

RAJASTHAN ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

Jaipur, January 27, 2016

No. RERC/Reg. No. 115 - In exercise of the powers conferred by section 42 and other enabling provisions read with section 181 of the Electricity Act, 2003 and after previous publication, the Rajasthan Electricity Regulatory Commission hereby makes the following Regulations, namely: -

1. Short Title and Commencement

- (1) These Regulations shall be called the **Rajasthan Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2016**.
- (2) These Regulations shall come into force on the date of their publication in official gazette.

2. Definitions

In these Regulations, unless the context otherwise requires –

- (a) "Act" means the Electricity Act, 2003 (36 of 2003);
- (b) "Commission" means the Rajasthan Electricity Regulatory Commission;
- (c) "Day" means a calendar day consisting of 24 hours period starting at 0000 hour;
- (d) "Detailed procedure" means the procedure issued for grant of open access including required formats, prepared in accordance with the provisions of these Regulations;
- (e) "Month" means a calendar month commencing from 00.00 hours of the first day of the month and ending on 24.00 hours of the last day of the month;
- (f) "Nodal Agency" means the agency to whom the application for grant of open access is to be submitted. The State Transmission Utility (STU) shall be the Nodal Agency for grant of Long Term Open Access and Medium Term Open Access whereas the State Load Despatch Centre (SLDC) shall be the Nodal Agency for grant of Short Term Open Access. However for the purpose of issue of No Objection Certificate/ Concurrence/ Prior Standing Clearance in respect of inter-State transactions, the Nodal Agency shall be as specified in the relevant CERC Open Access Regulations;
- (g) "Open Access Customer" means:
 - (i) a consumer permitted by the State Commission to receive the supply of electricity from a person other than Distribution Licensee of his area of supply, or;
 - (ii) a generating company (including captive generating plant) who has availed of or intends to avail open access, or;
 - (iii) a licensee, who has availed of or intends to avail open access;
- (h) "Open access consumer" means a consumer permitted by the Commission to receive completely or partly for its consumption the supply of electricity from a person other than Distribution Licensee of his area of supply;
- (i) "Open access supplier" means a generation company, or a trader or a licensee or a person effecting supply to open access consumer;
- (j) "State" means the State of Rajasthan;
- (k) Words and expressions occurring in these Regulations and not defined herein above shall bear the meaning assigned to them in the Act.

3. Extent of Application

These Regulations shall apply to open access for use of 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. Eligibility for Open Access and Conditions to be satisfied

- (1) Subject to the provisions of these Regulations, the Licensees, generating companies including persons who have established a captive generating plant and consumers shall be eligible for open access to the intra-State transmission system of the State Transmission Utility or any Transmission Licensee on payment of transmission and wheeling charges as may be determined by the Commission.

Provided that such open access for the use by a consumer shall be available on payment of a cross subsidy surcharge and additional surcharge as may be determined by the Commission in accordance with provisions of regulation 16 and 17 in addition to payment of transmission and wheeling charges.

- (2) Subject to the provisions of these Regulations, the licensees, generating companies including persons who have established a captive generating plant and consumers shall be eligible for open access to distribution system of a Distribution Licensee on payment of the wheeling charges as may be determined by the Commission.

Provided that such open access for the use by a consumer shall be available on payment of a cross subsidy surcharge and additional surcharge as may be determined by the Commission in accordance with provisions of regulation 16 and 17 in addition to payment of wheeling charges.

- (3) The Open Access is admissible to consumers with contract demand of one MVA and above.

Provided that the consumer applying for open access should have availed a demand of one MVA at any time in the month preceding the month in which he is applying for open access.

Provided further that a person covered by a policy of the State Government, existing on the date of commencement of these Regulations, relating to captive generation or generation through non conventional energy sources shall be eligible to avail open access irrespective of contract demand.

- (4) Subject to the provisions of these Regulations, consumers who are connected at 33 kV or below Grid Sub Station or connected on common feeder irrespective of their voltage of supply, shall be allowed open access subject to the condition that they agree to rostering restrictions including power cut imposed by the licensee on the feeders serving them.

- (5) No power cut shall be imposed by the licensee on open access consumers who are on independent feeders connected to 132 kV or above Grid Sub Station irrespective of their supply voltage to the extent of power availed through open access.

Provided that in case power is drawn from the licensee beyond the scheduled power during power cut period, the licensee shall bill the excess energy drawn during this period at four times the tariff applicable to that consumer category. The licensee may also disconnect the feeders if system

conditions so warrant and no compensation shall be paid for the un-utilised open access power. The supply shall be restored on submission of written undertaking to adhere to the schedule. In case the default persists for a continuous period of 3 days, the facility of open access shall be liable to be withdrawn for a month.

- (6) The consumers availing single point supply from Discom and making electricity available to multiple users shall not be eligible to avail open access.
- (7) A person having been declared insolvent or bankrupt or having outstanding dues against him for more than 2 months billing of Transmission or Distribution Licensee, shall not be eligible for open access.

5. Special Provisions for existing Distribution Licensees

The Distribution Licensees, using intra-State transmission system and the distribution system in the State under an existing agreement or arrangement on the date of coming into force of the RERC (Terms and Conditions for Open Access) Regulations, 2004, shall be entitled to continue to avail open access to such transmission and distribution system on the same terms and conditions for the term of the existing agreement or arrangement on payment of transmission charges and wheeling charges as may be determined by the Commission.

6. Provisions for existing consumers and generating companies

The existing consumer or an existing generating company other than the licensees availing open access under government policy or under agreements entered on the date of coming into force of RERC (Terms and Conditions for Open Access) Regulations, 2004 may continue to avail open access on terms and conditions laid down under these Regulations to the extent they are not covered by any policy directive by the State Government to the Commission.

