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No. 9/CSERC/2005- In exercise of powers conferred by section 39 (2) (d), 40 (c), 42 (2, 3), 86 (1)(c) read with Section 181 (1) of the Electricity Act, 2003, the Chhattisgarh State Electricity Regulatory Commission hereby makes the following Regulation related to Intra-State Open Access in Chhattisgarh.

1. Short Title and Commencement

- (1) These regulations shall be called the **Chhattisgarh Electricity Regulatory Commission (Intra-State Open Access in Chhattisgarh) Regulations, 2005.**
- (2) These regulations shall come into force on the date of their publication in Chhattisgarh Rajpatra.

2. Extent of Application

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

3. Definitions

- (1) In these regulations, unless the context otherwise requires:

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

"Allotted transmission capacity" means the power contracted for transfer (in MW) between the specified point(s) of injection and point(s) of drawal allowed to a long term customer on the intra-state transmission system under normal circumstances and the expression "allotment of transmission capacity" shall be construed accordingly;

"Balancing and Settlement Code" means such code as may be specified by the Commission for the balancing of energy/demand accounts and settlement of differences between schedule and actual energy/demand among the users of the grid in the State.

"Board" or "CSEB" means the Chhattisgarh State Electricity Board.

"Commission" means the Chhattisgarh State Electricity Regulatory Commission;

"Indian Electricity Grid Code (IEGC)" means the Grid Code specified by the Central Electricity Regulatory Commission under Clause (h) of sub-section (1) of Section 79 of the Act;

" Chhattisgarh Electricity Grid Code" means the State Grid Code as may be specified by the Commission under Clause (h) of sub-section (1) of Section 86 of the Act;

"Direct Customer" means a person who is directly connected to the system owned or operated by the State Transmission Utility/Transmission licensee and/or Distribution Licensee in the State.

"Embedded customer" means a person who is not a direct customer;

"Open access customer" means a consumer permitted to receive supply of electricity from a person other than the distribution licensee of his area of supply, or a generating company (including captive generating plant) or a licensee, who has availed of or intends to avail of open access;

"Point of injection" means a connection at which electricity is transferred to the electricity transmission network or the electricity distribution network, as the case may be;

"Point of drawal" means a connection at which electricity is transferred from the electricity transmission network or the electricity distribution network, as the case may be;

"Reserved transmission 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 system depending on availability of transmission capacity and the expression "reservation of transmission capacity" shall be construed accordingly;

"SLDC" means the State Load Dispatch Centre established under sub-section (1) of section 31 of the Act, presently situated in Bhilai, managing the operation of the transmission system and coordinating the state generation and load requirements;

"State" means the State of Chhattisgarh; and

"STU" means the State Transmission Utility as per Section 172 of the Act, which is presently the CSEB.

- (2) All other expressions used herein but not specifically defined, but defined in the Act, shall have the meaning assigned to them in the Act. The other expressions used in herein but not specifically defined in these Regulations or in the Act but defined in any law passed by the Parliament applicable to electricity industry in the state or in the CSERC (Conduct of Business) Regulation 2004 shall have the meaning assigned to them in such law or Regulation. Subject to the above, the expressions used herein shall have the meaning as is generally assigned to them in the electricity supply industry.

4. Eligibility for Open Access

- (1) Subject to the provisions of these regulations, open access customers shall be eligible for open access to the intra-state transmission system of the STU or any transmission licensee and intra state distribution system of the CSEB or any distribution licensee.
- (2) Such access shall be available for use by an open access customer on payment of such charges as may be determined by the Commission in accordance with these regulations.
- (3) A person having been declared insolvent or bankrupt or having outstanding dues against him for more than three months billing of a transmission or distribution licensee shall not be eligible for open access.

5. Phasing Of Open access

- (1) Subject to operational constraints and other relevant factors, open access shall be allowed in the following phases as per the timetable given below:

Phases	Customer with contracted power under open access for transmission and wheeling	Date from which open access is to be granted
I	Users requiring 10 MW or above.	1 April 2006
II	Users requiring 5MW and above.	1 April 2007
III	Users requiring 2 MW and above	1 October 2007
IV	Users requiring 1MW and above.	1 April 2008

Provided that the non-conventional energy generators and users may be provided open access for one MW or above at voltage level not below 33 KV with immediate effect.

