



UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

Draft Uttar Pradesh Electricity Regulatory Commission

(Terms and Conditions for Open Access) Regulations, 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:

- 1) 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;
- 2) 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;

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 drawal allowed to a long-term /medium-term customer on the intra-State transmission system.
- b. **“Banking of power”** is the process under which a Generating Plant supplies power to the Distribution Licensee through the grid with the intention and right of exercising its eligibility to draw back this power from the Distribution Licensee;
- 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 drawal;
- 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. 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 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 drawal by the consumer/buyer minus total scheduled drawal by the consumer/buyer;
- k. **“Long-term 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 and medium-term 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 a consumer permitted by the Commission to receive supply of electricity from a person other than Distribution Licensee of his area of supply.
- p. **“Marginal Capacity”** means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a short-term customer on the transmission/distribution system depending on availability of transmission/distribution capacity.
- q. **“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;
- r. **“State”** means the State of Uttar Pradesh;

- s. **"State Power Committee (SPC)"** means a Committee constituted under the provisions of Uttar Pradesh Electricity Grid Code (UPEGC);
 - t. **"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, applicable on the date of commencement of these Regulations, 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 hereunder, but defined in the Act, or Rules as specified by the Authority shall have the meanings assigned to them respectively in the Act or any other Regulations issued by the Commission.

3 Extent of Application

- 3.1 These Regulations shall apply to open access 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 Categorisation 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 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.
- 5.3 It shall be the undivided responsibility of the nodal agency to declare the surplus capacity in the system in its website so that it can be ensured that open access is not denied to eligible parties in normal circumstances.
- 5.4 The Nodal Agency shall also coordinate with STU, Distribution Licensee, generating company or any other person; to provide in its web site 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 of its 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;

- i. Inherent design margins;
- ii. Margins available due to variation in power flows;
- iii. 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 capacity of 1 MW and above (except generating plants),
- b) Connected at 11 KV and above,

7.2 In case of Open Access Consumer, the quantum of power availed through Open Access will be over and above contracted capacity with the Distribution Licensee and shall be subject to the ceiling of drawl applicable for the voltage level 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 (other than the Distribution Licensee) with a contracted demand of more than 1 MW.
- 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 consumer on payment of a Cross-Subsidy Surcharge (Regulation 17) and Additional Surcharge (Regulation 18), other charges 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 when a person, who has established a captive power plant, opts for Open Access for carrying the electricity to the destination of his own use, the binding of contracted demand in excess of 1MW shall not be applicable:

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

Provided further 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.

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 by the Regulation 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 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.

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 SLDC shall be intimated when there is deviation by the customer from final despatch and drawl schedule. SLDC shall first issue a notice to such customer to restrict itself to the drawal 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.

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 to upon the Distribution Licensee. Notwithstanding the provisions of the 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.

9.6 In case of curtailment of capacity by SLDC, 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 Despatch 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 sub-clause 11.2, may continue to have open access on terms and conditions 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 Despatch Centre, details of existing agreement or arrangement for supply of power indicating details of capacity, point of injection, point of drawal, duration, peak load, average load or such other information as the State Transmission Utility or State Load Despatch 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 schedules accepted by the Nodal Agency in advance or on first-come-first-served basis may be cancelled or revised downwards on an application to that effect made to the Nodal Agency by the short-term open access customer:

Provided that such cancellation or downward revision of the short-term open access schedules shall not be effective before expiry of a minimum period of two (2) days 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 50% of open access charges on surrendered capacity in addition to full open access charges on revised capacity during remaining period of transaction.

15.4 In case, SLDC finds frequently any customer under-utilizing the marginal capacity, SLDC shall review such marginal capacity, giving 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 underutilization 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 as a result of 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 web-site.

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 period of relinquishment or 3 months' notice period, whichever is lesser.

Provided that subsequent to the period of relinquishment or 3 months' notice period, whichever is lesser, the medium 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 medium term open access customer relinquishes its rights partly.

Provided that subsequent to the period of relinquishment or 3 months' notice period, whichever is lesser, 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:

15.7 Provided that the long-term open access customer relinquishing its rights shall pay applicable transmission/wheeling charges in full for the period of relinquishment or 1-year notice period, whichever is lesser.