7. Categorisation of Intra-State Open Access Customers

Subject to the provisions of regulations 5 and 6, the open access customers shall be classified into the following categories:

- (1) Long term open access customer
A person who has availed or intends to avail access of intra-State transmission system and/or distribution system under these regulations for a period of at least 12 years but not exceeding 25 years.
- (2) Medium term open access customer
A person who has availed or intends to avail access of intra-State transmission system and/or distribution system under these Regulations for a period of at least three months but not exceeding 3 years.
- (3) Short term open access customer
A person who has availed or intends to avail access of intra-State transmission system and/or distribution system under these Regulations for a period upto one month at a time.

8. Allotment Priority

The priority for allowing open access to persons other than those covered by regulations 5 and 6 shall be decided on the following criteria:

- (a) A Distribution Licensee shall have the first priority in allotment of open access capacity irrespective of whether the open access request is for long term, medium term or short term;

- (b) The applicant for long term open access other than Distribution Licensee shall have the priority next to the Distribution Licensee;
- (c) The applicant for medium term open access shall have the priority next to the long term open access applicants;
- (d) The applicant for short term open access shall have the priority next to the medium term open access applicants;
- (e) An existing open access customer shall have priority higher than new open access applicant under respective category provided the existing open access customer applies for renewal within the timeframe specified under these Regulations;
- (f) When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement to the available capacity, the request of applicant having next lower priority shall be taken up for consideration;
- (g) All applications for long term or medium term or short term open access shall be processed on first-come-first-served basis separately for each of the aforesaid types of open access.

Provided that applications received during a month or upto the date specified under these Regulations shall be construed to have arrived concurrently;

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

9. Detailed Procedure and Criteria for allowing Open Access

- (1) The Transmission Licensee and Distribution Licensee shall provide open access to its transmission and distribution system under these Regulations as provided in the Electricity Act, 2003.
- (2) Subject to provisions of these Regulations, the State Transmission Utility in consultation with SLDC shall prepare the detailed procedure for grant of open access including requisite formats and submit to the Commission for approval within 30 days of publication of these Regulations in Official Gazette. The detailed procedure shall be issued by STU after approval of the Commission.
- (3) The detailed procedure shall, in particular, include:-
 - (a) Format for application of Long Term Open Access;
 - (b) Format for application of Medium Term Open Access;
 - (c) Format for application of Short Term Open Access;
 - (d) Proforma for No Objection Certificate from Distribution Licensee;
 - (e) Standard formats for Open Access Agreements;
 - (f) Proforma of Undertaking;
 - (g) Commercial terms and conditions as per sub-regulation 24 (3);
 - (h) Guidelines for curtailment of Open Access;
 - (i) Illustrative example for computation of penalty in case a consumer of Distribution Licensee availing open access exceeds the admissible drawal as per regulation 26;
 - (j) General instructions.
- (4) Before awarding long term open access, the State Transmission Utility/ Distribution Licensee shall consider the planned augmentation of intra-State transmission system/ distribution system.

- (5) Medium term open access & short 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 and short term open access.

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

- (6) An applicant may be required to construct a dedicated line to the point of connection to enable connectivity to the grid, as decided by the State Transmission Utility or Distribution Licensee as the case may be.
- (7) The capacity available for open access between the injection point and drawal point shall be evaluated after considering the following factors:
- (i) The anticipated power flow, based on the load flow studies, on the transmission/distribution system which is forming part of evacuation system of generating station at rated output after considering "N-1" contingency;
 - (ii) Maximum power flow recorded in the previous year on the transmission/distribution system. Thereafter, a growth of 5% per annum in the transmission system and 10% per annum in the distribution system shall be considered;
 - (iii) All the capacity allotted for open access customers for the period under consideration is required to be considered;
- (8) For the purpose of clause 9(7), transmission system capacity for interconnected system between point of injection and point of drawal shall be based on load flow studies, taking into consideration the planning criterion as per clause 3.5 of IEGC as amended from time to time normally considering rated transformation capacity of GSS and surge impedance loading of transmission lines.

Provided that: -

- (i) For a double circuit line not emanating from a generating station, outage of a single circuit shall be considered;
 - (ii) For single circuit line or single transformer only, between point of injection and point of drawal, outage of line or transformer shall not be considered;
 - (iii) For shorter length of line, higher capacity may be considered based on voltage regulation and conductor size.
- (9) Intending customer shall be informed of the relevant system conditions while allotting capacity.

10. Procedure for Long Term Open Access

- (1) A long term intra-State open access customer shall file an application to the Nodal Agency with details such as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing open access and any other additional information that may be required by the Nodal Agency.

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

- (2) A customer intending to avail open access shall also submit a copy of his application to the Distribution Licensee(s) of his area of supply.
- (3) The application shall be submitted in the format prescribed in the detailed procedure.
- (4) The application shall be accompanied by a non refundable fee of Rs. 100000/- (Rs. One lac only) in the name and in the manner laid down in the detailed procedure.
- (5) The application shall be accompanied by a bank guarantee, corresponding to Rs. 10000/MW (Rs. Ten Thousand per MW) of the total power to be transmitted, from a Nationalized or Scheduled Bank valid for a period of one year in favour of STU, in addition to the specified application fee.
- (6) The bank guarantee shall be kept valid and subsisting till the commencement of long term open access. The bank guarantee may be encashed by the STU, if the application is withdrawn by the applicant or the long term open access rights are relinquished prior to the start of such rights, i.e., the day on which open access starts.
- (7) The State Transmission Utility shall, in consultation with State Load Dispatch Centre, Transmission and Distribution Licensees and based on system studies by the concerned licensee or otherwise, assess the capacity available and communicate the decision to the applicant within 60 days of the receipt of the application.

Provided that if, in the opinion of the State Transmission Utility, further system strengthening of transmission/distribution system is essential before providing long term open access, the State Transmission Utility shall intimate the cost estimates, likely completion schedule and estimated date from which open access shall be allowed after system strengthening within 90 days of the receipt of the application.

Provided further that if system strengthening of network of Distribution Licensee is required, the cost estimate & likely completion schedule shall be intimated by Distribution Licensee to the STU within 45 days of receipt of application.

- (8) The customer shall accordingly deposit the estimated amount for works to the STU and the concerned Distribution Licensee, as the case may be.

Provided that in case the applicant does not agree to avail open access with system strengthening, his application shall be rejected and the Bank Guarantee shall be released.

- (9) In case a subsequent application for grant of LTOA is received within 5 years of grant of LTOA to a previous applicant wherein the dedicated system created at the expense of previous applicant can be used, then the

subsequent applicant shall reimburse cost for use of such dedicated system to the previous applicant on proportionate basis of the capacity for which LTOA is granted to both applicants. This arrangement shall be subject to mutual consent of both parties.

- (10) Before the expiry of the period of long term open access, the same may be extended by the State Transmission Utility on receipt of a written request from such customer accompanied by a fee as prescribed at sub regulation (4) above.

Provided that such request is submitted at least one year prior to the date on which the long term open access allowed ends. The long term open access customer shall clearly mention in the request the period for which extension is required.

- (11) A customer seeking long term open access on inter-State network in conjunction with intra-State network shall submit application as detailed in sub regulation (1) above to the Nodal Agency, alongwith a copy to the Distribution Licensee of his area of supply, for issue of no objection certificate/concurrence/prior standing clearance accompanied with fee and bank guarantee as prescribed in sub regulation (4), (5) and (6) above. The application shall be processed as per sub regulation (7), (8) and (9) above. "

11. Procedure for Medium Term Open Access

- (1) A medium term intra-State open access customer shall file an application to the Nodal Agency with details such as capacity needed, generation planned or power purchase contracted, point of injection, point of drawal, duration of availing open access and any additional information as may be required by the Nodal Agency. The application shall be accompanied by a certificate from STU/Distribution Licensee, as the case may be, to the effect that ABT compliant meters are installed as per relevant Regulations.

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

- (2) A consumer intending to avail open access shall also submit a copy of his application to the Distribution Licensee of his area of supply.
- (3) The application shall be submitted in the format prescribed in the detailed procedure.
- (4) The application shall be accompanied by a non refundable fee of Rs. 20000/- (Rs. Twenty Thousand Only) in the name and in the manner laid down in the detailed procedure.
- (5) 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.
- (6) The Nodal Agency shall seek No Objection Certificate from the concerned Distribution Licensee, in case the applicant is the consumer of the Distribution Licensee, before granting open access to any customer.

- (7) The application shall be disposed off within 30 days from the last day of the month in which the application was received.
- (8) On being satisfied that the specified requirements with respect to criteria for granting medium term open access are met, the Nodal Agency shall grant medium term open access for the period stated in the application.

Provided that for reasons to be recorded in writing, and with the consent of the applicant, the Nodal Agency may grant medium term open access for a period less than that sought for by the applicant.

Provided further that in case the open access capacity available is less than capacity sought and there are two or more applications for same period, then the available capacity shall be proportionally allotted to each applicant if they so consent.

- (9) After grant of medium term open access, the State Load Despatch Centre shall keep in view the allowed medium term open access contracted demand while processing requests for short term open access received under these Regulations.
- (10) Before the expiry of the period of medium term open access, the same may be extended by the Nodal Agency on receipt of a written request from such customer accompanied by a fee as prescribed at sub regulation (4).

Provided that such request is submitted at least one month prior to the date on which the medium term open access allowed ends. The medium term open access customer shall clearly mention in the request the period for which extension is required.

- (11) A medium term open access customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the Nodal Agency by making payment of compensation as per these regulations.
- (12) A customer seeking medium term open access on inter-State network in conjunction with intra-State network shall submit application as detailed in sub regulation (1) above to the Nodal Agency for issue of no objection certificate/ concurrence/ prior standing clearance accompanied with fee as prescribed in sub regulation (4) above and a no objection certificate from the concerned Distribution Licensee in case the applicant is consumer of Distribution Licensee.

12. Procedure for Short Term Open Access

(1) Open Access in advance:

- (i) An application for seeking intra-State short term open access in advance, may be submitted to the Nodal Agency for a period upto fourth month, considering the month in which the application is made being the first month;

Provided that separate application shall be made for each month and each transaction.

- (ii) The application shall be submitted in the format prescribed in the detailed procedure;
- (iii) The application shall contain details such as capacity required, generation planned or power purchase contracted, point of injection, point of drawal,

duration of availing open access, details of other open access approved/applied if any during the period for which open access is applied alongwith requisite undertaking and such other additional information as may be required by the Nodal Agency. The application shall be accompanied by a certificate from STU/Distribution Licensee, as the case may be, to the effect that ABT compliant meters are installed as per relevant Regulations along with non-refundable application fee amounting to Rs 5000/- (Rs. Five Thousand Only) through demand draft;

Provided that if the open access is sought for the first time or quantum of open access is changed from the previously approved quantum, the application shall also be accompanied by a No Objection Certificate from the concerned Distribution Licensee(s) in the proforma prescribed in the detailed procedure.

- (iv) An application for grant of short term open access commencing in any month including the request for extension of existing open access accompanied with application fee as above may be submitted in a cover marked "Application for Short Term Open Access in advance for the month(—)" up to 15th day of the preceding month to SLDC.
For example, application for grant of open access commencing in the month of July shall be submitted up to 15th day of June;
- (v) Nodal Agency shall acknowledge receipt of the application by indicating time and date on "ACKNOWLEDGEMENT" to the applicant;
- (vi) A customer intending to avail intra-State short term open access shall furnish a copy of the application to the Transmission and Distribution Licensee of his area of supply;
- (vii) The Nodal Agency shall take a decision on the applications for intra-State short term open access in the manner provided below;
 - (a) All applications received up to 15th day of the month shall be taken up for consideration together and processed as per allotment priority criteria specified in these Regulations;
 - (b) The Nodal Agency, before granting intra-State open access, shall take into consideration the resultant congestion of any element, line or transformer of the transmission and distribution system involved in the proposed short term transaction;

Provided that no system augmentation shall be done in order to allow short term open access to a customer. However, the customer may at his own cost augment the distribution/ transmission system in order to avail open access.

- (c) The Nodal Agency shall, after satisfying itself that the application is complete in all respects, convey grant of open access in prescribed format along with schedule of payments to the applicant latest by 22nd day of the month in which applications were received or otherwise the Nodal Agency shall record the reasons in writing in case open access is denied to any applicant.
- (2) Limited Period Open Access:**
- (i) An application for grant of 'limited period' intra-State open access may be submitted to the Nodal Agency within three days prior to the start date of

open access but not later than 10:00 AM of two days prior to the start date of open access for a maximum period of 5 days;

- (ii) The Nodal Agency shall check for resultant congestion due to the proposed 'limited period ' intra-State open access transaction and convey approval by 6:00 PM of two days prior to the start day of open access on first come first served basis in the format prescribed in the detailed procedure;

For example, application for limited period transaction starting from 25th day of July shall be received from 22nd day to 10:00 AM on 23rd day of July for a period upto 29th July and the same shall be disposed off upto 6:00 PM of 23rd July.

- (iii) All other provisions for intra-State short term "open access in advance" shall apply for limited period open access.

(3) Bidding procedure:

- (i) If the capacity sought by the customers for "Open Access in advance" for the following month is more than the available capacity or Nodal Agency perceives congestion of any element of transmission and distribution system involved in the transaction, the allocation shall be made through electronic bidding;
- (ii) The decision of Nodal Agency in respect of an expected congestion shall be final and binding on all the parties;
- (iii) Nodal Agency shall convey to the applicants, the information of congestion and decision for invitation of bidding indicating floor price in the prescribed format;
- (iv) Nodal Agency shall also display bidding information on its website;
- (v) The floor price of transmission and wheeling charges determined on the basis of relevant order of the Commission shall be indicated in the prescribed format;
- (vi) The bids shall be accepted on the prescribed format up to the "bid closing time" as indicated in bid invitation notice. Request for modification / amendment to a bid, once submitted, shall not be entertained;
- (vii) If any applicant does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed;
- (viii) Nodal Agency shall not entertain any request for extension of time / date for submission of bids;
- (ix) The bidders shall quote price in denomination in which floor price has been determined;
- (x) The quoted prices shall be stacked in a descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is fully exhausted;
- (xi) In case of a tie in the bid price of two or more applicants, the allocation from the residual available capacity at any stage shall be made in proportion to capacity being sought by such applicants;

- (xii) The open access customers, who are allotted less capacity than sought for, shall pay the price as quoted by them which shall in no case be less than the floor price;
 - (xiii) All open access customers, in favour of whom full capacities have been allotted, shall pay the price quoted by the last applicant getting approval of its full quoted capacity;
 - (xiv) Nodal Agency shall reject bids which are incomplete, vague in any manner or not found in conformity with the guidelines.
- (4) The capacity reserved for a short term open access customer is strictly non-transferable.
 - (5) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity may be assigned to any other short term open access customer in accordance with these Regulations.
 - (6) A customer seeking short term open access on inter-State network in conjunction with intra- State network shall submit the application as detailed at sub regulation (1) (iii) to the Nodal Agency for issue of No Objection certificate/ concurrence/prior standing clearance.

13. Open Access Agreement/Undertaking

- (1) A long/medium term open access consumer shall enter into a commercial agreement with the open access supplier. The agreement shall provide, among other things, the eventuality of premature termination of agreement and its consequences on the contracting parties.
- (2) A long/medium term open access customer shall enter into a commercial agreement with the STU for use of state transmission system in accordance with the provisions as may be made in the detailed procedure. In case the connection is made with the network of an intra-State Transmission Licensee other than the STU, the applicant shall sign a tripartite agreement with STU and the intra-State Transmission Licensee.
- (3) A long/medium term open access customer shall enter into a commercial agreement with the Distribution Licensee for use of the distribution system and for stand by and start up supply to meet the outage contingency of generating unit supplying electricity.

Provided that standby and start up supply during a month shall be billed at temporary supply tariff on daily basis as per tariff for supply of electricity notified by the Commission for respective consumer category. However such generator/ consumer shall pay the fixed charges for minimum 42 days in a year.

Provided, further that in case an open access customer does not contract for standby or startup supply, it can apply for temporary supply as and when required to meet the outage contingency as per prevailing terms & conditions of supply of the Distribution Licensee.

- (4) A long/medium term open access customer shall enter into a supplementary agreement for any change in the aforesaid agreements for open access supply for:

- (i) use of STU/ Transmission Licensee's system in the prescribed format and/ or;
 - (ii) use of distribution system of Distribution Licensee for HT supply or standby/start up supply.
- (5) The standard formats for open access agreements referred at sub Regulations (2), (3) & (4) shall be issued in the detailed procedure. The agreement executed may have terms and conditions different from such standard agreement formats subject to RERC approval.
 - (6) Copies of the agreements executed shall be supplied to the State Load Dispatch Center (SLDC). SLDC shall intimate the open access customer the date from which open access shall be available which shall not be later than 3 days from the date of furnishing of agreements.
 - (7) A short term open access customer shall submit an undertaking on Non Judicial Stamp Paper of Rs 100 (Rupees One Hundred Only) to the Nodal Agency alongwith the application as per the proforma prescribed in the detailed procedure. The undertaking shall be based on the RERC Open Access Regulations 2016 as amended from time to time.
 - (8) The prevalent HT/EHT power supply agreement with the Distribution/ Transmission Licensee shall continue to exist with the agreements/ undertakings signed as above so far as it is not in-consistent with these Regulations.
 - (9) Whenever the open access contract demand and/or stand by and start up supply contract demand are over & above the HT supply contract demand, supply voltage for an open access customer shall be determined on the basis of HT supply contract demand plus open access contract demand and/or stand by & start up supply contract demand.

14. Non-Utilisation of Open Access Capacity

In case an open access customer is unable to utilize full or part of the capacity allotted to him, he shall inform the State Transmission Utility and State Load Despatch Centre and may surrender the capacity allotted to him by serving a notice as detailed below:

- (1) A long term open access customer who has availed open access rights for at least 12 years may relinquish the long term open access rights fully or partly before the expiry of the full term of long term open access, by making payment of compensation for stranded capacity as under:
 - (a) If a long term open access 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 open access rights, he shall be liable to pay no charges;
 - (b) If a long term open access 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 open access rights, such customer shall pay an amount equal to 66% of the transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/ or distribution capacity for the period falling short of a notice period of one (1) year.
- (2) A long term open access customer, who has not availed open access rights for at least 12 (twelve) years, shall pay an amount equal to 66% of the

transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of open access rights subject to a maximum period of three years.

Provided that such an open access 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 open access rights.

Provided further that in case such an open access customer submits an application for relinquishment of long term open access rights at any time at a notice period of less than one year, then such open access customer shall pay an amount equal to 66% of the transmission and wheeling charges, as applicable on the date from which the open access right is relinquished, for the period falling short of a notice period of one (1) year, in addition to 66% of the transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of open access rights subject to a maximum period of three years.

- (3) A medium term open access customer may relinquish open access rights, fully or partly, by giving at least 30 days prior notice to the Nodal Agency and such medium term open access customer shall pay applicable transmission and wheeling charges for the period of relinquishment or 30 days whichever is less.
- (4) No refund shall be made by the Distribution/ Transmission Licensee to an open access customer who has created the system at his own cost for availing open access irrespective of whether he avails the open access for full term or partly.
- (5) Short term intra-State open access customer shall not be permitted to relinquish or reduce the allotted capacity. However, the Nodal Agency may allot the surplus capacity available on account of non-utilization by the short term open access customer in such manner as may be found appropriate.

15. Charges for Open Access

- (1) The open access customer shall pay the transmission charges and wheeling charges as determined from time to time.

Provided that the transmission and wheeling charges shall be payable on the basis of open access capacity contracted or open access capacity utilized whichever is higher. The excess open access capacity utilized up to 5% of open access capacity allocation occurring to the extent of two time blocks of 15 minutes each during a month shall be exempted.

- (2) In case intra-State transmission system 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 system in addition to payment of transmission charges for inter-State transmission.
- (3) The open access charges for consumers availing Net Metering shall be settled in accordance with RERC Net Metering Regulations, 2015 as amended from time to time.

16. Cross Subsidy Surcharge

- (1) In addition to transmission charges and wheeling charges, a consumer availing open access to the transmission system and/or distribution system shall pay a cross subsidy surcharge worked out in the manner laid down in the Regulations in force from time to time relating to Terms and Conditions of Tariff of Distribution Licensee.

Provided that the surcharge shall also be paid by a consumer who avails electricity from a person other than the Distribution Licensee of its area of supply irrespective of whether it uses the transmission and/or distribution system of the licensee or not.

Provided further that cross subsidy surcharge in respect of open access transactions based on renewable energy based power stations shall be governed as per relevant Regulations in force for determination of tariff of such plants and RERC Net Metering Regulations.

Provided further that no surcharge shall be levied in respect of open access power purchase during the period when full power cut restrictions are imposed by the Distribution Licensee.

- (2) The consumers located in the area of supply of a Distribution Licensee but availing open access exclusively on inter-State transmission system shall also pay the surcharge as determined under these Regulations.

17. Additional Surcharge

- (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, 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.
- (2) The Distribution Licensee whose consumers intend to avail open access shall file a petition to the Commission, along with petition for determination of retail tariff, for determination of the additional surcharge to be levied from open access consumers. The petition shall contain details of quantum of stranded costs and the period over which these remained stranded and would be stranded.
- (3) The Commission shall scrutinize the statement of calculation of such stranded fixed cost submitted by Distribution Licensee and determine the amount of additional surcharge.
- (4) The consumers located in the area of supply of a Distribution Licensee but availing open access exclusively on inter-State transmission system shall also pay the additional surcharge as determined under these Regulations.

18. Metering

- (1) The open access customer shall provide Main Meters, Check Meters and Standby Meters based on voltage, point and period of supply/drawal and tariff category as specified in CEA (Metering Regulations) 2006 and RERC (Metering) Regulations 2007 as amended from time to time, at his own cost.

- (2) The open access customer shall get his meters tested periodically as specified in RERC Metering Regulations 2007 as amended from time to time after depositing necessary testing fee with the concerned Distribution Licensee.
- (3) The Main, Check and Standby Meters shall be tested, calibrated & sealed by Distribution Licensee in the presence of the other party involved and representative of concerned Transmission Licensee/STU if meter is installed at their grid sub station. Any defective meter shall be replaced within 30 days, failing which the customer shall be disallowed open access.
- (4) Main, Check and Standby Meter readings shall be taken periodically on appointed day and hour by an authorized officer of the Distribution Licensee. The customer or his representative may also be present. The Meter readings shall be immediately communicated to the State Load Dispatch Centre/ Central Billing Station, the customer, the Distribution Licensee effecting supply to the open access consumer, the State Transmission Utility and the Generating Company/ Trader, as the case may be, by the Distribution Licensee, within 12 hours. The Check Meter reading shall be considered if the Main Meter is found to be defective or stopped.

Provided that if difference between the readings of Main and Check Meter vis-à-vis Main Meter reading exceeds twice the percentage error applicable to the relevant class, both meters shall be tested and the one found defective shall be immediately replaced and reading of the other shall be considered.

- (5) Main, Check and Standby Meters shall have facility to communicate its reading to State Load Dispatch Centre/ Central Billing Station on real time basis. The term 'Meter' shall be as defined in RERC (Metering) Regulations in force from time to time.
- (6) In case both the Main Meter as well as Check Meter installed at the drawal/ injection end are found to be defective, the reading of Standby Meter shall be considered. Such reading from the Standby Meter shall be adjusted with the actual line loss between the point of installation of Main Meter and Standby Meter based on data available up to preceding three months.

19. Communication Facility

- (1) The open access customer who is on independent feeder connected to 132 kV or above Grid Sub Stations shall provide for or bear the cost of equipments for communication of power system data such as meter readings, power flow (active and reactive), voltage, frequency and status of switches/transformer taps and others parameters as prescribed by the SLDC up to Sub Load Despatch Centre/ State Load Dispatch Centre with two communication channels on real time basis.
- (2) An open access customer shall have round the clock facility of communication with SLDC and Central Billing Station through: -
 - (i) Telephone /Mobile with S.T.D;
 - (ii) Transmission / receipt of Fax and E-mail.

20. State Load Despatch Centre (SLDC) fee and charges

SLDC fee and charges including scheduling and operating charges shall be payable as specified in the Rajasthan Electricity Regulatory Commission (Levy of fee and charges by SLDC) Regulations, 2004 as amended from time to time.

21. Unscheduled Interchange Pricing

The payment settlement for mismatch between the schedule and the actual drawal/ injection in both intra-State and inter-State transactions by customers connected to transmission/ distribution network of the State licensees shall be governed by the pricing mechanism as specified below:

- (i) Any under-injection with respect to the schedule approved by the SLDC by an open access customer shall be settled at higher of the applicable deviation rates as notified in CERC Deviation Settlement Mechanism Regulations 2014 amended from time to time or energy charge at the rate of Temporary Tariff applicable for HT (NDS) category as determined by the Commission from time to time;
- (ii) Any over-injection upto 5% in a time block of 15 minutes and averaging upto 1% over a day with respect to the schedule approved by the SLDC by an open access customer shall be compensated at the deviation charge rate at frequency of 50 Hz. or applicable deviation charge rate (as notified in CERC Deviation Settlement Mechanism Regulations 2014 amended from time to time) whichever is less;
- (iii) Any underdrawl with respect to the schedule approved by the SLDC by an open access consumer shall not be compensated and this underdrawl shall be considered to be attributable to the consumer;
- (iv) Any over drawl with respect to the schedule approved by the SLDC by an open access customer who is not a consumer of Distribution Licensee of his area of supply shall be settled at higher of the applicable deviation rates (as notified in CERC Deviation Settlement Mechanism Regulations 2014 amended from time to time) or energy charge at rate of Temporary Tariff applicable for HT (NDS) category as determined by the Commission from time to time;
- (v) Any over drawl with respect to the schedule approved by the SLDC, by an open access customer who is also a consumer of Distribution Licensee of his area of supply, shall be considered as the drawal from Discom and the open access consumer shall be required to pay charges for the excess capacity utilized computed in the manner specified in regulation 26 for the entire month equal to the same percentage of the fixed and energy charges by which percentage the excess demand has actually been availed during the month on the rates specified in the tariff orders in force. However, the excess capacity utilized up to 5% of capacity allocation occurring to the extent of two time blocks of 15 minutes each during a month shall be exempted.

22. Reactive Energy Charges

- (1) Open access consumer shall pay/ receive for the reactive energy charges as follows:
 - Open access consumer pays for VAR drawal when voltage at the metering point is below 97%
 - Open access consumer gets paid for VAR return when voltage is below 97%
 - Open access consumer gets paid for VAR drawal when voltage is above 103%
 - Open access consumer pays for VAR return when voltage is above 103%
- (2) Rate of VAR charges shall be as specified by CERC from time to time.

23. Energy Losses

- (1) The transmission losses to the existing Distribution Licensees shall be apportioned to them in proportion to actual energy drawal.

- (2) The energy losses of the transmission and distribution system shall be adjusted in proportion to the energy injection/drawal by the open access customer as under:-
- (a) Transmission losses as approved in ARR and Tariff order for the respective Financial Year;
- Provided that in case the tariff order is issued after 1st April of Financial Year, then losses as approved in previous year tariff order shall be applicable up to the date of issue of tariff order for relevant year.
- (b) Distribution system losses as approved by the Commission for the voltage level at which the OA customer is connected.
- (3) The energy losses of the inter-State transmission system shall be adjusted as per the scheme notified by the Central Commission.

24. Payment Security and Other Commercial Conditions

(1) For Long Term & Medium Term Open Access Customer

- (a) As a payment security towards transmission charges, open access customer shall deposit an amount equal to 3 months of the transmission charges for allotted open access capacity with the State Transmission Utility;
- (b) As a payment security towards SLDC charges, open access customer shall deposit an amount equal to 3 months of the SLDC fee and charges including scheduling and operating charges for allotted open access capacity with the State Load Dispatch Centre;
- (c) As a payment security towards wheeling charges, cross subsidy surcharge and additional surcharge, a deposit equal to 3 months of billing for these charges for allotted open access capacity shall be maintained with the Distribution Licensee of the area of supply;

Provided that unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW or vice versa.

Provided further that, in case of an existing open access customer availing open access for more than a financial year, security shall be revised on the basis of average monthly open access charges of the previous financial year.