Similarly captive generating plant may be provided open access for one MW and above for carrying electricity from his plant to the destination of his use with immediate effect.

- (2) Based on the experience of commencement and operation of open access in phase I, the Commission may revise the schedule for allowing open access in subsequent phases

6. Provisions for Existing Entities

- (1) The persons using access to the intra-state transmission system and / or of the distribution system in the State on the date of coming into force of these regulations, under an existing agreement / contract shall be entitled to continue to avail such access to the transmission and distribution system on the same terms and conditions, for the term of the existing agreement / contract. Such persons are eligible to avail long-term intra-state open access under these regulations on expiry of those agreement / contract. They shall have to apply to come under the long term open access category at least 30 days prior to the expiry of such agreement / contract.
- (2) Pursuant to coming into force of these regulations, the distribution companies shall also be required to apply for open access to the transmission licensee's network for meeting power requirements of their existing and future consumers. Regulation 5 above shall not be applicable to such cases.

7. Categorization of open access customers

- (1) The open access customers may be classified into the following categories:
 - (a) **Long-term open access customers:** A long-term open access customer is one who avails open access for a period of five years or more.
 - (b) **Short-term open access customer:** A short-term open access customer is one who avails open access for a period of one year or less.
- (2) The short-term customer shall be eligible to renew the open access on the expiry of his agreement. The application for such renewal shall be treated as a new application.
- (3) Nodal Agency
 - (i) The nodal agency for arranging the long-term transmission and distribution access shall be the State Transmission Utility if its system is used, otherwise the nodal agency shall be the transmission licensee in whose system, the point of drawal is situated.
 - (ii) The nodal agency for the short-term transmission and/or distribution access shall be the State Load Dispatch Centre.

8. Allotment Priority

- (1) A distribution license shall have the highest priority in the allotment of open access capacity whether in the long-term or short-term.
- (2) Allotment priority of a long-term customer shall be higher than that of a short-term customer.

- (3) An existing open access customer shall have the priority over new customers under respective categories.
- (4) Subject to the above clauses, the decision for allowing open access shall be based on the basis of first -come first- served principle or bidding as case may be.

9. Criteria for allowing Open Access

- (1) The voltage of inter-connection shall be as per the Chhattisgarh Electricity Supply Code, 2005.
- (2) The long-term access shall be allowed in accordance with the transmission-planning criteria stipulated in the Chhattisgarh Electricity Grid Code and distribution planning capacity stipulated in the Chhattisgarh Electricity Distribution Code, as may be framed by the Commission.
- (3) The short-term access shall be allowed, if the request can be accommodated, by utilizing: -
 - (i) the inherent design margins;
 - (ii) margins available due to variation in power flows; and
 - (iii) margins available due to in-built spare capacity in transmission and/or distribution systems created to cater to future load growth.

10. Computation of Availability of Capacity for Open Access

- (1) The capacity available for the intra-state open access shall be computed for each transmission line and for every sub-station by the STU following the methodology given below:
 - a) Available open access capacity of a transmission system segment = (DC-SD-AC) + NC where,
 - DC = Designed capacity of the transmission segment in MW,
 - SD = Sustained demand in MW recorded in the segment,
 - AC = Already allotted capacity, but not availed, and
 - NC = Capacity in MW expected to be added, by way of system improvement or addition to capacities.
 - b) Available open access capacity of a sub station = TC- SP-AC where,
 - TC=Transformer capacity of the sub station in MVA,
 - SP= Sub station peak in MVA, and
 - AC= Already allotted capacity but not availed in MVA

The STU shall update the values as per (a) and (b) above on monthly basis on the first calendar day of the month and publish it in their website.

- (2) The concerned distribution licensee shall determine the available capacity for the portion of the distribution system over which open access is sought.

