

“विजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001.”



पंजीवन क्रमांक “छत्तीसगढ़/दुर्गा/ तक. 114-009/2003/20-1-03.”

छत्तीसगढ़ राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 202]

रायपुर,, भुक्रवार, दिनांक 30 जुलाई, 2007 – आशाढ़ 11, शक 1929

**Chhattisgarh State Electricity Regulatory Commission
Civil lines, G.E. Road, Raipur - 492 001**

Raipur, the 20th July 2007

No. 21/CSERC/2007. The Chhattisgarh State Electricity Regulatory Commission has framed, under Section 39 (2)(d),40(c),42(2,3),86(1)(c) read with 181(2)(1) of the Electricity Act 2003 (No. 36 of 2003), the Chhattisgarh State Electricity Regulatory Commission (Intra-State Open Access in Chhattisgarh) Regulations, 2005. On the basis of working of the regulations over the last two years, certain amendments have become necessary. These Regulations are being framed to incorporate such amendments. These Regulations, which have been framed in exercise of the power vested in clause 25 of the principal Regulations, were published in the manner laid down by the Commission for pre-publication. After considering all objections/ views/suggestions received, the Commission has finalized the first amendment Regulations and notifies these as follows:

1. Short Title and Commencement

- (1) These regulations shall be called the Chhattisgarh State Electricity Regulatory Commission (Intra-State Open Access in Chhattisgarh - First Amendment) Regulations, 2007.
- (2) These shall come into force from the date of their publication in the Chhattisgarh Rajpatra.

2. At the end of sub clause (1) of clause 3 of the Chhattisgarh State Electricity Regulatory Commission (Intra-State Open Access in Chhattisgarh) Regulations, 2005 (herein after called the 'principal Regulations) the following definitions shall be added: -

"Date" means any date starting 00.00 hours and ending 24.00 hours.

"First month" means a calendar month in which the open access commences.

"Meter" means a device suitable for measuring, indicating and recording consumption of electricity or any other quantity related with electrical system and shall include, wherever applicable, other equipment such as (Current Transformer (CT), Voltage Transformer (VT) or Capacitor Voltage Transformer (CVT) necessary for such purpose.

"Month" means a calendar month.

All other words and expressions used in these Regulations, but not defined, shall have the same meaning as is in the principal Regulation.

3. After sub-clause (3) of clause 4 of the principal Regulations, the following new sub-clauses (4) to (12) shall be added:

"(4) Only such licensees and generating companies, as are connected with extra high voltage/high voltage grid sub-station, may avail open access, provided that such connectivity condition shall not apply to a trading licensee.

(5) Only such consumers as are independently connected with extra high voltage (EHV)/high voltage (HV) sub station will be permitted to avail open access, provided that a consumer connected otherwise to a distribution licensee may also avail open access subject to load restrictions, if any.

(6) The open access customer shall not have more than two sources of supply at the point of injection, one of which may be of the licensee of the area and second of any generating company (including captive power plant) or the licensee other than the licensee of the area from which open access is sought. Generating plants, DG sets, etc. being used, as standby arrangement shall not be reckoned for this purpose.

Transmission Open Access

(7) Any licensee or generating company may avail non-discriminatory open access of the transmission system of the State Transmission utility/ transmission licensee on payment of necessary transmission charges.

(8) The voltage of inter-connection shall be minimum 132 KV as per the Chhattisgarh Electricity Grid Code as amended from time to time.

(9) Point of injection and/ or point of drawal shall be the nearest EHV sub station of the Board/licensee and the cost of interconnection shall be borne by the applicant.

Distribution Open Access

- (10) Any open access customer can avail open access of the distribution system of the Board/licensee on payment of wheeling charges, cross-subsidy surcharge as per sub-section (2) and additional surcharge as per the provision of sub-section (4), of Section 42 of the Act.
- (11) The voltage of inter-connection shall be as per the Chhattisgarh Electricity Supply Code, 2005 ("Supply Code" for short), as amended time to time
- (12) Point of injection and/ or point of drawal shall be the nearest EHV/HV sub- station of the Board/licensee and the cost of interconnection shall be borne by the applicant for open access."
4. The table given in sub-clause (1) of clause 5 of the Principal Regulations shall be substituted by the following:

Phases	Customer with contracted power under OA for transmission & wheeling	Date from which open access is to be granted
I	Users requiring 10 MW & above	01-04-06
II	Users requiring 5 MW & above	01-10-07
III	Users requiring 1 MW & above	01-04-08

5. Clause 7 of the principal Regulations shall be substituted by the following: -
- “(1) The open access customers may be classified into the following categories, viz,
- (a) **Long-term open access customer** is a consumer who avails open access for a period of more than two years.
- (b) **Short-term open access customer** is a consumer who avails open access for a period of one year or less.
- (2) Both the long-term and short-term open access customers shall be eligible to renew the open access on expiry of the initial period of agreement. The application for such renewal shall be treated as new application.
- Provided that the period for which short-term open access has already been availed shall be taken into account for calculation of eligibility for short-term open access, which is permissible for a maximum period of two years, renewal beyond which shall be treated as long-term open access.
- (3) The nodal agency for arranging both long-term and short-term transmission and/or distribution open access shall be the State Transmission Utility/ Board/ licensee.”
6. Sub clause (1) of clause 9 of the Principal Regulations shall be deleted.