Provided that subsequent to the period of relinquishment or 1 year notice period, whichever is lesser, 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 the period of relinquishment or 1 year notice period, whichever is lesser, 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.

15.8 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%

15.9 In addition to the above, for customers who were also provided any dedicated transmission and / or distribution systems, 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, unless alternative users are there for use of such dedicated capacity.

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

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 as per the bidding.

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 customer 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 Stand by 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 drawal 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 generator & Distribution Licensee will be settled as per applicable Deviation & Settlement Mechanism (hereinafter referred to as DSM) charges in accordance with DSM Regulations notified by UPERC, if any. Till such time, DSM regulations has not been notified by UPERC, the imbalance charges applicable in case of Distribution Licensee seeking open access shall be the DSM charges as per the applicable notified CERC regulations.
- 21.3 Since DSM is still not implemented at consumer level in the State of Uttar Pradesh, therefore, till such time DSM gets implemented at consumer level, following shall be the treatment of imbalance charges between generator & open access customer:

A. Non-drawal of scheduled power due to unscheduled power cut or failure of transmission/ distribution system:

- 21.4 If an Open Access customer is unable to draw the scheduled energy due to unscheduled cut or failure of transmission/distribution system of the licensee, the power injected will be treated as banked power and the open access customer will be allowed to draw the same within a period of 15 days with an advance notice of 48 hours to the licensee. No banking charges shall be applicable for this power. However, this power will not be allowed to be drawn during peak load hours, unless banked.

B. Over- drawal by the Open Access customer:

21.5 When the Open Access customer is not a consumer of the licensee, the mismatch of scheduled entitlement and actual drawal for any 15 minutes time block shall be met from the grid and will be charged at highest tariff for that particular consumer category/sub-category as approved by the Commission in its Tariff Order for that year.

C. Under-drawal by the Open Access customer:

21.6 In the event of under-drawal for any 15 minute time block, the open access customer shall be paid by the Distribution Licensee at lowest applicable tariff for that particular consumer category / sub-category (metered) as approved by the Commission in its Tariff Order for that year and the extra power to the tune of under- drawal by the customer shall be considered as banked by the generator with the licensee.

D. Over- injection by the generator / trader:

21.7 Over-injection by the generator / trader over a 15 minutes time block shall be treated as banking with the licensee and all the provisions related to banking in the CRE Regulation of the Commission shall apply mutatis-mutandis in such scenario.

E. Under-injection by the generator / trader:

21.8 In the condition of under injection by the generator / trader over a 15 minutes time block, the consumer shall pay to generator as per scheduled contracted capacity. The generator shall pay to the Distribution Licensee the charges and losses for over-drawal quantum as per rates specified for exceeding the demand as provided in the applicable tariff order.

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 Communicating Facility

- 23.1 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.
- 23.2 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

24 Information System

- 24.1 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.
- 24.2 A status report on long-term and medium-term customers indicating: -
- Name of open access customer;
 - Period of the open access granted (date of commencement and date of termination);
 - Point(s) of injection;
 - Point(s) of drawal;
 - Supply voltage at injection and drawal points; and
 - Transmission's system / distribution system used;
 - Open access capacity used.
- 24.3 A status report on the current of short-term customers indicating: -
- Name of open access customer;

- Period of the open access granted (date of commencement and date of termination);
- Point(s) of injection;
- Point(s) of drawal;
- Supply voltage at injection and drawal points; and
- Transmission's system / distribution system used;
- Open access capacity used.

24.4 Peak load flows and capacity available on all EHV lines and HV lines emanating from EHV Sub stations.

24.5 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.

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

25 Scheduling by UPSLDC

25.1 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.

25.2 Open access transaction shall be carried out in accordance to 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 30 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.

26 Accounting in case of Open Access

- 26.1 If a customer 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.
- 26.2 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 at last.

27 Metering

- 27.1 It shall be a pre-requisite for the open access customer to be provided with ABT compliant Special Energy Meters (Main and Check Meters) as specified by CEA (Installation and Operation of meters) Regulations 2006 and amended from time to time at appropriate interconnection / interface points (injection and drawl points);
- 27.2 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.
- 27.3 The Generating company or a licensee contracting to effect supply under open access shall ensure that main meters and check meters at interconnecting 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 Despatch Centre, on real time basis as well as periodically.
- 27.4 STU shall ensure that the meters are compatible with energy accounting software of the SLDC.

- 27.5 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.
- 27.6 The Check Meters shall be of the same specification as Main Meters.
- 27.7 Reading of main and check meters shall be taken periodically at appointed day and hour jointly by authorized officer of STU jointly with the representative of open access customer as specified in the agreement, if present. Meter reading shall be immediately communicated to State Load Despatch Centre, consumer, 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.
- 27.8 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.

28 Energy Losses

A. Inter-State Open Access:

- 28.1 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.

B. Intra-State Open Access

- 28.2 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.

28.3 Energy loss shall be accounted for by providing a differential between schedules at the points of supply and drawal of electricity of each customer interacting with transmission and/or distribution system. The provisions regarding the Over injection or Under injection is to be considered as per Uttar Pradesh Electricity Grid Code, 2004 and subsequent amendments thereof.

28.4 Thus, net schedule at the point of drawal shall be supply schedule minus energy loss estimated for each customer.

29 Other Commercial Conditions

29.1 SLDC shall issue an energy account, statement of DSM and corresponding DSM charges and 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 30 days of notification of this Regulation.

29.2 Energy account prepared by SLDC shall be used for billing purposes

29.3 The customer shall pay a fee to SLDC as specified by the Commission's Order.

29.4 The Long-term and Medium-term Customers 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 and additional surcharge, 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 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) The SLDC charges shall be recovered from the customer through bill of transmission

charges. STU shall reimburse the same to SLDC on monthly basis.

- (v) The reduction or surrender or cancellation of capacity of a customer shall be as specified in Clause 15 of these Regulations.
- (vi) Based on energy account, the customer shall make payments of Imbalance charges as specified by the Central Electricity Regulatory Commission or the Commission as the case maybe.

29.5 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 and additional surcharge, 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 favour of the officer so notified by STU with details on format [FORMAT-ST7].
- (v) STU shall reimburse wheeling charges, surcharge and additional surcharge, 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. SLDC charges shall be recovered in accordance to the relevant Order of the Commission.
- (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 Central Electricity Regulatory Commission or the Commission as the case maybe.

29.6 However, in case of captive users and the customer other than a Distribution Licensee, the following provision shall apply:

- (i) For Captive generating plant supplying electricity to its captive user connected with grid and a consumer, such captive user or a consumer shall ensure to draw power as per schedule during each 15-minute time block. The drawal more than schedule shall be charged at frequency linked rate i.e. 25% higher than imbalance charges as specified from time to time.
- (ii) 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.
- (iii) The above billing, shall be carried out with the billing of imbalance charges and paid within ten days.
- (iv) Reactive Energy Charges associated with transaction shall be paid as specified in Clause 19 of these Regulations.
- (v) 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.

30 Default in Payment

- 30.1 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 there under, a late payment surcharge at the rate of 1.25% per month or part thereof shall be levied.
- 30.2 In case of default in payment for specified charges specified 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.

31 Compliance with Grid Discipline

- 31.1 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 and State Load Despatch Centre or Regional Load Despatch Centre, as the case may be, and as applicable from time to time.

32 Redressal Mechanism

- 32.1 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;
- 32.2 Where SPC is unable to resolve the grievance in the time period specified above, it shall be referred to the Commission.
- 32.3 If eligible entity under Open access is not satisfied with SPC, then the entity can approach the Commission.

33 Collection and Disbursement of Charges

- 33.1 SLDC shall intimate payment security amount on format [FORMAT-ST2] to be paid by the customer directly to SLDC within time so specified.
- 33.2 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.

33.3 The mode of payment of security shall be FDR/TDR/NSC duly pledged in favour of the officer so notified by SLDC with details on format [FORMAT-ST5].

33.4 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.

34 Fee for Approaching the Commission

34.1 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.

35 Power to Amend

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

36 Repeal and Savings

36.1 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.

36.2 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.