Provided further that, the IPPs/ CPPs selling power outside the State, shall also deposit a security towards under injection, if any, with the Distribution Licensee, equivalent to 10% of the proposed monthly contracted generation for sale, at the energy charge rate of HT Industrial tariff, the amount of which shall be recalculated after the actual sale of the previous quarter of the financial year.

- (d) Such security may be in the form of cash deposit/ demand draft.

(2) For Short Term Open Access Customer

An open access customer shall pay the transmission charges, SLDC charges, wheeling charges, surcharge, additional surcharge, and such other charges as applicable, in advance for the period for which the open access has been granted.

- (3) The other commercial conditions for transmission charges, wheeling charges and scheduling & system operation charges, such as, terms of payment, creditworthiness, indemnification, and force majeure conditions shall be as provided in the detailed procedure.

25. Adjustment of Energy

- (1) The priority of adjustment of energy drawal by an open access consumer from different sources shall be as per the following sequence of reducing priority and shall be implemented for each time block:
- (i) Renewable power generation;
 - (ii) CPP;
 - (iii) Banked Energy to be settled in 15 min time block = Banked energy available at the end of previous month in kWh / (96 time blocks* Actual no. of days in current month);
 - (iv) Long Term Bilateral purchase;
 - (v) Medium Term Open Access;
 - (vi) Short term inter-State open access including Power Exchange Transaction;
 - (vii) Short term intra-State open access;
 - (viii) Distribution Licensee.
- (2) In case of generators selling power to multiple persons/ consumers, the priority for adjustment of energy sale shall be as follows:
- (i) Distribution Licensee;
 - (ii) Captive use;
 - (iii) Long term bilateral sale followed by medium term bilateral sale and further by short term bilateral sale;
 - (iv) Sale through power exchange.

Provided, the generator selling power to Distribution Licensee may make an application to the Distribution Licensee for change in priority of sale which shall be governed as per the existing agreement between the generator and the Distribution Licensee.

26. Compliance and Grid Discipline

- (1) The open access customer shall abide by the Indian Electricity Grid Code, the State Grid Code and instructions given by State Transmission Utility and State Load Dispatch Centre as applicable from time to time.
- (2) The open access customer shall also comply with the requirements of the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 as amended from time to time.
- (3) The open access consumer shall restrict the sum of his total drawal from all sources including open access and Distribution Licensee up to the total sanctioned contract demand with the Distribution Licensee.

Provided that open access may be allowed over and above the contract demand to a consumer who sources power both by captive generation and Discom to the extent of captive power supply subject to availability of transmission and/or distribution system as the case may be.

Provided further that long term open access may be allowed over and above the contract demand to the extent of sanctioned open access capacity.

- (4) The consumer shall be levied fixed charge based on the maximum demand recorded in the ABT meter as per tariff applicable from time to time.

Provided that if the open access is allowed over and above the contract demand in terms of proviso to sub regulation (3) above, the fixed charges shall be levied based on the total demand recorded in the ABT meter less open access demand scheduled in terms of proviso of sub regulation (3) above.

- (5) The long term/ medium term open access customer shall provide the injection schedule at the generator end and drawal schedule at the supply end to SLDC, RDPPC, supplier end Distribution Licensee and to the consumer end Distribution Licensee before 10.00 AM of the day preceding the day of scheduling. The Injection schedule shall have the open access consumer and supplier identification. Where open access is provided to more than one open access consumer, supplier shall provide a break up of injection schedule as applicable to each open access consumer considering that the adjustment of energy in such case shall be as per Regulation 25.
- (6) The short term open access customer shall provide the injection/ drawal schedule for intra-State transactions every day to the SLDC, RDPPC and the Distribution Licensee before 10:00 AM of the day preceding the day of drawal/injection as per the open access capacity sanctioned.
- (7) The power purchase under short term inter-State open access including transactions through power exchange shall be subject to the following:
- (i) The consumer shall schedule power from open access for complete 24 hours of the day.
 - (ii) The consumer shall intimate in writing the block wise maximum power to be scheduled from inter-State open access each day to the SLDC, RDPPC and Distribution Licensee before 10:00AM of the day preceding the day of drawal.
 - (iii) The schedule so given shall be uniform at least for a period of eight hours and the minimum schedule during the day shall at any time not be less than 75% of the maximum schedule of the day.
 - (iv) The schedule so given shall be used to calculate the block wise maximum admissible drawal from the Discom.
 - (v) If actual schedule approved in inter-State transactions is less, then the admissible drawal shall be reduced to that extent.
- (8) If the actual drawal in a block is higher than the admissible drawal, then the percentage excess drawal shall be calculated on the admissible drawal and the highest percentage of such excess drawal of all blocks during a month shall be considered as excess capacity (demand) utilized during that month and shall be billed as per regulation 21 (v).
- (9) Annual maintenance outage, other maintenance outage and forced outage shall be subject to the provisions of the State Grid Code. Intimation of the forced outage shall be sent to SLDC and to the Distribution Licensees, within 30 minutes of the outage and shall incorporate the estimated outage/rectification time. Restoration of unit under outage shall be conveyed to SLDC at least 30 minutes prior to its synchronization with the State Grid.

- (10) Wherever required, unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW or vice versa.