7. The words "and distribution planning capacity stipulated in the Chhattisgarh State Electricity Distribution Code as may be framed by the Commission" in the first sentence of clause 9 (2) of the Principal Regulations shall be deleted.
8. Sub clause (2) & (3) of clause 9 of the principal Regulations shall be renumbered as (1) & (2)
9. Sub clause (1) (a) and (1)(b) of clause 11 of the principal Regulations shall be substituted by the following: -
- "(a) Transmission charges payable by a long-term** open access customer for use of the transmission system shall be as determined by the Commission under section 62(1)(b) of the Act, and shall be applicable as per the order issued by the Commission from time to time. The transmission charges payable by a long-term customer for the use of Intra-State transmission system shall be calculated as per the following formula:
- $$LT_TC = [ATSC/Max_CAP]/12$$
- Where:
- "LT_TC"** is the transmission charges for long-term customer in Rs. per MW per month.
- "ATSC"** means the annual revenue requirement of the transmission system as determined by the Commission time to time.
- "Max_CAP"** means the maximum capacity in MW served by the intra-state transmission system of the transmission licensee in the previous financial year.
- (b) Transmission charges payable by a short-term** customer for the use of intra-state transmission system shall be calculated as per the following formula:
- $$ST_TC = [0.25 \times (ATSC/Max_CAP)]/365$$
- "ST_TC"** is the transmission charge for short-term customers in Rs. Per MW per day.
- (i) Transmission charges payable by a short-term customer in case of uncongested transmission corridor shall be levied as upto 24 hours or part thereof in a day in one block equal to ST _ TC.
- (ii) The revenue earned from short-term open access customers shall be utilized by the STU/transmission licensee for making capital expenditure for development of its infrastructure. The STU/ transmission licensee shall maintain separate account for the revenue."
10. Item (ii) of sub clause (2)(a) of the clause 11 of the principal Regulations shall be substituted by following:

- "(ii) The revenue earned from short-term open access customers shall be utilized by the distribution licensee for making capital expenditure for development of its infrastructure. The distribution licensee shall maintain separate account for the revenue."
11. The "Note" at the end of sub clause 3 of the clause 11 of the principal Regulations shall be substituted by following: -
"Note: The operating charge shall include fees for scheduling and system operation and fee for affecting revisions, in the schedule on bonafide grounds also."
12. Sub-clause (3) (c) of clause 11 of the principal Regulations shall be deleted.
13. In sub-clause (4)(a) of clause 11 of the principal Regulations the word "schedule" appearing in first and second lines shall be substituted by "contracted". -
14. The heading 'surcharge' in sub-clause (6) of clause 11 of the principal Regulations shall be substituted by "Cross subsidy surcharge."
15. In sub-clause (6)(b) of clause 11 of the principal Regulations after (i) the following shall be added: -
"(ii) Cross subsidy surcharge shall also be payable by such consumer who receive supply of electricity from a person other than the distribution licensee in whose area of supply is located, irrespective of whether he avails such supply through transmission/ distribution network of the Board/ licensee or not."
16. Sub-clause (6)(b)(ii) of the principal Regulations shall be renumbered as sub-clause (6)(b)(iii) and the sentence of the clause beginning "It is to be" shall be substituted by the following:
"It is to be calculated based on the average cost method by taking the difference between the average tariff for such supply voltage for the consumer of subsidizing category and the average cost of supply for the licensee."
17. Sub-clause (8) of clause 11 of the principal Regulations shall be deleted.
18. Sub-clauses (9), (10) and (11) of clause 11 of the principal Regulations shall be renumbered as sub-clauses (8) (9) and (10)
19. New sub-clauses, (11) and (12) shall be added after renumbered sub-clause (10) of clause (11) of the principal Regulations, as follows: -
"(11) All distribution open access customers may receive electricity through standby arrangement provided by the Board/ licensee on payment of charges as determined by the Commission from time to time.

(12) All open access customers shall pay the charges payable under the open access agreement from the date of commencement of

open access specified in such agreement, regardless of whether or not such open access is availed from that date, except if the failure to avail open access is due to the default of the concerned licensee(s) whose network is being used.”