11. Charges for Open Access

The licensee providing open access shall levy only such fees and/or charges as may be specified by the Commission from time to time. The principles of determination of the charges shall be as under:

- (1) Transmission Charges –The transmission charges for use of the transmission system of the STU/ transmission licensee for intra-state transmission shall be regulated as under:
- (a) The transmission charges payable by a long-term open access customer for use of the transmission system shall be as determined by the Commission in Tariff Order dated 15/06/2005, shall be applicable till revised by the Commission. These charges shall be shared by the long-term open access customers proportionately.
- (b) The transmission charges payable by a short-term customer for the use of intrastate transmission system shall be calculated in accordance with the following methodology:

$$ST_RATE = 0.25 \times [TSC/ Av_CAP]/ 365$$

Where:

ST_RATE is the rate for short-term customer in Rs per MW per day.

"TSC" means the annual transmission charges or annual revenue requirement on account of the transmission system as last determined by the Commission.

"Av_CAP" means the average capacity in MW served by the intra-state transmission system of the transmission licensee in the previous financial year and shall be the sum of the generating capacities connected to the transmission system and contracted capacities of other long-term transactions handled by the system of the transmission licensee.

- (i) The 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 _ RATE.
- (ii) Twenty five percent (25%) of the revenue thus earned from the short-term open access customers shall be utilized to reduce the transmission charges of the long-term open access customers. The remaining 75% revenue shall be kept 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 earned

from short-term customers and also shall have to seek the approval of the Commission before making any capital expenditure in accordance with the conditions of his license.

(2) Wheeling Charges –. The Wheeling charges for use of the distribution system of a licensee shall be regulated as under: -

(a) The Wheeling Charges payable by a long-term customer for use of the distribution system shall be as determined by the Commission. These charges shall be shared by the long-term open access customers proportionately.

(i) The wheeling charges payable by a short-term customer for the use of distribution system shall be same as the wheeling charges payable by the long-term open access customer. In case of an uncongested distribution system the wheeling charges payable by a short-term customer shall be levied as up to 24 hours in a day or part thereof in one block- equal to wheeling charge

(ii) Twenty five percent (25%) of the revenue thus earned from the short-term open access customers shall be utilized to reduce the wheeling charges of the long-term open access customers. The remaining 75% revenue shall be kept by the distribution licensee, in whose area the point of drawal is situated, for making capital expenditure for development of its infrastructure. The distribution licensee shall maintain separate account for the revenue earned from short-term customers and also shall have to seek the approval of the Commission before making any capital expenditure in accordance with the conditions of licence.

(3) Operating Charge –

(a) The long-term open access customers shall pay to the SLDC, the scheduling and system operation charges as determined by the Commission in accordance with the regulation as may be framed for levy and collection of fees and charges of SLDC.

(b) An operating charge as determined by the Commission from time to time shall be payable by a short-term customer to the SLDC.

Note: The operating charge includes fee for scheduling and system operation, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement charges.

(c) 50% of the service charges collected from short-term open access customers shall be retained by the SLDC for making capital expenditure for development of the infrastructure. SLDC shall maintain separate account for the revenue earned from short-term customers and also shall have to seek the approval

of the Commission before making any capital expenditure. The balance 50% shall be adjusted towards the charges payable by long-term open access customers

- (4) Imbalance (UI) charges
 - (a) The mismatch between the scheduled and the actual drawal at drawal point(s) and scheduled and the actual injection at injection point(s) shall be met from the grid and shall be governed by Balancing and Settlement Code applicable to the intra-state transactions;
 - (b) A separate bill for imbalance charges shall be issued to open access customers.
- (5) Reactive Energy Charges -
 - (a) The payment and receipt of the reactive energy charges by the direct customers on account of open access shall be calculated in accordance with the scheme applicable to transactions involving intra-state transmission approved by the Commission from time to time.
 - (b) The reactive energy drawals and injections by the embedded customers shall be governed by the regulations as applicable within the State concerned.
- (6) Surcharge –
 - (a) The Commission shall specify the cross subsidy surcharge for individual categories of consumers separately.
 - (b) The principle and procedure for determining cross-subsidy surcharge shall be as under:
 - (i) Every open access customer requiring supply of electricity through open access in accordance with these Regulations shall be liable to pay a cross-subsidy surcharge, as may be specified,
 - (ii) Such surcharge shall be based on the current level of cross-subsidy of the tariff category / tariff slab and / or voltage level to which such open access customers, belong or are connected to, as the case may be. It is to be calculated based on the difference between the applicable tariff rate to the consumer category concerned if the electricity is supplied by the distribution licensee and the cost to the licensee for such supply.