27. Collection and Disbursement of Charges

- (1) The transmission charges and wheeling charges in respect of open access customers shall be payable by the open access customer directly to respective licensees.
- (2) The SLDC fee and charges including scheduling and operating charges in respect of open access customers shall be paid to the State Load Despatch Centre.
- (3) The Unscheduled Interchange charges shall be paid in the manner as directed by the State Load Despatch Centre.
- (4) The cross subsidy surcharge and additional surcharge shall be paid by the open access consumer directly to the Distribution Licensee in whose area of supply he is located.
- (5) In case fee, charges, cross subsidy surcharge and additional surcharge are specified on monthly basis, these charges shall be worked out on prorata daily basis for transactions for part of a month.
- (6) The supplier end Distribution Licensee, that is, the Distribution Licensee in whose area of supply point of injection of open access supply is situated, shall convey (or down load) the time block wise meter readings taken at an appointed time to the SLDC, RVPN, supplier and consumer end Distribution Licensee(s).
- (7) The consumer end Distribution Licensee, that is the Distribution Licensee in whose area of supply an open access consumer is situated, shall convey (or down load) the time block wise meter readings taken at an appointed time to SLDC, consumer, RVPN & supplier.
- (8) The consumer end Distribution Licensees shall prepare the provisional energy account based on the injection schedule, drawal schedule, and meter readings and contract demands for HT power and standby & start up supply and serve monthly bills. The provisional bill shall be served in the first week of the month. A copy of the provisional energy account shall also be supplied to SLDC. UI/deviation shall have to be considered and prepared by Distribution Licensee provisionally and conveyed to the SLDC. SLDC shall issue the final UI/deviation charge account. A soft copy of the provisional and final energy account shall be supplied to open access consumer or open access supplier on payment of Rs. 100 for each monthly account by the Distribution Licensee.

28. Curtailment Priority

- (1) When it becomes expedient because of operational constraints or otherwise, to curtail the open access provided to the customers, subject to the requirements of Grid Code, the short term open access transactions shall be curtailed first followed by medium term open access transactions followed by the long term open access transactions.

Provided that among short term open access transactions, bilateral transactions shall be cancelled or curtailed first, followed by collective transactions.

Provided further that the open access to a Distribution Licensee shall be the last to be curtailed.

- (2) STU in consultation with SLDC shall prepare guidelines for curtailment of open access, which shall be consistent with the provisions of State Grid Code and other relevant regulations.

29. Information System

The State Load Despatch Centre shall post following information on its website in a separate web page titled "Open Access Information" and also issue monthly and annual reports containing such information periodically.

- (1) A status report on long term open access customers indicating:
 - (a) Name of customer;
 - (b) Period of the access granted (start date and end date);
 - (c) Point(s) of injection;
 - (d) Point(s) of drawal;
 - (e) Transmission system / distribution system used;
 - (f) Open access capacity used.
- (2) A status report on medium term open access customers indicating:
 - (a) Name of customer;
 - (b) Period of the access granted (start date and end date);
 - (c) Point(s) of injection;
 - (d) Point(s) of drawal;
 - (e) Transmission system / distribution system used;
 - (f) Open access capacity used.
- (3) A status report on the short term open access customers indicating:
 - (a) Name of customer;
 - (b) Period of the access granted (start date and end date);
 - (c) Point(s) of injection;
 - (d) Point(s) of drawal;
 - (e) Transmission system / distribution system used;
 - (f) Open access capacity used.
- (4) List of applicants to whom LTOA/MTOA/STOA was not granted along with reasons for refusal.
- (5) Peak load flows and capacity available on all EHV lines and HV lines emanating from EHV GSS.
- (6) The information regarding losses in transmission and distribution system as approved by the Commission.

30. Redressal Mechanism

- (1) All disputes and complaints relating to open access shall be made to the State Load Despatch Centre which may examine and endeavour to resolve the grievance within 30 days, from the date of receipt of representation and;
- (2) Where SLDC is unable to resolve the grievances, the same shall be referred to State Power Committee constituted under the State Grid Code which shall endeavour to resolve the grievance within 30 days and;

- (3) Where State Power Committee is unable to resolve the grievances, it shall be referred to the Commission and Commission's decision in this regard shall be final and binding.

31. Powers to Remove Difficulties

If any difficulty arises in giving effect to or implementation of any of the provisions of these Regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, Licensees and the Open Access Customers to take such action as may be deemed appropriate by the Commission for removal of the difficulties.

32. Repeal and Savings

- (1) On commencement of these Regulations, the Rajasthan Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2004 shall stand repealed.

Provided that the application for grant of open access under these Regulations may be made as per the procedure issued under the old Regulations till new procedure is issued under the provisions of these Regulations.

- (2) On commencement of these Regulations, any reference to the Rajasthan Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2004 in any of the Regulations, standards, codes or procedures of the Rajasthan Electricity Regulatory Commission shall be deemed to be replaced by Rajasthan Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2016.
- (3) Open Access granted in accordance with the Rajasthan Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2004, which stand replaced by these Regulations, shall continue till the expiry of the term of the open access granted under existing agreement subject to provisions of these Regulations. However, such open access customer may opt to surrender the allotted capacity as per the provisions of the repealed Regulations within 90 days of the publication of these Regulations.

By order,

Secretary
Rajasthan Electricity Regulatory Commission

ABBREVIATION

ABT	Availability Based Tariff
CEA	Central Electricity Authority
CERC	Central Electricity Regulatory Commission
CPP	Captive Power Plant
Discom	Distribution Company
DD	Demand Draft
EHV	Extra High Voltage
GSS	Grid Sub Station
HT	High Tension
IEGC	Indian Electricity Grid Code
IEX	Indian Energy Exchange
IPP	Independent Power Producer
KV	Kilo Volt
kWh	Kilo Watt Hour
LTOA	Long Term Open Access
MTOA	Medium Term Open Access
MVA	Mega Volt Ampere
MW	Mega Watt
OA	Open Access
PXIL	Power Exchange of India Limited
RDPPC	Rajasthan Discoms Power Procurement Centre
RERC	Rajasthan Electricity Regulatory Commission
REGC	Rajasthan Electricity Grid Code
Rs.	Indian Rupees
RVPN	Rajasthan Vidyut Prasaran Nigam Limited
SEM	Special Energy Meter
SLDC	State Load Despatch Centre
STU	State Transmission Utility
STOA	Short Term Open Access
SPC	State Power Committee
UI	Unscheduled Interchange