20. The last proviso to clause-12 of the principal Regulations shall be substituted by the following:

“Provided further, that till such time the Balancing and Settlement Code is approved by the Commission, the terms and conditions for energy and demand balancing, as specified by the Commission and interim order as set out in the subsisting agreement shall continue to apply.”

- 21 Sub clause (1)(b) of clause 13 of the principal Regulations shall be deleted.

- 22 Sub-clauses (1) (c),(d),(e),(f),(g),(h),(i), (j) and (k) of clause 13 of the principal Regulations shall be renumbered as sub-clauses (1)(b), (c),(d),(e),(f),(g),(h),(i) and (j).

- 23 Sub-clause (2) of clause 13 of the principal Regulations shall be substituted by the following:-

“(a) An application for long term/short term open access (Annexure-1) shall be submitted to the nodal officer as designated by the nodal agency.

(b) The application shall be accompanied by non-refundable application registration fee of Rs. 1000/(one thousand), payable in the manner as decided by the Nodal Agency.

(c) The nodal officer shall examine the feasibility of the long term/short term open access in consultation with the concerned officer of STU/Transmission Licensee/ SLDC and /or distribution licensee and process the application generally within four days but not exceeding 7 days in any case.

(d) After the feasibility is established and prior to execution of agreement, a sum of Rs. 10,000/- (Rupees ten thousand only) shall be payable in the manner to be decided by the nodal agency towards the open access agreement fee.

(e) The capacity reserved by open access customer, whether short-term or long-term, is not transferable.”

- 24 Sub-clause (4) and (5) of clause 13 of the principal Regulations shall be deleted.

- 25 Sub-clause (6) of the clause 13 of the principal Regulations shall be renumbered as sub-clause (4) and shall be substituted as follows:-

“(4) **Scheduling:**

(a) Scheduling is to be made for the purpose of operation by the SLDC.

- (b) A composite request for scheduling shall be sent to the SLDC latest by 3:00 pm each day. The SLDC shall take steps to incorporate the request for open access in its schedules, if the request can be accommodate without causing congestion.
 - (c) A composite request for scheduling to utilize surplus known after issuance of first dispatch schedule by the SLDC at 5:00 pm, must be submitted latest by 10:00 pm or preferably earlier.
 - (d) Charges for deviation from the dispatch or drawal as per contract, shall be on the basis of 15 minutes time block and not on average consumption/ injection basis.”
- 26 Sub-clause (1) of clause 14 of the principal Regulations shall be substituted by the following:
"An open access customer shall enter into agreement with the STU/concerned licensees, generators and others as applicable."
- 27 Sub-clauses (2) and (3) of clause 14 of the principal Regulations shall be deleted.
- 28 Sub-clauses (4), (5) and (6) of clause 14 of the principal Regulations shall be renumbered as sub-clauses (2), (3) and (4).
- 29 Clause 18 of the principal Regulations shall be substituted by the following:
"Metering
- (1) The metering at both the ends i.e. point of injection and point of drawal for main meters and check meters shall be as specified in the CEA (Installation and Operation of meter), Regulation, 2006. All maters and arrangements relating to metering shall be governed by these Regulations and as per the provisions of Chhattisgarh State Grid Code, 2007, as amended time to time.
 - (2) The open access customer shall install ABT compatible special energy meters at both the ends i.e. point of injection and point of drawal, as main meter. He shall also be responsible for its replacement in case of its failure or getting defective.
 - (3) The open access customer shall have to provide software for energy accounting to the licensee and for operation to the SLDC with necessary communication facility for transfer of real time data through v-sat or through telephone lease line or through GSM technology.
 - (4) The main meter and check meter shall always be maintained in good condition by the owner and shall be open for inspection by any person authorized by the nodal agency. The main and check meters shall have the same specifications.

- (5) The main and check meters shall be periodically tested and calibrated by the concerned licensee in the presence of the open access customer. The meters shall be sealed in the presence of both parties. Defective meters shall be replaced immediately.
- (6) Reading of the main and check meters shall be taken periodically, at appointed day and hour, by an officer of the concerned licensee and the generator authorised for the purpose, and the customer or his representative, as the case may be. Meter reading shall be communicated to the nodal agency, the open access customer, and the generating company, as the case may be, by the licensee, within 24 hours of such reading.
- (7) Reading of the check meter shall be considered when main meter is found to be defective or has stopped. Both the main meter and the check meter shall be tested for accuracy. If the difference between the readings of main and check meters exceeds twice the percentage of errors permissible for relevant accuracy class, the meter shall be treated as defective and shall be replaced immediately.
- (8) In case of outage of both meters, no transaction shall take place till the replacement of meters. In such cases, if any energy is drawn in the intervening period the assessment has to be done on the basis of existing procedure of the licensee or as per balancing and settlement code issued by the Commission."
- 30 Sub-clause (1) of clause 19 of the principal Regulations shall be substituted by the following: -
"(1) The open access customer shall bear energy losses of the transmission system and/ or distribution system as approved by the Commission in its tariff order passed under section 62 of the Act, from time to time. The energy losses in the transmission and distribution systems shall be compensated by additional injection at the injection point(s).
Where the point of injection and point of drawal of the open access customer, are at different voltage levels the charges payable in kind will be 50% of the technical loss prevalent at the injection point and 50% of the technical loss prevalent at drawl point, which however shall not be less than the charges prevailing at the lower voltage."
- 31 The word "ST_RATE" in sub-clause (3)(b) of clause 13 and sub-clause (3)(xi) of clause 22 shall be substituted by the word "ST_TC".