Provided that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant, in respect of his captive generation, for carrying the electricity to a destination of his own use.
- (7) Additional Surcharge – The Commission shall determine the additional surcharge as required under Section 42(4) of the Act on a yearly basis.
- (8) Interconnection Charges – The open access customers seeking interconnection for their generators and loads with the grid shall be

required to pay the interconnection charges as specified by the Commission.

- (9) Connectivity Charges – One time connectivity charges as specified by the Commission shall be payable by the open access customers for getting connected with the grid.
 - (10) Any other charges, in cash or kind as may be specified by the Commission shall be payable by the open access customer.
 - (11) In case the open access customer uses inter-state transmission system and services of Regional Load Dispatch Centre and State Load Dispatch Centre of any other state, the transmission charges of CTU and STU of the other State and service charges of Regional Load Dispatch Centre and State Load dispatch Centre of other state shall be payable by such customer in addition to the charges fixed under these Regulations.
- 12.** All open access users must make reasonable endeavour to ensure that their actual demand or actual sent-out capacity, as the case may be, at an inter-connection does not exceed the contract maximum demand or actual sent-out capacity for that inter-connection.

Provided that for carrying out balancing and settlement of energy and demand at all entry and exit points relating to access agreements, the licensee shall strictly adhere to the Balancing and Settlement Code, as amended from time to time.

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 set out in the existing agreements shall continue to apply.

13. Procedure To Avail Open Access

- (1) Procedure for Long-Term Open Access Customer
 - (a) An application for long-term open access shall be submitted by an Open access customer (along with the agreement / commitment the supplier/ details of terminal beneficiary etc.,) to the STU/transmission licensee. The application shall contain details such as capacity needed, point(s) of injection, point(s) of drawal, duration of availing open access, peak load, average load other information as per Annexure-I to these Regulation and such other additional information as may be specified by STU. If the end user of the open access sought is a consumer of a distribution licensee in the State, an undertaking from such consumer that he will abide by the terms and conditions under these Regulations on the payments to be made by him for the various charges covered in these regulations, shall be obtained and attached to the application. A customer intending to avail open access shall also submit a copy of his application to the

distribution licensee(s) of the State involved in this open access transaction.

- (b) The nodal agency shall issue necessary guidelines, procedure and application forms, with the approval of the Commission within 30 days of publication of these Regulations in the Official Gazette.
- (c) The application shall be accompanied by a non-refundable application registration fee of Rs 5000 /- payable in the manner to be decided by the STU;
- (d) Based on system studies conducted in consultation with other agencies involved, including other transmission and distribution licensees, the nodal agency shall, within 30 days of receipt of the application, intimate to the applicant whether or not the long-term access can be allowed without further system strengthening.
- (e) Where long-term access can be allowed, subject to the provisions in these Regulations and without further system strengthening, this shall be allowed immediately after entering into commercial agreements.
- (f) If, in the opinion of the nodal agency, further system strengthening is essential before providing the long-term access, the applicant may request the nodal agency to carry out the system studies and preliminary investigation for the purpose of cost estimates and completion schedule for system strengthening. The nodal agency shall carry out the studies immediately on receipt of request from the applicant and intimate results of the studies within 90 days of such receipt. The applicant shall reimburse the actual expenditure incurred by the nodal agency for system strengthening studies.
- (g) If network augmentation is required for providing access to an applicant, the licensee shall carry out such augmentation within a reasonable period of time, provided that the STU/licensee has the ability to raise funds to finance such capital expenditure and the STU/licensee can recover the cost incurred within a reasonable period of time.
- (h) Where a dedicated transmission system or distribution system for use for open access has been set up by the STU/licensee for exclusive use of an open access customer the STU/licensee may seek to recover such expenditure.
- (i) After the feasibility is established and prior to execution of agreement, a sum of Rs 50,000 (fifty thousand) shall be payable by the applicant to the nodal agency towards the open access agreement fee.
- (j) After agreements have been entered into and copies furnished to S LDC, the SLDC shall inform the open access customer the

date from which open access will be available, which will not be later than 3 days from the date of entering into the agreements.

- (k) A long-term open access customer shall not relinquish or transfer his rights and obligations specified in the agreement, without prior approval of the Commission. The relinquishment or transfer of right and obligations shall be subject to payment of compensation, as may be determined by the Commission.

(2) Procedure for Short-term Open Access Customer

- (a) An application for short -term open access shall be submitted by an open access customer (along with the agreement / commitment the supplier/ details of terminal beneficiary etc.,) to the SLDC. The application shall contain details, such as capacity needed, point(s) of injection, point(s) of drawal, duration of availing open access, peak load, average load, and other information as per Annexure-I to these Regulations, and such other additional information as may be specified by the SLDC. A customer intending to avail open access shall also submit a copy of his application to the distribution licensee of the area in which the direct / embedded customer is located.
- (b) The application shall be accompanied by a non-refundable application registration fee of Rs 1000/ (one thousand), payable in the manner to be decided by the SLDC.
- (c) SLDC shall examine the feasibility of the short-term open access in consultation with the concerned STU/transmission licensee and/or distribution licensee and process the application within time limit prescribed below.

Up to One day	12 hours
Up to one week	Two days
More than one week	Four days

- (d) After the feasibility is established and prior to execution of agreement, a sum of Rs. 10000 (ten thousand) shall be payable to the SLDC towards the open access agreement fee in the name and in the manner to be decided by the SLDC.
- (e) The capacity reserved by a short-term open access customer is not transferable to others.
- (f) For the purpose of registration / agreement fee and for all other purposes, renewal of short term open access agreements shall be treated in the same way as a new application.

(3) **Bidding process for open access**

- (a) In case the capacity sought to be reserved by the customers, in accordance with Regulation 13(2), is more than the available capacity at that point of time, the SLDC shall invite bids from such customers.

- (b) The floor price for bidding shall be the ST_RATE determined in accordance with regulation 11(1) and/or 11(2) of these regulations.
 - (c) The bidders shall quote price in terms of the floor price.
 - (d) No bidder shall be allowed to quote price more than five times of the floor price.
 - (e) Reservation of transmission and/or distribution capacity shall be made in decreasing order of the price quoted.
 - (f) In case of equal price quoted by two or more bidders, the reservation of transmission and/or distribution capacity shall be made pro rata to the transmission and/or distribution capacity sought to be reserved.
 - (g) The short-term customer getting reservation for capacity less than the capacity sought by him shall pay the charges quoted by him and the short-term customers getting transmission and/or distribution capacity reservation equal to the capacity sought to be reserved, shall pay the charges quoted by the last customer getting capacity reservation equal to the reservation of capacity sought by him.
- (4) **Day ahead transactions:**
- (a) In case of day ahead transactions advance payment of transmission charges, wheeling charges, operating charge and other charges specified in Regulation 11 shall not be insisted upon. These payments can be made within 3 working days of making of the application.
 - (b) A composite request for open access and scheduling shall be sent to the SLDC latest by 3.00 PM. The SLDC shall take steps to incorporate the request for open access in its schedules to be, if the request can be accommodated without causing congestion.
 - (c) A composite request for open access and scheduling to utilize surpluses known after issuance of the first Dispatch schedule by SLDC at 5.00 PM, must be submitted latest by 10.00 PM or preferably earlier. The State Load Dispatch Center shall endeavor to incorporate the same in the revised Dispatch schedule to be issued, if the request can be accommodated without causing congestion.
- (5) **Same Day transactions**
- (a) The advance payment of transmission charges, wheeling charges, operating charge and other charges specified in Regulation 11 shall not be insisted upon. These payments can be made within 3 working days of making of application.
 - (b) In the event of emergency, the open access customers may locate a source of power to meet short-term emergency

requirement on the same day and forward request for open access to the SLDC. The SLDC shall endeavor to accommodate such emergency requests as soon as and to the extent practically feasible.

(6) **Scheduling**

- (a) Once the seller and buyer have agreed upon the days dispatch schedule there shall be made no changes there after.
- (b) Deviations from dispatch schedule or drawal, met out from the CSEB grid shall be on prevailing ABT and not on average consumption basis.

14. Open Access Agreements

- (1) An open access customer shall enter into agreement with the STU/ concerned licensees, generators, traders and others as applicable, and fulfill other conditions as laid down under these Regulations.
- (2) Bulk Power Transmission Agreement: A long-term open access customer using transmission system shall enter into Bulk Power Transmission Agreement (BPTA) with the STU/ transmission licensee for use of intra-state transmission system.
- (3) Bulk Power Wheeling Agreement: A long-term open access customer using distribution system shall enter into Bulk Power Wheeling Agreement (BPWA) with the distribution licensee for use of distribution system.
- (4) The electronic conveyance of acceptance of agreements shall be permitted.
- (5) Within three days of furnishing the agreements, the STU/licensee/SLDC shall inform the date of commencement to the open access customer.
- (6) The licensee shall intimate any new agreement entered into by an Open Access Customer, to the SLDC within seven days of formalization of the agreement in addition to displaying it on the website.

15. Non-Utilisation of reserved capacity by Open Access Customer

- (1) In case an open access customer is unable to utilize, full or substantial part of the reserved capacity, he shall inform the nodal agency along with reasons for his inability to utilize the reserved capacity and may surrender the reserved capacity.
- (2) Notwithstanding any thing contained in these regulations, the nodal agency may on its own reduce or cancel the reserved capacity of a open access customer if such a customer frequently underutilises the reserved capacity.

Provided that the reserved capacity shall not be reduced or cancelled under this clause without a prior notice to the open access customer whose reserved capacity is sought to be reduced or cancelled.

- (3) The open access customer, who has surrendered the reserved capacity under clause (i) or whose reserved capacity has been reduced or cancelled under clause (ii), shall bear the transmission/wheeling charges and the operating charge based on the original reserved capacity for 30 day in case of long term customer and seven days for short term customer or the period of reservation surrendered or reduced or cancelled, as the case may be, whichever period is shorter.

Note: For the purpose of this clause, the expression “operating charge” shall have the same meaning as assigned to it under Regulation 11.

- (4) The transmission/distribution capacity becoming available as a result of surrender by the open access customer under regulation 15(1) or as a result of reduction or cancellation of the reserved capacity by the nodal agency under regulation 15(2) may be reserved for any other open access customer in accordance with these regulations.

16. Curtailment Priority

- (1) When because of constraints or otherwise, it becomes necessary to curtail the service to open access customers, the short-term customers shall be curtailed first followed by the long-term customers. Provided that within a category, all users shall have same curtailment priority and shall be curtailed pro rata to the allotted transmission capacity in the case of long-term customers and the reserved transmission capacity in the case of short-term customers.
- (2) The reservation of transmission capacity to the short-term customer may be reduced or cancelled by the SLDC, if Government of India / Government of Chhattisgarh allocates power from the Central Generating Station(s) / State Generating Station(s), as the case may be, in an area to a person in another area and such allocation, in the opinion of the SLDC, cannot otherwise be implemented due to congestion in the transmission link. If the SLDC decides to reduce or cancel transmission capacity reserved for a short-term customer under this clause, it shall, as soon as possible, intimate the short-term customer concerned of its decision to reduce or cancel transmission capacity.

17. Transmission Charges for short-term customers in case of curtailment

In case of curtailment of more than 50% of the reserved transmission capacity by the SLDC, on any particular day, on account of transmission constraints, the transmission charges for that day shall be payable by the short-term customers on pro rata basis in accordance with the transmission capacity actually provided.

18. Metering

- (1) Open access customers shall provide ABT compatible special energy meters both at the point of injection and drawal as main meter, as specified by the Commission for such consumers based on voltage, point and period of supply and tariff category. The term 'meter' shall include current transformers, voltage/potential transformers, wiring between them and meter box/panel. The concerned licensee shall certify the meters, metering equipments and the installation of the meter.
- (2) The main meters shall always be maintained in good condition and shall be open for inspection by any person authorised by the nodal agency.
- (3) The concerned licensee may provide check meters of the same specifications as the main meters.
- (4) The main and check meters shall be periodically tested and calibrated by the concerned licensee in the presence of other party involved. The main and check meters shall be sealed by both parties. Defective meter shall be replaced immediately.
- (5) Reading of 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 SLDC, the open access customer, and the generating company or trader, as the case may be, by the licensee, within 12 hours of meter reading.
- (6) Readings of the check meters shall be considered when main meters are found to be defective or stopped. Both the main meter and check meter shall be tested for accuracy if the difference between the readings of main and check meters vis-à-vis main meter reading exceeds twice the percentage errors permissible for relevant accuracy class. The meter found defective shall be replaced immediately.
- (7) If an open access customer requires the licensee to provide main meters he shall provide security to the licensee and shall pay for its rent. The meter shall be maintained by the licensee.

19. Energy Losses

- (1) The open access customers shall bear energy losses of transmission system and distribution system as approved by the Commission in accordance with the regulation framed by the Commission, under section 61 of the Act, regarding terms and conditions for determination of tariff. The energy losses in the transmission and distribution systems shall be compensated by additional injection at the injection point(s).
- (2) The information regarding average energy losses for the previous 12 months shall be posted on the websites of the SLDC and of the transmission and distribution licensees.

20. Preparation of Bills and Payment Thereof

- (1) Bills against charges mentioned in regulation 11 shall be prepared by the STU / licensee concerned or the SLDC, as the case may be. The open access customers shall pay these bills directly to the entity raising such bills.
- (2) Security Deposit for payment

Long-Term customers

Security deposit for transmission and wheeling charges, as may be applicable, shall be equal to the average of the last one month's bill amount (excluding the cost of power) on the basis of agreed schedule, which shall be maintained with the concerned licensee. Security deposit for SLDC charges equal to the 1/12 of yearly charges shall also be maintained with the SLDC. Such security should be deposited in the form of banker's cheque or draft.

Short-term customers

The transmission charges, wheeling charges, operating charge and other charges shall be paid to the concerned utility on monthly basis. Advance payment (security deposit) for one month or period of access, whichever period is shorter, shall be made within three working days of grant of access. Subsequent payments shall be made at least one day before beginning of the next month. If duration of access granted exceeds one month, the short-term customer shall provide an irrevocable back up letter of credit within seven days of commencement of open access.

- (3) All payments shall be made either through cheque/demand draft payable at the location of the concerned utility or through electronic transfer.
- (4) Disconnection of supply in default of payment: In the event of non payment of the dues, the licensee(s) shall have the right of disconnection of supply in accordance with section 56 of the Act.
- (5) The collection and disbursement of the imbalance (unscheduled interchange) charges and the reactive energy charges shall be governed by the procedure and methodology to be specified by the Commission from time to time.

21. Flexibility to Change Entry and Exit Points

- (1) The long-term customers shall have the flexibility to change entry and/or exit points once a year subject to the results of system impact studies to be carried out by the STU/concerned licensees at the behest of such users, provided that the rights of existing users shall not be adversely affected. All expenses incurred by the licensees to carry out such studies shall be reimbursed in full by such users.

- (2) The SLDC may allow a short-term customer to change the point or points of injection in case of any contingency arising out of outage of generation or the associated transmission, provided it is feasible.
- (3) The reservation of transmission capacity on additional or new transmission corridor, if any, consequent to change in point of injection allowed by the SLDC shall be processed in accordance with these regulations.
- (4) When the application for change of point(s) of injection is granted by the SLDC, the transmission charges and service charge already paid shall be adjusted against the transmission charges and service charge becoming payable in accordance with the reserved transmission capacity as revised.

22. Miscellaneous

Communication facility

- (1) The communication facilities to be provided by the customer will be defined by the SLDC on a case to case basis. The open access customer shall have to provide all such facilities.
- (2) An open access customer shall have the facilities of telephone, fax and email. The details of their communication systems shall be provided to the SLDC and the nodal agency.

Information system

- (3) The STU / licensees and the SLDC shall be required to maintain the following information on their websites, in a separate web-page titled "Open Access Information", separately for the short-term and long-term open access customers, which shall be updated from time to time as required, in order to ensure transparency, and carry out information exchange required to process open access applications:
 - (i) Name of customer;
 - (ii) Period of the access granted (start date and end date);
 - (iii) Point(s) of injection;
 - (iv) Point(s) of drawal;
 - (v) Capacity of transmission's system / distribution system;
 - (vi) Open access capacity used;
 - (vii) Applicable rates;
 - (viii) Available transmission capacity;
 - (ix) Waiting list of applicants for intra state open access along with details;
 - (x) The degree of utilisation (over/under) in terms of MW vis. a. vis the capacity allotted (except minor variations) shall be reported on a consistent basis; and

- (xi) Floor rate in rupees per MW per day for the short-term customers (ST_RATE) for system of transmission licensees and distribution licensees situated within the State
- (4) A quarterly report based on the above information shall also be provided in the licensees website. Information regarding average energy loss in transmission system and distribution system for the previous 12 month should also be provided in such websites.
- (5) If an open access customer or licensee so desires, the SLDC shall provide information to them on capacity available or desired, within a maximum period of fifteen days in case of a long-term open access customer and three days in case of short term open access customer.
- (6) The SLDC shall provide details of the changes in demand (load behavior) on its website and the SLDC along with the licensee shall develop the capacity for providing real time information about the system.
- (7) The provision of information shall commence within a period of two months from the date these regulations become effective.

Coordination

- (8) For the success of open access implementation, it is imperative that the licensees and the SLDC carry out information exchange among themselves on a daily basis to determine the level of open access transactions in their respective areas of supply, with emphasis on energy flows, load on transmission and distribution lines and equipments to determine system stability, available capacity, congestions in the networks, etc.

Grid Discipline and Quality of Supply

- (9) The licensee must make all reasonable endeavors to ensure that the quality of supply standards as prescribed by the Commission under section 57 of the Act, the Indian Electricity Grid Code and the Chhattisgarh Electricity Grid Code are met in respect of all open access customers of its network, to the extent these quality parameters are applicable to such customers.
- (10) The open access customer shall abide by the Indian Electricity Grid Code, the Chhattisgarh Electricity Grid Code and the instructions given from time to time by the STU and SLDC.

23. Redressal Mechanism

- (1) Any dispute or complaint relating to open access, such as unfair practice, delay, discrimination, lack of information or any other matter shall be reported to the nodal agency (STU/SLDC), which will investigate and endeavor to resolve the grievance.
- (2) The Commission shall adjudicate upon unresolved dispute regarding the availability of transmission/distribution facility.

24. Powers to Remove Difficulties

- (1) If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, direct the SLDC, generators, licensees and the open access customers, to take suitable action, not being inconsistent with the provisions of the Act, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulties.
- (2) The open access customers, generators, licensees and the SLDC may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the implementation of these regulation.

25. Power to amend

The Commission may from time to time add, vary, alter, modify or amend any provisions of these regulations after following the necessary procedure.

26. Savings

- (1) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of the Commission.
- (2) Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- (3) Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

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

**Ajay Srivastava
(Dy. Secretary)**

Annexure-1:

Suggested contents of Access Application (Refer to regulations 13(1) and 13(2))

- (a)
 - (i) Name and address of the applicant and of the persons for whom the applicant is acting in making the access application;
 - (ii) Nature of wheeling i.e., either it is a captive wheeling or third party sale
- (b) Type of network access required, whether long-term, or short-term;
- (c) Point(s) of Entry: Location, voltage level of inter-connection and sent-out capacity at such point (in MW);
- (d) Point(s) of Exit: Location, voltage level of connection, and capacity required at the such exit point (in MW);
As an example for the purpose of (c) and (d) above:
 - (i) The maximum generation capacity and the proposed declared sent out capacity for the user at each of the entry points (if any);
 - (ii) The expected maximum demand and the average demand of the plant connected or to be connected at each of the exit points (if any);
- (e) The expected electricity production and consumption of the premises connected or to be connected at each of the entry and exit points;
- (f) Total duration of the contract;
- (g) Details of applicant's plant or load as required under the Grid Code or Distribution Code, as the case may be, as amended from time to time;
- (h) Details of metering arrangements at the points of entry and exit as required under the Metering Code (part of the Grid Code or the Distribution Code, as the case may be) as amended from time to time;
- (i) Details of critical load, essential services, etc., if any, in the applicant's premises;
- (j) Information whether the recipient of power is already a consumer of Distribution licensee of the area if so what shall be his status on permitting the open access.

Any other information reasonably required by the STU / licensee or SLDC.