8. Bid price and the approval of the capacity for open access shall be determined as follows:
 - a) The bidders shall quote price (rounded-off to whole number) in denomination in which floor price has been determined.
 - b) The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending until the available capacity is exhausted.
 - c) In case of equal price quoted by two or more customers, the allocation from the residual available capacity at any stage under sub-clause 6.8 (b) shall be made in proportion to capacity being sought by such customers.
 - d) All customers, in favour of whom full capacities have been allotted, shall pay the highest price obtained from bids.
 - e) The customers, who are allotted less capacity, shall pay the price as quoted by them.
- 6.9. SLDC shall reject bid which are in-complete; vague in any manner or not found in conformity with bidding.
- 6.10. The successful bidding customer, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding under sub-clause 6.8 (c) or sub-clause 6.8 (d). These

charges shall be payable along with other charges, as applicable, associated with open access in accordance with open access Regulations.

7. GENERAL

- 7.1. SLDC shall designate an officer as 'Nodal Officer' who shall make correspondence in the matter of open access and be responsible for processing and arranging short-term open access. Similarly, STU, other transmission licensee and distribution licensee shall each nominate 'Coordinator' for necessary co-ordination with SLDC. A public notice to above effect shall be made in newspapers and kept on websites within fifteen days of issue of these regulations under intimation to the Commission.
- 7.2. Separate application shall be made for each open access transaction.
- 7.3. The mode of communication may be fax or e-mail with post confirmation by post or delivered personally.
- 7.4. An application incomplete/vague or not in conformity with the Regulations and procedure shall be summarily rejected and the decision of SLDC in that regard shall be final.
- 7.5. The "day" means a day starting at 00:00 hours and ending at 24:00 hours. For example, in case of application of reservation for time period 22:00 hours to 03:00 hours, reservation of capacity shall be from 22:00 hours to 24:00 hours in the first day and 00:00 hours to 03:00 hours in next day.
- 7.6. In case of the customer/beneficiary being a consumer in the area of supply of a distribution licensee, a copy of application and subsequent correspondences, as considered appropriate shall also be sent to such distribution licensee for the purpose of surcharge and/or additional surcharge.
- 7.7. Any line or transformer or substation involved in an open access transaction shall be exempted from load shedding. SLDC shall be responsible to make proper

arrangements in coordination with transmission / distribution licensee ensuring that the customer remains unaffected in the event of load shedding. Provided that the consumers with contracted demand of more than 1 MW if fed through mixed feeder will be allowed open access subject to their agreeing to the system constraints as well as power cuts imposed on the feeder.

- 7.8. The licensees shall make all reasonable attempts to ensure that operational constraints in transmission and/or distribution systems, as the case may be, including metering, communication system, capacity determination, etc. are removed so that, as far as possible, no eligible customer is denied open access on the ground of operational constraints.
- 7.9. The customer shall establish communication facilities such as telephone, fax, computer and internet facilities etc., as specified in the Regulation, before undertaking transmission of electricity;
- 7.10. SLDC shall maintain up-to-date records of customers and other decisions taken by it on its website and keep the Commission informed.
- 7.11. SLDC may modify formats specified under this procedure as the need be in consultation with STU and information to the Commission. These formats shall also be kept on website.
- 7.12. The customer shall keep SLDC indemnified at all times and shall undertake to indemnify, defend and keep SLDC harmless from any and all damages, losses, claims and actions including those relating to injury to or death of any person or damage to property, demands, suits, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from open access transaction.
- 7.13. All complaints regarding unfair practices, delays, discrimination, lack of information, supply of wrong information or any other matter related to open access in intra- State transmission shall be directed to the Member Secretary,

State Power Committee or Member Secretary, Grievance Redressal Committee, as the case may be. SPC or GRC, as the case may be, shall investigate and endeavour to resolve the grievance. The Member Secretary, SPC/ GRC shall forward copy of its decision to the Commission. In case SPC/ GRC is unable to resolve the matter, it shall be reported to the Commission for a decision.