Note: In case of any difference in the interpretation or understanding of the provisions of the Hindi version of these Regulations with those of the English version (the original version), the latter will prevail and in case of any dispute in this regard, the decision of the Commission shall be final and binding.

By order of the Commission

(N.K. Rupwani)
Secretary

APPLICATION FOR OPEN ACCESS

(To be submitted by a Long-Term /Short-Term Open Access applicant)

- Name of the Open Access Customer :
2. Type of open access required : Long/Short Term Open Access
3. The utilization of the transmission and/or distribution system by the Open Access Customer. : i. Transmission system
ii. Distribution system
iii. Both
4. Address of Correspondence :
5. Contact Address (separate details for alternate person may enclose)
Contact Person (for injection of power) :
a. Name :
b. Designation :
c. Phone No. & Mobile No. :
e FAX & E-mail :
:
Contact Person (for drawal of power)
a. Name :
b. Designation :
d. Phone No. & Mobile No. :
e FAX & E-mail :
6. Details of power transfer requirement
a. Quantum of power to be transmitted (MW) :
b. Peak load to be transferred :
c. Average load to be transferred :
e. Name(s) of the injecting utility/ Licensees :
. Point(s) of injection of power :
. Voltage level of the EHV :
substation :
f. Name(s) of drawal costumer :
. Point(s) of drawal of power :
. Its Quantum :
. Voltage level of the EHV/HV :
substation :
- Note:** *In case of mismatch between quantum of power injected and drawal then details of balance power to other beneficiaries should be furnished.*
7. Expected date of commencement of Open Access :
8. Duration of availing Open Access :

9. In case of Generating Station
 - a Name of the Generating company :
 - b Generation Capacity :
 - c Location of the Generation plant :
 - d No. of Units & Capacity of each unit :
 - e Type of fuel :
 - f If it is a hydro plant, then whether it is :
 – Run of the river /Reservoir/
 Multipurpose / Pump storage :
 - g MU generation in an year in case of Hydro plant :
 - h Is it a captive Power Plant (Yes/No)
 - i If Yes, details of utilization

- | | | |
|---|----------|---------------|
| 10. In case of a new generation station | Capacity | Commissioning |
| a. Unit wise capacity and commissioning schedule | (MW) | schedule |
| · Unit – I | | |
| · Unit – II and so on | | |
| b. Name(s) of the beneficiaries and their allocation of power | | |

11. Details of the Bank Draft *

- Name of the issuing bank
- Draft number /Date of issue
- Amount

*Application fees, transmission charges, wheeling charges, operating charges, cross subsidy etc

NOTE:

It is hereby certified that

- (a) All Utilities (including buyer, seller, trader) to the transaction shall abide by the provisions of the CERC (Open Access in Intra-State Transmission and/or Distribution) Regulations 2005” and as amended from time to time.
- (b) M/s _____ have a valid license No. _____ issued by _____ and valid up to _____).
(Note: This clause is applicable only in case applicant is a trader.)
- (c) The Applicant hereby agrees to keep the SLDC indemnified at all times and undertakes to indemnify, defend and save the SLDC harmless from any and all damages, losses, claims and actions relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the transactions under this Approval.

- (d) The buyer and the seller have entered into commercial agreement for the proposed transaction. Payment of the Long/short-term charges (if not paid) Shall be made by me within 3 working days of date of application, without any delay.

Enclosures:

1. Copy of consent letter / agreements/ single line diagram for injection point and drawal point network demand draft etc.

Signature
PLACE: NAME:
DATED: DESIGNATION:

Date & Time of Receipt of Application	(to be filled in by N.O)
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All utilities (including buyer, seller, trader) to the transaction shall abide by the Chhattisgarh State Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access in Chhattisgarh) Regulations, 2005 as amended from time to time.

Place: Authorized Signatory
Date: Of the Open Access Customer
Name:
Designation:
Seal: